STATUTES OF CALIFORNIA

1973–74

REGULAR SESSION

1974 CHAPTERS

CHAPTER 1

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

[Approved by Governor January 10, 1974 Filed with Secretary of State January 10, 1974]

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

SECTION 1. All school district bond elections held on January 8, 1974, which were ordered, called and conducted pursuant to statutes in effect prior to the enactment of legislation at the 1973–74 Regular Session of the Legislature pertaining to such elections, and all proceedings attendant upon all such elections, are hereby ratified, validated, and confirmed, and declared to be legally effective for all purposes.

SEC. 2. The Legislature finds and declares that if a school district bond election was held on January 8, 1974, and if that election was called and conducted in conformity with the laws of this state as they existed prior to amendments enacted by the Statutes of 1973, such action would not affect the substantial rights of any voter or taxpayer, and the election should therefore be validated.

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

In order to remove any possible doubt as to the validity of school bonds approved by the voters at a school bond election held on January 8, 1974, and to permit the sale of such bonds at the earliest possible time in order to permit the school district to conduct its financial affairs in an orderly manner, it is necessary that this act take effect immediately.

CHAPTER 2

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

[Approved by Governor January 21, 1974 Filed with Secretary of State January 21, 1974]

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

SECTION 1. Notwithstanding the provisions of Chapter 1146 of the Statutes of 1973, any election called in a school district prior to October 1, 1973, pursuant to statutes in effect prior to the enactment of legislation at the 1973–74 Regular Session pertaining to such elections, for the authorization of the acceptance of a state loan

pursuant to the State School Building Aid Law of 1952, which election was scheduled to be held prior to February 16, 1974, may be held as called and scheduled. Whether held before or after the effective date of this act, the election and all proceedings attendant thereon are hereby ratified, validated, and confirmed, and declared to be legally effective for all purposes.

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

Some school districts called elections for the acceptance of state loans under the State School Building Aid Law of 1952 prior to the passage of Chapter 1146 of the Statutes of 1973. If compliance with the provisions of Chapter 1146, which became effective January 1, 1974, were required, it would result in the voiding of apportionments already made to some school districts. It is therefore necessary that this act go into immediate effect so that state schooling building aid apportionments and related proceedings can be finalized without undue delay.

CHAPTER 3

An act to amend Section 71080 of the Government Code, relating to judges and declaring the urgency thereof, to take effect immediately

[Approved by Governor January 27, 1974. Filed with Secretary of State January 27, 1974.]

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

SECTION 1. Section 71080 of the Government Code is amended to read:

71080. (a) After January 1, 1952, upon the establishment of a municipal or justice court, the judges of existing courts inferior to the superior court in any city, township, or judicial subdivision situated wholly or partly in the district or city and county for which a municipal or justice court is established shall, if eligible, become the judges of such municipal or justice court until the election or appointment and qualification of their successors. The time for election and qualification of their successors shall be that previously fixed for the election and qualification of their successors for the court and office superseded, had such courts not been superseded, but in no event shall any such election of successors be held within 10 months of succession to the office of the new court.

(b) If the number of eligible incumbent judges who have not filed a written statement with the county clerk disclaiming their desire to succeed to office exceeds the number of judicial offices provided by

law for such municipal or justice court, such incumbents shall not automatically succeed to judicial positions in the municipal or justice court, and the existing courts shall continue to function within the district until the first judge or judges of such municipal or justice court are elected by the qualified electors of the district at the first general state election held following the expiration of 90 days and qualify.

In any election for the first judge or judges of such municipal or justice court, only such incumbents may appear on the ballot and be elected, and the provisions of Article 1 (commencing with Section 25300) of Chapter 3 of Division 13 of the Elections Code shall not apply. If only one such incumbent is to be elected, the incumbent receiving the highest number of votes cast shall be declared elected. If two or more incumbents are to be elected, those incumbents equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected. The incumbents elected shall become the judges of such municipal or justice court until the election or appointment and qualification of their successors The time for election and qualification of their successors shall be that previously fixed for the election and qualification of their successors for the court and office superseded, had such courts not been superseded, but in no event shall any such election of successors be held within 10 months of succession to the office of the new court.

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

In order to clarify existing law regarding who may be elected as a first judge of a new municipal or justice court and the procedure for such an election, and in order to make this clarification before another such election is planned, it is necessary that this act go into immediate effect at the earliest possible time

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CHAPTER 4

An act to amend Section 5664 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Passed over Governor's veto January 28, 1974 Filed with Secretary of State January 28, 1974]

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

SECTION 1. Section 5664 of the Welfare and Institutions Code is amended to read:

5664. Each county Short-Doyle plan adopted for the 1973–74

fiscal year and each fiscal year thereafter for a county or counties in which a state hospital is scheduled to be closed shall contain a complete program, to be developed jointly by the State Department of Mental Hygiene and the county, for absorbing as many of the staff of such hospital into the local mental health programs as may be needed by the county. Such programs shall include a redefinition of occupational positions, if necessary, and a recognition by the counties of licensed psychiatric technicians for treatment of the mentally disordered, mentally retarded, drug abusers, and alcoholics.

After July 1, 1973, the Director of the Department of Health shall submit all plans for the closure of state hospitals as a report with its budget. Such report shall include:

1. The land and buildings affected;
2. The number of patients affected,
3. Alternative plans for patients presently in such facilities;
4. Alternative plans for patients who would have been served by such facility assuming it was not closed; and
5. A joint statement of the impact of such closure by the department and affected local treatment programs.

Such plans may be submitted to the Legislature until April 1 of each budget year Any plans submitted after that date shall not be considered until the fiscal year following that which is being considered.

Such a plan shall not be placed into effect unless the Legislature specifically approves such plan.

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

Premature closing of state hospitals would place an undue burden on local communities to an extent that they would be unable to provide for the health and safety of their citizens; therefore, it is essential that this act take immediate effect.

CHAPTER 5

An act to add Article 36 (commencing with Section 74920) to Chapter 10 of Title 8 of, and to repeal Article 36 (commencing with Section 74920) of Chapter 10 of Title 8 of, the Government Code, relating to courts.

[Approved by Governor January 29, 1974 Filed with Secretary of State January 29, 1974]

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

SECTION 1. Article 36 (commencing with Section 74920) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 2. Article 36 (commencing with Section 74920) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 36. Visalia

74920. This article applies to the municipal court established in the Visalia Judicial District in the County of Tulare.

74921. There shall be two judges.

74922. There shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range No. 36. The clerk may appoint:

(a) One assistant clerk who shall receive the salary specified in range No. 31.5.

(b) Two senior clerks who shall receive the salary specified in range No. 24.5.

(c) Five intermediate clerk-typists who shall receive the salary specified in range No. 22.5.

74923. There shall be one marshal who shall receive the salary specified in range No. 37. The marshal may appoint:

(a) One deputy marshal who shall receive the salary specified in range No. 32.

(b) One intermediate clerk-typist who shall receive the salary specified in range No. 22.5, and who shall serve as clerk to the marshal.

74924. Whenever reference is made to a range number in any section of this article, the following schedule of monthly salary shall apply:

Range Number	Step A	Step B	Step C	Step D	Step E
18	$341	$358	$376	$395	$415
18.5	350	367	385	405	425
19	358	376	395	415	436
19.5	367	385	405	425	447
20	376	395	415	436	458
20.5	385	405	425	447	469
21	395	415	436	458	481
21.5	405	425	447	469	493
22	415	436	458	481	505
22.5	425	447	469	493	518
23	436	458	481	505	530
23.5	447	469	493	518	543
24	458	491	505	530	556
24.5	469	493	518	543	570
25	481	505	530	556	584
25.5	493	518	543	570	590
26	505	530	556	584	613
26.5	518	543	570	599	628
27	530	556	584	613	644

27.5	543	570	599	628	660
28	556	584	613	644	676
28.5	570	599	628	660	693
29	584	618	644	676	710
29.5	599	628	660	693	728
30	613	644	676	710	745
30.5	628	660	693	728	764
31	644	676	710	745	782
31.5	660	693	728	764	802
32	676	710	745	782	821
32.5	693	728	764	802	842
33	710	745	782	821	862
33.5	728	764	802	842	884
34	745	782	821	862	905
34.5	764	802	842	884	928
35	782	821	862	905	950
35.5	802	842	884	928	974
36	821	862	905	950	998
36.5	842	884	928	974	1,023
37	862	905	950	998	1,048
37.5	884	928	974	1,023	1,074
38	905	950	998	1,048	1,100
38.5	928	974	1,023	1,074	1,128
39	950	998	1,048	1,100	1,155
39.5	974	1,023	1,074	1,128	1,184
40	998	1,048	1,100	1,155	1,213
40.5	1,023	1,074	1,128	1,184	1,243
41	1,048	1,100	1,155	1,213	1,274
41.5	1,074	1,128	1,184	1,243	1,306
42	1,100	1,155	1,213	1,274	1,338
42.5	1,128	1,184	1,243	1,306	1,371
43	1,155	1,213	1,274	1,338	1,405
43.5	1,184	1,243	1,306	1,371	1,440
44	1,213	1,274	1,338	1,405	1,475
44.5	1,243	1,306	1,371	1,440	1,512
45	1,274	1,338	1,405	1,475	1,549

74925. Subject to the provisions of Section 72001 the compensation of officers and attachés shall be governed as follows:

(a) The initial hiring rate for each position shall normally be at step A. If it is difficult to secure qualified personnel at such rate, or if a person of unusual qualifications is hired, the appointing authority, with the approval of the Board of Supervisors of the County of Tulare, may employ such person at one of the higher salary steps provided for the position.

(b) A step advancement from step A to step B of a position shall be granted on the first day of the month following the completion of six full months of service in the position. A person shall advance to steps C, D and E upon completion of successive 12-month periods

of service in the same position.

(c) The salaries of municipal court officers and attachés may, upon recommendation by the appointing authority and approval of the board of supervisors, be increased or decreased within the limits set forth in Section 74924 in order to provide compensation which is comparable to compensation received by county employees of similar qualifications and experience and holding equal or comparable positions, as said comparability is determined by the board of supervisors.

(d) Certain classifications in the municipal court are deemed to be equivalent or related in responsibility and salary level to certain classifications in the service of Tulare County and whenever the salary of a classification in the service of Tulare County is adjusted by the board of supervisors, the salary of equivalent classifications and related classifications in the municipal court shall be adjusted an equal number of ranges on the currently effective salary schedule established by the board of supervisors. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the county service, but such adjustments shall be effective only until the next January 1st, provided however, if 180 days have not elapsed before the next January 1st, then such adjustments shall be effective until January 1st of the following year.

The equivalent or related classifications are as follows:

Municipal court classification	County classification
Clerk, municipal court	Assistant county clerk
Assistant clerk municipal court	Superior court clerk
Senior clerk	Senior clerk
Intermediate clerk-typist	Intermediate clerk-typist
Marshal	Sheriff's sergeant
Deputy marshal	Deputy sheriff I

74926. If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of the judge of the court and the board of supervisors, the clerk or the marshal may appoint as many additional attachés or employees as are needed. The additional attachés or employees shall be selected and appointed in the same manner as those for whom express provision is made, and they shall receive salary and compensation as prescribed in this article or as prescribed by ordinance or resolution of the board of supervisors for classes not expressly provided for in this article. Additional attachés and employees may continue in such positions only until the next January 1st, provided however, if 180 days have not elapsed before the next January 1st, then such appointments shall be effective until

January 1st of the following year. The provisions of this section are not intended to affect the application of Section 72150.

74927. When the municipal court is established, an incumbent officer or attaché of the superseded justice court shall be placed on the step level of the salary schedule made applicable to his position which pays the same rate of compensation as he received as an officer or attaché of the superseded justice court, and if there is no equivalent salary in the salary schedule, he shall be placed in the step level having a rate of compensation next higher than his former salary.

74928. The officers and attachés of the municipal court shall be entitled to the same vacation, sick leave and similar benefits and privileges as are granted to other employees of the County of Tulare under ordinances and resolutions of the board of supervisors.

74929. All fees collected by the marshal or his deputy for services to the municipal court shall be deposited with the county treasurer.

74930. All officers and attachés of the municipal court shall devote their full time to the performance of their duties.

74931. All matters affecting the employment of such municipal court officers and attachés which are not specifically determined by this article or other provisions of state law shall be governed and regulated by the then current ordinances and resolutions of the board of supervisors of the County of Tulare.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse any local agency for any costs incurred by it under this act, because the affected local agency requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

CHAPTER 6

An act to amend Section 19775.1 of the Government Code, relating to emergency military leave for state employees.

[Approved by Governor January 29, 1974. Filed with Secretary of State January 29, 1974.]

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

SECTION 1. Section 19775.1 of the Government Code is amended to read:

19775.1. An employee who is granted a short-term military leave of absence and who for a period of not less than one year immediately prior to the effective date of active duty has had continuous state service as defined by board rule which is not broken by a permanent separation, or who has had continuous state service immediately

prior to the effective date of active duty not broken by a permanent separation and sufficient recognized military service which need not be contiguous to equal one year shall be entitled to receive his salary or compensation for the first 30 calendar days of active duty served during such absence.

An employee who is granted emergency military leave under the provisions of Section 19773, shall receive his salary or compensation as a state employee while going to, engaging in, and returning from such duty. The employee shall not receive his salary or compensation for more than 30 days each time he is granted such emergency military leave.

CHAPTER 7

An act to add Article 5l (commencing with Section 997.001) to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of the Veterans' Finance Committee of 1943 and the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures, appropriating money for the purpose of carrying out the provisions of the article; and providing for the submission of the measure to the people at a special election to be consolidated with the 1974 direct primary election, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 29, 1974 Filed with Secretary of State January 29, 1974.]

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

SECTION 1. Article 5*l* (commencing with Section 997.001) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5*l*. Veterans Bond Act of 1974

997.001. This article may be cited as the Veterans Bond Act of 1974.

997.002. The State General Obligation Bond Law, except as

otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to "herein" shall be deemed to refer both to this article and such law.

997.003. As used in this article and for the purposes of this article as used in the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code, the following words shall have the following meanings:

(a) "Bond" means veterans bond, a state general obligation bond issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(b) "Committee" means the Veterans' Finance Committee of 1943, created by Section 991.

(c) "Board" means the Department of Veterans Affairs.

(d) "Fund" means the Veterans Farm and Home Building Fund of 1943 created by Section 988.

(e) "Bond Act" means this article authorizing the issuance of State General Obligation Bonds and adopting Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code by reference.

997.004. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and of all acts amendatory thereof and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, shall be and hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of three hundred fifty million dollars ($350,000,000), in the manner provided herein, but not otherwise, nor in excess thereof.

997.005. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

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

On the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds in each fiscal year, there shall be returned into the General Fund in the State Treasury, all of the money in the Veterans' Farm and Home Building Fund of

1943, not in excess of the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said remittance dates is less than said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon from such dates of maturity until so returned at the same rate as borne by said bonds, compounded semiannually.

997.006. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this article, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 997.007, which sum is appropriated without regard to fiscal years.

997.007. For the purposes of carrying out the provisions of this article the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this article. Any amounts withdrawn shall be deposited in the Veterans Farm and Home Building Fund of 1943. Any moneys made available under this article to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this article, together with interest at the rate of interest fixed in the bonds so sold.

997.008. Upon request of the Department of Veterans Affairs, supported by a statement of the plans and projects of said department with respect thereto, and approved by the Governor, the Veterans' Finance Committee of 1943 shall determine whether or not it is necessary or desirable to issue any bonds authorized under this article in order to carry such plans and projects into execution, and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to carry out said plans and projects progressively, and it shall not be necessary that all the bonds herein authorized to be issued shall be sold at any one time.

997.009. So long as any bonds authorized under this article may be outstanding, the Director of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of Veterans Affairs, the members of

the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California.

997.010. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

997.011. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the General Obligation Bond Expense Revolving Fund established by Section 16724.5 of the Government Code such sums as have been expended for the purposes specified in Section 16724.5 of the Government Code, which may be used for the same purpose and repaid in the same manner whenever additional sales are made.

SEC. 2. Section 1 of this act shall take effect upon the adoption of the people of the Veterans Bond Act of 1974, as set forth in Section 1 of this act. This section and Sections 3 to 6, inclusive, of this act contain provisions relating to and necessary for the submission of the Veterans Bond Act of 1974 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the fourth day of June 1974. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act.

SEC. 5. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 6. All ballots at said election shall have printed thereon and in a square thereof, the words: "For the Veterans Bond Act of 1974," and the same square under said words the following in eight-point type: "This act provides for a bond issue of three hundred fifty million dollars ($350,000,000) to provide farm and home aid for California veterans." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Veterans Bond Act of 1974," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of three hundred fifty million dollars ($350,000,000) to provide farm and home aid for California veterans." Opposite the words "For the Veterans Bond

Act of 1974," and "Against the Veterans Bond Act of 1974," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the Veterans Bond Act of 1974," and those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1974." Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 7. (a) Within two days after the effective date of this act, the author and first coauthor of such act and one member of the opposite house who voted with the majority on such act shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of such measure. If such act was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within five days after the date of appointment.

(b) Upon the effective date of this act, the Secretary of State shall request the Attorney General to prepare a ballot title for such measure submitted pursuant to this section and shall also request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code. Said title and said analysis of such act shall be filed with the Secretary of State within 10 days after the effective date of this act The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

(c) The submission of the arguments, rebuttal arguments, and press releases requesting arguments and rebuttal arguments for such constitutional amendment shall be in accordance with the applicable provisions of Division 4 (commencing with Section 3500) of the Elections Code, except that the times for the submission of arguments, rebuttal arguments, and press releases shall be the times provided as follows:

(1) One day for the Secretary of State to return arguments for rebuttal; and

(2) Three days for rebuttal arguments.

SEC. 8. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this

section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

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

This legislation will increase the funds available to qualified veterans to finance the purchase of a home, farm, or mobilehome. To insure that all qualified veterans will have funds available this act must go into effect immediately.

CHAPTER 8

An act to repeal and add Section 10751 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 31, 1974 Filed with Secretary of State January 31, 1974]

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

SECTION 1. Section 10751 of the Vehicle Code is repealed.

SEC 2. Section 10751 is added to the Vehicle Code, to read:

10751 (a) No person shall knowingly buy, sell, offer for sale, receive, or have in his possession, any vehicle or component part thereof from which the manufacturer's serial or identification number has been removed, defaced, altered or destroyed, unless such vehicle or component part has attached thereto an identification number assigned or approved by the department in lieu of the manufacturer's number.

(b) Whenever such vehicle or component part comes into the custody of a peace officer it shall be destroyed, sold, or otherwise disposed of under the conditions as provided in an order by the court having jurisdiction. Nothing in this section shall, however, preclude the return of such vehicle or parts to the lawful owner thereof following presentation of satisfactory evidence of ownership and assignment of an identification number by the department This subdivision shall not apply with respect to such vehicle or component part used as evidence in any criminal action or proceeding.

(c) This section shall not apply to a scrap metal processor engaged primarily in the acquisition, processing and shipment of ferrous and nonferrous scrap, and who receives dismantled vehicles from licensed dismantlers, or licensed junk collectors, or licensed junk dealers as scrap metal for the purpose of recycling the dismantled vehicles for their metallic content, the end product of which is the

production of material for recycling and remelting purposes for steel mills, foundries, smelters and refiners.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency, because the Legislature hereby determines and finds that there are no duties, obligations, or responsibilities imposed on local governmental agencies or school districts.

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

Motor vehicle thefts are rampant in California, and the crime rate for such thefts has increased annually. This act will protect the public and aid law enforcement significantly by making commercial disposal of stolen vehicles and parts more difficult.

CHAPTER 9

An act to amend Sections 31720.5 and 31724 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor January 31, 1974 Filed with Secretary of State January 31, 1974]

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

SECTION 1. Section 31720.5 of the Government Code is amended to read:

31720.5. If a safety member, a fireman member, or a member in active law enforcement who has completed five years or more of service under a pension system established pursuant to Chapter 4 (commencing with Section 31900) or under a pension system established pursuant to Chapter 5 (commencing with Section 32200) or both or under this retirement system or under the State Employees' Retirement System or under a retirement system established under this chapter in another county, and develops heart trouble, such heart trouble so developing or manifesting itself in such cases shall be presumed to arise out of and in the course of employment. Such heart trouble so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

As used in this section, "fireman member" includes a member engaged in active fire suppression who is not classified as a safety member.

As used in this section, "member in active law enforcement" includes a member engaged in active law enforcement who is not classified as a safety member.

SEC. 2. Section 31724 of the Government Code is amended to read:

31724. If the proof received, including any medical examination, shows to the satisfaction of the board that the member is permanently incapacitated physically or mentally for the performance of his duties in the service, it shall retire him effective on the expiration date of any leave of absence with compensation to which he shall become entitled under the provisions of Division 4 (commencing with Section 3201) of the Labor Code or effective on the occasion of the member's consent to retirement prior to the expiration of such leave of absence with compensation. His disability retirement allowance shall be effective as of the date such application is filed with the board, but not earlier than the day following the last day for which he received regular compensation. Notwithstanding any other provision of this article, the retirement of a member who has been granted or is entitled to sick leave shall not become effective until the expiration of such sick leave with compensation unless the member consents to his retirement at an earlier date.

When it has been demonstrated to the satisfaction of the board that the filing of the member's application was delayed by administrative oversight or by inability to ascertain the permanency of the member's incapacity until after the date following the day for which the member last received regular compensation, such date will be deemed to be the date the application was filed.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 10

An act to place constitutional amendments on the ballot, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 31, 1974 Filed with Secretary of State January 31, 1974]

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

SECTION 1. (a) There shall be submitted to the people at the primary election, to be held on the fourth day of June, 1974, the constitutional amendments proposed by Assembly Constitutional Amendment No. 76 of the 1973–74 Regular Session of the Legislature. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments

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

(b) Within two days after the effective date of this section or within two days after the adoption by the Legislature of such constitutional amendment, whichever occurs later, the author and first coauthor of such constitutional amendment and one member of the opposite house who voted with the majority on such amendment shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of such measure. If such constitutional amendment was not adopted unanimously in either or both houses, one member of either or both houses who voted against it shall be appointed by the respective presiding officer of the house or houses to write an argument against the measure. If there was no negative vote on the measure in either house, the presiding officer of each house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within seven days after the date of appointment.

(c) Upon the effective date of this section or upon the date of the adoption by the Legislature of such constitutional amendment, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for such measure submitted pursuant to this section and shall also request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code. Said title and said analysis of such constitutional amendment shall be filed with the Secretary of State within seven days after the effective date of this section or within seven days after the adoption by the Legislature of such constitutional amendment, whichever occurs later. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

(d) The submission of the arguments, rebuttal arguments, and press releases requesting arguments and rebuttal arguments for such constitutional amendment shall be in accordance with the applicable provisions of Division 4 (commencing with Section 3500) of the Elections Code, except that the times for the submission of arguments, rebuttal arguments, and press releases shall be the times provided in subdivision (e).

(e) The rebuttal arguments for such constitutional amendment shall be filed with the Secretary of State within five days after the parties filing rebuttal arguments have received copies of the arguments from the Secretary of State.

In the event an argument for or an argument against such constitutional amendment is not prepared and filed with the Secretary of State within the time specified in subdivision (b), the Secretary of State shall prepare and issue, within two days of such time, a general press release requesting voters to submit arguments. Such arguments shall be prepared and filed with the Secretary of

State within five days of the date of issuance of the press release.

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

In order to place the necessary constitutional amendment on the June 1974 ballot, it is necessary that this act go into immediate effect.

CHAPTER 11

An act to amend Section 203 of, to add Sections 202, 204, 205, and 206 to, and to repeal Sections 202 and 204 of, the Probate Code, relating to probate.

[Approved by Governor February 1, 1974 Filed with Secretary of State February 1, 1974]

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

SECTION 1. Section 202 of the Probate Code is repealed.

SEC. 2. Section 202 is added to the Probate Code, to read:

202. When a husband or wife dies intestate, or dies testate and by his or her will confirms, bequeaths or devises all or a part of his or her interest in the community property to the surviving spouse, such community property passes to the survivor subject to the provisions of Sections 203 and 205, and no administration thereon shall be necessary.

SEC. 3. Section 203 of the Probate Code is amended to read:

203. After 40 days from the death of a spouse, the surviving spouse shall have full power to sell, lease, mortgage or otherwise deal with and dispose of the community real property, unless a notice is recorded in the county in which the property is situated to the effect that an interest in the property is claimed by another under the will of the deceased spouse. Such notice must also (1) describe the property in which an interest is claimed, and (2) set forth the name or names of the owner or owners of the record title to said property. There shall be endorsed on such notice instructions that it shall be indexed by the recorder in the name or names of such owner or owners of the record title to said property, as grantor or grantors, and in the name of the person claiming an interest in said property, as grantee.

SEC. 4. Section 204 of the Probate Code is repealed.

SEC. 5. Section 204 is added to the Probate Code, to read:

204. When a deceased spouse disposes by will of part or all of his or her interest in the community property to someone other than the surviving spouse, including dispositions in trust where the surviving spouse is given a limited interest, that part of the decedent's interest in the community property thus bequeathed or devised in trust or

otherwise to someone other than the surviving spouse shall be subject to administration and disposal under the provisions of Division 3 (commencing with Section 300).

SEC. 6. Section 205 is added to the Probate Code, to read:

205. The community property is liable for all valid and enforceable debts existing at the time of dissolution of marriage by death as are chargeable against the community property by the provisions of Title 8 (commencing with Section 5100) of Part 5 of the Civil Code. Such debts shall be chargeable proportionately against the interest of the surviving spouse in the community property, the interest of the deceased spouse passing without administration, and the interest of the deceased spouse subject to administration.

SEC. 7. Section 206 is added to the Probate Code, to read:

206. Notwithstanding the provisions of Sections 201, 202, 203, 204 and 205, community property held in a revocable trust described in Section 5113.5 of the Civil Code shall be governed by the provisions, if any, in the trust for disposition in the event of death.

SEC. 8. This act shall only be applicable to the estates of persons dying on or after January 1, 1975.

SEC. 9. This act shall become operative only if Senate Bill No. 569 of the 1973–74 Regular Session is enacted and, in such case, shall become operative at the same time as Senate Bill No. 569 becomes operative.

CHAPTER 12

An act to amend Sections 14586 and 14622 of, to add Section 14622.5 to, and to repeal Section 14587 of, the Food and Agricultural Code, relating to fertilizing materials.

[Approved by Governor February 6, 1974 Filed with Secretary of State February 6, 1974]

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

SECTION 1. Section 14586 of the Food and Agricultural Code is amended to read:

14586. Upon the analysis of a sample of commercial fertilizer or agricultural mineral, the director shall issue a report showing the findings and indicating that the product has met the guarantee or was found to be deficient. However, the director, in determining whether any product is deficient in guarantee, may establish, by regulation, tolerances that shall provide allowances for variations that occur in the taking, preparation, and analysis of an official sample.

SEC. 2. Section 14587 of the Food and Agricultural Code is repealed.

SEC. 3. Section 14622 of the Food and Agricultural Code is

amended to read:

14622. The director may require submission by the registrant or proposed registrant of scientific data to support the efficacy and claim effectiveness of any product subject to this chapter. If the director determines that such data available to him does not support the efficacy or claims for the product, he may issue a notice of disapproval and prohibit the sale of the product. Upon request, the director shall provide a hearing to a registrant or proposed registrant pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, of Title 2 of the Government Code. The director shall notify the registrant or proposed registrant whose product was disapproved that he has a right to a hearing on that matter.

SEC. 4. Section 14622.5 is added to the Food and Agricultural Code, to read:

14622.5. It is unlawful to sell any product which has been disapproved by the director pursuant to Section 14622.

SEC. 5. Notwithstanding Section 2133 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 13

An act to add Chapter 11.5 (commencing with Section 19878) to Part 3 of Division 13 of the Health and Safety Code, relating to the Department of Housing and Community Development, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 7, 1974 Filed with Secretary of State February 7, 1974]

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

SECTION 1. Chapter 11.5 (commencing with Section 19878) is added to Part 3 of Division 13 of the Health and Safety Code, to read:

CHAPTER 11.5. ENERGY EFFICIENCY OF NONRESIDENTIAL BUILDINGS

19878. (a) The Legislature hereby finds and declares, as follows:

(1) That the fuel and energy resources consumed by nonresidential buildings represent a substantial portion of the total energy usage of the state, and that technologies are presently

available to reduce such consumption and conserve these resources.

(2) That a variety of architectural techniques exist to achieve greater efficiencies in energy use and that the decision regarding the best technique should remain with the designers, builders, and contractors of nonresidential buildings.

(3) That the conservation of energy resources is of utmost importance to the people of the state and any design criteria developed for nonresidential building should be developed so as to meet the needs of energy conservation.

(b) It is, therefore, the intent of the Legislature that the Department of Housing and Community Development establish minimum energy conservation standards for new nonresidential buildings that allow for maximum efficiency in reducing heat loss or gain and allow sufficient design creativity.

19878.1. As used in this chapter:

(a) "Department" means the Department of Housing and Community Development.

(b) "Nonresidential building" means any building which is heated or cooled in its interior, and is of an occupancy type other than Type H, I, or J, as defined in the Uniform Building Code, 1973 edition, as adopted by the International Conference of Building Officials.

(c) "Energy conservation manual" means the manual developed by the department to aid designers, builders, and contractors of nonresidential buildings in meeting energy conservation standards.

19878.2. (a) The department shall develop energy conservation standards for new nonresidential buildings. Such standards shall be performance standards and shall be promulgated in terms of the energy consumption by nonresidential buildings per gross square foot of floor space, but may also include devices, systems, and techniques required to conserve energy. The standards shall require the most efficient use of energy consistent with economic and technological feasibility, and shall take into consideration the indirect costs of energy production as well as the direct costs of energy use.

(b) The energy conservation standards developed shall include, when applicable, but shall not be limited to, the following:

(1) A weight average "u" (i.e., overall coefficient of heat transmission as expressed in b.t.u. per hour per square foot of area per degree Fahrenheit of temperature difference) factor allowed per square foot of exposed skin of the structure.

(2) Practical ventilation requirements which account for structural population density and the period when a structure is not in use.

(3) The use of economizer cycles.

(4) Provisions which encourage the use of systems for heating only, cooling only, cooling with outside air, or cooling with a combination of outside air and refrigeration.

(5) The use of automatic time clocks for ventilation systems.

(c) The standards shall be sufficiently stringent to effect a

significant savings of energy resources by nonresidential buildings and shall be consistent with the latest and most effective technology.

19878.3. (a) The commission shall adopt the standards required by this chapter by no later than July 1, 1975, and such standards shall become effective on the 180th day after their adoption. The commission shall periodically review the standards and adopt such revisions as in its experience it deems necessary.

(b) To assist the commission in its adoption of the standards required by this chapter, the Department of Housing and Community Development shall, with the assistance of the advisory committee appointed pursuant to Section 19872, conduct the necessary studies and research.

19878.4. No later than 180 days after adoption of the standards required by this chapter, the department shall produce an energy conservation manual for use by designers, builders, and contractors of nonresidential buildings. The manual shall be furnished upon request at a price sufficient to cover the costs of printing, and shall be distributed at no cost to all affected local agencies. The manual shall contain but not be limited to the following:

(a) The standards for energy conservation established by the department.

(b) Forms, charts, tables, and other data to assist designers and builders in meeting the standards.

(c) Design suggestions for meeting or exceeding the standards.

(d) Any other information which the department finds will assist persons in conforming to the standards.

19878.5. (a) The advisory committee appointed pursuant to Section 19872 shall be continued in existence for purposes of this chapter and shall assist the department in the production of the energy conservation manual required by this chapter. The Director of Housing and Community Development shall appoint two additional mechanical engineers, two representatives of electrical or gas public utilities, and one insulation contractor to the committee for the purposes of this chapter.

(b) The members of the advisory committee, except the members who are public officers or employees, shall each receive seventy-five dollars ($75) for each meeting of the advisory committee attended pursuant to this chapter.

19878.6. (a) The provisions of this chapter, and the rules and regulations of the department adopted pursuant to this chapter, shall be enforced by the building department of every city, county, or city and county.

(b) No building permit for any nonresidential building shall be issued by a local building department unless a review by the building department of the plans for the proposed nonresidential building contains detailed energy system specifications and confirms that the building satisfies the minimum standards established pursuant to this chapter applicable to such nonresidential building.

(c) Where there is no such local building department the

Department of Housing and Community Development shall direct the Division of Codes and Standards to enforce the provisions of subdivision (a).

(d) If a local building department fails to enforce subdivision (a) or any other provision of this chapter or standard adopted pursuant to this chapter, the Department of Housing and Community Development may direct the Division of Codes and Standards to provide such enforcement after furnishing 10 days written notice to the local building department.

(e) A city, county, or city and county may by ordinance or resolution prescribe a schedule of fees sufficient to pay the costs incurred in the enforcement of this chapter and the standards adopted pursuant to this chapter. The Commission of Housing and Community Development may establish a schedule of fees sufficient to pay the costs incurred by such enforcement of this chapter as is undertaken by the Department of Housing and Community Development.

(f) By July 1, 1975, the department shall establish a continuing program of technical assistance to local building departments in the enforcement of this chapter. The program shall include the training of local officials in building technology and enforcement procedures related to energy conservation, and the development of complementary training programs conducted by local governments, educational institutions, and other public or private entities. The technical assistance program shall include the preparation and publication of forms and procedures for local building departments in performing the review of building plans and specifications required by subdivision (b). The department shall provide, on a contract basis, a review of building plans and specifications submitted by a local building department, and shall adopt a schedule of fees sufficient to repay the cost of such services.

19878.7. The provisions of this chapter shall apply only to new nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to this chapter which are applicable to such buildings. Nothing in this chapter shall prohibit either of the following:

(a) The enforcement of state or local energy conservation or energy insulation standards, adopted prior to the effective date of rules and regulations adopted pursuant to this chapter, with regard to nonresidential buildings on which actual site preparation and construction have commenced prior to that date.

(b) The enforcement of local energy conservation or energy insulation standards, whenever adopted, with regard to nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to this chapter; provided, that the department finds that such standards will require the diminution of energy consumption levels permitted by the rules and regulations

adopted pursuant to this chapter.

19878.8. If Assembly Bill No. 1575 of the 1973–74 Regular Session is enacted and establishes the State Energy Resources Conservation and Development Commission, on the effective date of such act all functions specified in this chapter shall be transferred to the State Energy Resources Conservation and Development Commission.

SEC. 2. The sum of three hundred thirty thousand dollars ($330,000) is hereby appropriated from the General Fund to the Department of Housing and Community Development for the purposes of Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code, as enacted by Section 1 of this act, for expenditure as follows:

(a) For the conduct of studies and research required by subdivision (b) of Section 19878.3 of the Health and Safety Code, the sum of one hundred thousand dollars ($100,000).

(b) For the development of standards pursuant to Section 19878.2, the production of an energy conservation manual pursuant to Section 19878.4, and for the compensation specified in subdivision (b) of Section 19878.5, of the Health and Safety Code, the sum of one hundred thirty thousand dollars ($130,000).

(c) For establishment of the technical assistance program pursuant to subdivision (f) of Section 19878.6 of the Health and Safety Code, the sum of one hundred thousand dollars ($100,000).

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act, because the legislative body of each local governmental entity has the authority to regulate fees charged for the inspections required to be conducted by the act.

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

The conservation of energy resources by the reduction of the substantial amounts of fuel consumed by commercial buildings is of utmost critical importance to the people of the State of California, and it is essential, therefore, that this act go into immediate effect.

CHAPTER 14

An act to add Section 232 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 7, 1974 Filed with Secretary of State February 7, 1974]

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

SECTION 1. Section 232 is added to the Revenue and Taxation Code, to read:

232. Seed potatoes of a grower, which are personal property, held on the lien date for subsequent planting in field form and planted during the assessment year by the grower shall be exempt from taxation. This section does not apply to plant nurseries.

SEC. 2. The property exempted from taxation by Section 1 of this act was not being assessed or taxed on January 1, 1973. Therefore, under the provisions of the third paragraph of Section 2229 of the Revenue and Taxation Code, there is no loss of revenue to local government and no state reimbursement is required.

SEC. 3. Section 1 of this act shall become operative on the first lien date following the effective date of this act.

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

In order that the exemption in this act may be effective for the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 15

An act to add Section 4012 to the Fish and Game Code, relating to foxes.

[Approved by Governor February 7, 1974 Filed with Secretary of State February 7, 1974]

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

SECTION 1. Section 4012 is added to the Fish and Game Code, to read:

4012. It is unlawful to take any cross fox, silver fox, or red fox for profitmaking purposes.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there by any appropriation made by this act because

the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 16

An act to amend Section 17303.5 of the Education Code, relating to financial support for the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 11, 1974 Filed with Secretary of State February 11, 1974]

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

SECTION 1. Section 17303.5 of the Education Code is amended to read:

17303.5. The amount transferred to Section A of the State School Fund pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to seventy-nine cents ($0.79) multiplied by the average daily attendance credited during the preceding fiscal year to all elementary, high, and unified school districts and to all county superintendents of schools in the state, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Seven dollars and eighteen cents ($7.18) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Twenty-four dollars and fifty-four cents ($24.54) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, during the preceding school year, for the purposes of Chapter 8 (commencing with Section 6801), Chapter 8.2 (commencing with Section 6870), Chapter 9 (commencing with Section 6901), of Division 6, and Sections 18060, 18062, and 18104.

(d) Three dollars and forty-four cents ($3.44) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) Two dollars and seventy-three cents ($2.73) multiplied by the average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state for allowances to school districts for the purposes of Section 6426.

(f) One hundred sixty dollars and ninety-nine cents ($160.99) multiplied by the average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state during the preceding school year for basic aid, equalization aid, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

(g) Thirteen dollars and seventy-five cents ($13.75) multiplied by the average daily attendance during the preceding school year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

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

In order to correct an error in calculation and to properly revise allocations from the State School Fund to all elementary, high, and unified school districts and to all county superintendents of schools, at the earliest possible time and for either the 1974–75 fiscal year or July 1, 1974, it is essential that this act take effect immediately.

CHAPTER 17

An act to amend Section 436.2 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 11, 1974 Filed with Secretary of State February 11, 1974]

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

SECTION 1. Section 436.2 of the Health and Safety Code is amended to read:

436 2. Unless the context otherwise requires, the definitions in this section govern the construction of this chapter and of Section

32127.2.

(a) "Bondholder" means the legal owner of a bond or other evidence of indebtedness issued by a political subdivision or a nonprofit corporation.

(b) "Borrower" means a political subdivision or nonprofit corporation which has secured or intends to secure a loan for the construction of a health facility.

(c) "Construction" includes construction of new buildings, expansion, modernization, renovation, remodeling and alteration of existing buildings, and initial or additional equipping of any such buildings. "Construction" also includes consulting, financing, architectural, and engineering costs and fees, cost of land acquisition and site development, including parking facilities, and all other costs necessary or incidental to construct a new building or to expand, modernize, renovate, remodel or alter an existing building.

(d) "Council" means the Advisory Health Council.

(e) "Debenture" means any form of written evidence of indebtedness issued by the State Treasurer pursuant to this chapter, as authorized by Article XIII, Section 21.5 of the California Constitution.

(f) "Department" means the State Department of Health.

(g) "Fund" means the Health Facility Construction Loan Insurance Fund.

(h) "Health facility" means any facility providing or designed to provide services for the acute, convalescent, and chronically ill and impaired, including but not limited to public health centers, community mental health centers, facilities for the mentally retarded, nonprofit community care facilities that provide care, habilitation, rehabilitation or treatment to mentally impaired persons, and general tuberculosis, mental, and other types of hospitals and related facilities, such as laboratories, outpatient departments, extended care, nurses' home and training facilities, offices and central service facilities operated in connection with hospitals, diagnostic or treatment centers, extended care facilities, nursing homes, and rehabilitation facilities. Except for facilities for the mentally retarded, "health facility" does not include any institution furnishing primarily domiciliary care.

(i) "Lender" means the provider of a loan and its successors and assigns.

(j) "Loan" means money or credit advanced for the construction costs of the health facility, and includes both initial loans and loans secured upon refinancing and may include both interim, or short-term loans, and long-term loans. A duly authorized bond or bond issue may constitute a "loan."

(k) "Maturity date" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for by the terms of the loan.

(*l*) "Mortgage" means a first mortgage on real estate. "Mortgage" includes a first deed of trust.

(m) "Mortgagee" includes a lender whose loan is secured by a mortgage. "Mortgagee" includes a beneficiary of a deed of trust.

(n) "Mortgagor" includes a borrower, a loan to whom is secured by a mortgage, and the trustor of a deed of trust.

(o) "Nonprofit corporation" means any corporation organized under the General Nonprofit Corporation Law (Part 1 (commencing with Section 9000), Division 2 of the Corporations Code) or its equivalent under the laws of the state of incorporation, organized for the purpose of owning and operating a health facility.

(p) "Political subdivision" means any city, county, city and county, joint powers entity, or local hospital district.

(q) "Project property" means the real property upon which the health facility is, or is to be, constructed, the health facility, and the initial equipment in such health facility.

(r) "Public health facility" means any health facility which is or will be constructed for and operated and maintained by any city, county, city and county, or local hospital district.

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

In order to meet the need for new, expanded, and modernized public health facilities necessary to protect the public health at the lowest possible cost to the taxpayer it is necessary that this act take effect immediately.

CHAPTER 18

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

[Approved by Governor February 11, 1974 Filed with Secretary of State February 11, 1974]

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

SECTION 1. An allocation may be made under the Natural Disaster Assistance Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code), as supplemented by Chapter 624 of the Statutes of 1973, from funds made available by Section 4 of Chapter 624 of the Statutes of 1973, to the San Lorenzo Valley County Water District for restoration of water systems damaged or destroyed by severe storms on January 3, 1974. Such an allocation may be made to a local agency suffering damage to water systems due to a disaster occurring between January 2, 1974, and January 4, 1974 which was not declared by the governing body of the local agency to be a natural disaster within 10 days after the actual occurrence. The water district or local agency

shall apply for any allocation under this act to the Department of Finance within 60 days from the effective date of this act.

An allocation may be made under the Natural Disaster Assistance Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code), as supplemented by Chapter 624 of the Statutes of 1973, from funds made available by Section 8 of Chapter 624 of the Statutes of 1973, to a local agency suffering damage to streets, roads, and bridges due to a disaster occurring between January 2, 1974, and January 4, 1974, which was not declared by the governing body of the local agency to be a natural disaster within 10 days after the actual occurrence. The local agency shall apply for any allocation under this act to the State Allocation Board within 60 days from the effective date of this act.

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

The severe storm which occurred on January 3, 1974 did extensive damage to the San Lorenzo Valley County Water District. In order to provide for restoration of water systems and other relief as soon as possible, it is essential that this act take effect immediately.

CHAPTER 19

An act to amend Section 8552 of the Fish and Game Code, relating to commercial fishing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 14, 1974 Filed with Secretary of State February 14, 1974]

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

SECTION 1. Section 8552 of the Fish and Game Code is amended to read:

8552. The total take of herring in San Francisco Bay for commercial purposes shall not exceed 600 tons during any one spawning season, a maximum of 100 tons of which may be for bait, and the total take of herring in Tomales Bay for commercial purposes shall not exceed 500 tons during any one spawning season, a maximum of 50 tons of which may be for bait. This section shall remain in effect only until November 30, 1975, and as of that date is repealed.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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

In order to effectively protect the herring resources of the state in San Francisco and Tomales Bays, it is necessary that this act go into immediate effect.

CHAPTER 20

An act to add Section 55668.5 to the Water Code, relating to county waterworks districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 14, 1974 Filed with Secretary of State February 14, 1974]

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

SECTION 1. Section 55668.5 is added to the Water Code, to read:

55668.5. Notwithstanding Chapter 3 (commencing with Section 2201) of Part 4, of Division 1 of the Revenue and Taxation Code, or any other provisions of law to the contrary, the board may levy, without an election, a tax rate within a zone to pay the cost of interest and redemption charges on bonded indebtedness incurred prior to July 1, 1974, where a valid petition is presented pursuant to Section 55668.

This section shall only apply to the Ventura County Waterworks District No. 1. It is hereby declared to be necessary to enact this special law with respect to such district because of special facts and circumstances existing therein:

It has recently been discovered that due to the lowering of the water table, ranchers in the Fairview area of Ventura County are threatened with drought and a loss of crops. In order to expedite the importation of water into the area, the landowners in the area petitioned for annexation to Ventura County Waterworks District No. 1, for the formation of an improvement zone, and for authorization of bonded indebtedness in the amount of two hundred twenty thousand dollars ($220,000) Sixty-seven percent of the registered voters, along with 72 percent of the assessed valuation, approved such action, and the Board of Supervisors of Ventura County has approved. In order to insure, however, that the bonds may be immediately sold without the requirement of an election, it is necessary to exempt the district from the provisions of Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code with respect to such bonded indebtedness. Thus, this special law is necessary in order to permit bonds to be sold and water to be imported into the affected area in

time to avoid severe crop losses in the area.

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

In order to permit urgently needed water to be imported into Ventura County Waterworks District No. 1 in time for the irrigation season, it is necessary that bonds be issued immediately. In order to permit bonds to be issued without further delay and to thereby provide water necessary to avoid severe crop losses to ranchers and farmers, it is necessary that this act go into immediate effect.

CHAPTER 21

An act to amend Sections 19504, 19505, 19507, 19522, 19532, and 19538 of the Revenue and Taxation Code, and to amend Section 75 of Chapter 1216 of the Statutes of 1973, relating to Senior Citizens Property Tax Assistance Law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 15, 1974 Filed with Secretary of State February 15, 1974]

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

SECTION 1. Section 19504 of the Revenue and Taxation Code is amended to read:

19504. "Homestead" means a dwelling and so much of the land surrounding it as is reasonably necessary for use of the dwelling as a home, owned by the claimant, the claimant and his spouse, or by the claimant and some other individual. It shall also include premises occupied by reason of ownership in a cooperative housing corporation (as defined in Section 17265), mobilehomes which are assessed as realty for local property tax purposes and the land on which situated, houseboats, and other similar living accommodations, as well as a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It shall also include premises occupied by reason of the claimant's ownership of a dwelling located on land owned by a nonprofit incorporated association, of which the claimant is a member, when such association requires the claimant to pay a pro rata share of the property taxes levied against the association's land. It shall also include premises occupied by a claimant wherein he is required by law to pay a property tax by reason of his ownership (including a possessory interest) in the dwelling, the land, or both. (Owned includes a vendee in possession under a land sale contract and of one or more joint tenants or tenants in common.) It includes personal property such as furniture, furnishings or appliances. Except as

provided in Section 19507, for purposes of this section, ownership must be evidenced by a duly recorded document.

SEC. 2. Section 19505 of the Revenue and Taxation Code is amended to read:

19505. "Claimant" means an individual who was a member of the household, and was both a resident of this state (as defined in Section 17014) and 62 years of age or older on or before the first day of January preceding the end of the fiscal year for which a claim for assistance is filed under this part.

SEC. 3. Section 19507 of the Revenue and Taxation Code is amended to read:

19507. (a) "Property taxes accrued" means current property taxes (exclusive of interest, penalties, principal payments on improvement bonds and charges for service) levied against a claimant's homestead by any taxing agency (as defined in Section 121) for any fiscal year ending on or after June 30, 1968.

(b) "Property taxes accrued" for the fiscal year ending June 30, 1969, shall be reduced for amounts claimed and received, or receivable, pursuant to the authorization contained in Section 1d of Article XIII of the Constitution.

(c) When a claimant owns a homestead for only part of a year and rents the same or a different homestead for part of the same year, "property taxes accrued" means total taxes levied against the homestead, multiplied by the percentage of 12 months that the property was owned and occupied by the claimant as a homestead in such year. Whenever a homestead is an integral part of a large unit such as a farm, or a multipurpose or multidwelling building, "property taxes accrued" shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value.

(d) Where a claimant is purchasing the homestead under an unrecorded contract of sale, the Franchise Tax Board may require a copy of the contract or other evidence to establish such fact.

(e) Where the homestead is a dwelling owned by the claimant on land owned by a nonprofit incorporated association, the Franchise Tax Board may require an affidavit under penalty of perjury containing sufficient evidence to establish such fact and that the nonprofit incorporated association requires that the claimant pay a pro rata share of the property tax levied against the association's land.

(f) Where the homestead consists of premises occupied by reason of the claimant's possessory interest in such premises, the Franchise Tax Board may require an affidavit under penalty of perjury stating that the premises are occupied by reason of ownership of a possessory interest in a dwelling that is otherwise exempt from property taxation.

(g) The Franchise Tax Board shall by regulation determine the amount of "property taxes accrued" when a claimant owns two or more homesteads during the same year.

SEC 4. Section 19522 of the Revenue and Taxation Code is

amended to read:

19522. (a) The Franchise Tax Board, pursuant to the provisions of Article 3 (commencing with Section 19531) of this part, shall provide assistance to the claimant based on a percentage of the property tax accrued and paid by the claimant on the homestead as provided in Section 19523. The assistance shall be equal to the applicable percentage of property taxes paid on the assessed value of the homestead up to and including seven thousand five hundred dollars ($7,500). No assistance shall be allowed for property taxes paid on that portion of assessed value of a homestead exceeding seven thousand five hundred dollars ($7,500). No assistance shall be provided if the amount of the assistance claim is five dollars ($5) or less.

(b) For purposes of allowing assistance provided for by this section:

(1) Only one claimant from one household each year shall be entitled to assistance under this part. When two or more individuals of a household are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(2) Except as provided in paragraph (3), the right to file a claim shall be personal to the claimant and shall not survive his death; however, when a claimant dies after having filed a timely claim, the amount thereof may be disbursed to the surviving spouse and if no surviving spouse, to any other member of the household who is a qualified claimant. If there is no surviving spouse or otherwise qualified claimant, the claim shall be disbursed to any other member of the household. In the event two or more individuals qualify for payment as either an otherwise qualified claimant or a member of the household, they may determine which of them will be paid. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(3) If, within the filing period for any given property tax fiscal year, a claimant dies without filing a timely claim, a claim on behalf of such claimant may be filed by the surviving spouse within the filing period prescribed in subdivision (a) or (b) of Section 19532.

SEC. 5. Section 19532 of the Revenue and Taxation Code is amended to read:

19532. (a) The claim on which the assistance is based shall be filed after May 15 of the fiscal year for which assistance is claimed but on or before August 31 succeeding the fiscal year for which assistance is claimed.

(b) The state shall assist the claimant after June 30 and before October 31 of the calendar year in which the claim is filed, except that if the claim is defective, assistance shall be made as promptly as is practicable after the claim has been perfected. The Franchise Tax Board, whenever in its judgment good cause exists, may grant a reasonable extension of time for filing a claim or allow the late filing

of a claim but except as provided in subdivision (c), no filing shall be later than March 1 succeeding the fiscal year for which assistance is claimed.

(c) A claimant who, because of a medically certified incapacity, is prevented from filing a timely claim, shall be permitted to file a claim within six months after the end of his medical incapacity or three (3) years succeeding the end of fiscal year for which assistance is claimed, whichever date is earlier.

SEC. 6. Section 19538 of the Revenue and Taxation Code is amended to read:

19538. The Franchise Tax Board may recover any assistance or any portion thereof which is erroneously paid or allowed, together with interest at the rate of 6 percent per annum from the date the assistance was paid or the credit allowed, in an action brought in a court of competent jurisdiction in the name of the people of the State of California within two years after the assistance was provided or credit was allowed.

SEC. 7. Section 75 of Chapter 1216 of the Statutes of 1973 is amended to read:

Sec. 75. This act shall become operative on January 1, 1974 or on the operative date of Title XVI of the Social Security Act, whichever is later, except as follows:

(a) The Department of Social Welfare or the Department of Benefit Payment shall have such power and duties under this act as is necessary to implement federal administration of the state program pursuant to Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(b) The Department of Health shall have such powers and duties under Section 72 of this act as are necessary to provide for federal administration of the Medi-Cal Act.

SEC. 8. This act shall apply to claims for assistance for property taxes paid for the 1973–74 fiscal year and fiscal years thereafter.

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

In order to apply this act to claims for the 1973–74 property tax fiscal year, it is necessary for this act to take effect immediately.

CHAPTER 22

An act to amend Section 4011.6 of the Penal Code, relating to mentally disordered persons.

[Approved by Governor February 15, 1974. Filed with Secretary of State February 15, 1974.]

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

SECTION 1. Section 4011.6 of the Penal Code is amended to read:

4011.6. In any case in which it appears to the person in charge of a county or city jail or any judge of a court in the county in which the jail is located that a person in custody in such jail may be mentally disordered, he may cause such inmate to be taken to a facility for 72-hour treatment and evaluation pursuant to Section 5150 of the Welfare and Institutions Code and he shall inform the facility in writing which shall be confidential, of the reasons that such person is being taken to the facility. Thereupon, the provisions of Article 1 (commencing with Section 5150), Article 4 (commencing with Section 5250), Article 4.5 (commencing with Section 5260), Article 5 (commencing with Section 5275), Article 6 (commencing with Section 5300), and Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code shall apply to the prisoner.

If the prisoner is detained in, or remanded to, a facility pursuant to such articles of the Welfare and Institutions Code, the facility shall transmit a report, which shall be confidential, to the person in charge of the jail or judge of the court who caused the prisoner to be taken to the facility, concerning the condition of the prisoner. A new report shall be transmitted at the end of each period of confinement provided for in such articles.

If the prisoner is detained in, or remanded to, a facility pursuant to such articles of the Welfare and Institutions Code, the time passed therein shall count as part of the prisoner's sentence. When the prisoner is so detained or remanded, the person in charge of the jail shall advise the professional person in charge of the facility of the expiration date of the prisoner's sentence. If the prisoner is to be released from the facility before such expiration date, the professional person in charge shall notify the person in charge of the jail, who shall send for, take, and receive the prisoner back into the jail.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to such section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 23

An act to amend Section 17508 of the Business and Professions Code, relating to false advertising.

[Approved by Governor February 15, 1974 Filed with Secretary of State February 15, 1974]

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

SECTION 1. Section 17508 of the Business and Professions Code is amended to read:

17508. (a) It shall be unlawful for any person doing business in California and advertising to consumers in California to make false advertising claims that (1) purport to be based on factual, objective, or clinical evidence, or that (2) compare the product's effectiveness or safety to that of other brands or products.

(b) Upon written request of the Director of Consumer Affairs, the Attorney General, any city attorney, or any district attorney acting with the approval of the Attorney General, any person doing business in California and in whose behalf advertising claims are made to consumers in California that (1) purport to be based on factual, objective, or clinical evidence, or that (2) compare the product's effectiveness or safety to that of other brands or products, shall provide to the department or official making the request evidence of the facts on which such advertising claims are based. Any such request shall be made within one year of the last day on which such advertising claims were made.

(c) The Director of Consumer Affairs, Attorney General, any city attorney, or any district attorney acting with the approval of the Attorney General, may, upon failure of an advertiser to respond within a reasonable time, or if such Director of Consumer Affairs, Attorney General, city attorney, or district attorney acting with the approval of the Attorney General, shall have reason to believe that any such advertising claim is false, seek an immediate termination or modification of the claim by the person in accordance with Section 17535 and may disseminate information, taking due care to protect legitimate trade secrets, concerning the veracity of such claims to the consumers of this state.

(d) The relief provided for in subdivision (c) is in addition to any other relief which may be sought for a violation of this chapter. Section 17534 shall not apply to violations of this section.

(e) Nothing in this section shall be construed to hold any newspaper publisher or radio or television broadcaster liable for publishing or broadcasting any advertising claims referred to in subdivision (a), unless such publisher or broadcaster is the person making such claims.

CHAPTER 24

An act to add Section 13581.4 to the Education Code, relating to school classified employees.

[Approved by Governor February 15, 1974 Filed with Secretary of State February 15, 1974]

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

SECTION 1. Section 13581.4 is added to the Education Code, to read:

13581.4. (a) The "act" as used in this section shall mean the Federal Emergency Employment Act of 1971 (P.L. 92-54) or any similar federal law hereafter enacted to provide transitional employment in public service positions for unemployed or underemployed persons.

(b) Funds derived from the act shall not be expended for work that: (1) would otherwise have been performed at federal, state, or local expense; (2) will not result in an increase over the employment which would otherwise be available; (3) which will result in the displacement of permanent members of the classified service (including partial displacement, such as reduction in the hours of nonovertime work or wages or employment benefits); (4) or which will impair existing rights of permanent members of the classified service.

(c) If during the term of a contract or renewal thereof, executed under the act, a school district is engaged in layoffs for lack of work or lack of funds of permanent classified employees serving in regular positions and is employing personnel or contemplates employing personnel in like or reasonably similar positions under the act, a report shall be submitted by the superintendent of schools to the governing board clearly demonstrating and substantiating the fact that the duties being performed by the permanent employees in regular positions who are being laid off will not be performed by personnel employed under the act.

Approval of the report by the governing board shall constitute its acceptance of the facts, as contained therein, and based thereon its affirmation of compliance with the contract executed under the act and this section.

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

CHAPTER 25

An act to add Section 2019 to the Fish and Game Code, relating to birds and mammals.

[Approved by Governor February 15, 1974 Filed with Secretary of State February 15, 1974]

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

SECTION 1. Section 2019 is added to the Fish and Game Code, to read:

2019. It is unlawful for any person, including state, federal, county, and city officials or their agents, to authorize, offer or pay a bounty for any bird or mammal. This section does not apply to any person with respect to the taking of any bird or mammal on the private property of such person.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 26

An act to amend Section 11519 of the Vehicle Code, relating to vehicles.

[Approved by Governor February 15, 1974 Filed with Secretary of State February 15, 1974]

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

SECTION 1. Section 11519 of the Vehicle Code is amended to read:

11519. No vehicle which has been reported dismantled may be subsequently registered until there is submitted to the department with the prescribed bill of sale an appropriate application, official lamp and brake adjustment certificates issued by an official lamp and brake adjusting station licensed by the Department of Consumer Affairs, other documents and fees required, and a certificate of inspection of safety glazing material signed by an employee of the Department of Motor Vehicles, and, with respect to any motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device

installation and inspection station indicating that such vehicle is properly equipped with a motor vehicle pollution control device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

CHAPTER 27

An act to amend Sections 6172 and 10010 of the Elections Code, relating to the presidential primary.

[Approved by Governor February 22, 1974. Filed with Secretary of State February 22, 1974]

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

SECTION 1. Section 6172 of the Elections Code is amended to read:

6172. The publication of the presidential primary notice shall be made in the county pursuant to Section 6061 of the Government Code, and by causing a copy thereof to be posted at the courthouse door and at such other places in the county as are designated by ordinance for the posting of public notices.

The cities or town of residence of the delegates and alternates shall be included in the presidential primary notice.

SEC 2. Section 10010 of the Elections Code is amended to read:

10010. At the time the county clerk prepares sample ballots for each political party at the presidential primary, he shall also prepare a list of candidates for delegates for each political party. The names of the candidates for delegates of any political party shall be arranged upon the list of candidates for delegates of that party in parallel columns under their preference for President. The order of groups on the list shall be the same as the order in which the names of the persons they prefer appear upon the ballot. Each column shall be headed in boldface 10-point, gothic type as follows: "The following delegates are pledged to _____." (The blank being filled in with the name of that candidate for presidential nominee for whom the members of the group have expressed a preference.) The names of the candidates for delegates shall be printed in eight-point, roman capital type.

Copies of the list of candidates for delegates of each party shall be submitted by the county clerk to the chairman of the county central committee of that party, and the county clerk shall post a copy of each list in a conspicuous place in his office.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code.

CHAPTER 28

An act to amend Sections 417 and 417.3, as added by Chapter 1416 of the Statutes of 1972, of, the Health and Safety Code, relating to kidney diseases, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 22, 1974 Filed with Secretary of State February 22, 1974]

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

SECTION 1. Section 417 of the Health and Safety Code is amended to read:

417. (a) Up to four regional dialysis centers with up to two in the northern and up to two in the southern part of the state, shall be established for the treatment of persons suffering from chronic uremia. Each such center shall be located in a metropolitan area and shall have an affiliation with a large hospital or medical school, but shall not be necessarily a physical part of such institution. These institutions, however, shall be able to provide a full range of medical, surgical and rehabilitation services. The state department shall only act as a granting agency for state funds which are appropriated for the establishment and the continuation of the four centers. The state department, upon the advice of the review committee which is provided for by Section 417.3, may contract with any such hospital or medical care institution for the administration and operation of one of the regional dialysis centers. It is not the intent of this section that any new hospital or medical school be established.

(b) Any moneys appropriated by Chapter 1416 of the Statutes of 1972 may be used either in existing dialysis and kidney transplantation programs for children or to establish new programs for such purposes. Any new or existing dialysis center funded pursuant to this subdivision shall provide for children the same center dialysis, home dialysis, and outpatient clinic services as are provided under Section 417.6. Any new center funded pursuant to this subdivision shall be designated as a pediatric renal failure center. Funds granted for aid to children under the provisions of this subdivision shall be based upon need as determined by the Renal Dialysis Review Committee established pursuant to Section 417.3 and an evaluation by the state department of a county's ability to fund their one-fourth share of a child's care under the Crippled Children's Services Program. Such funds shall only cover costs not recoverable from direct or third party payments. A pediatric renal failure center may use funds provided under this subdivision for payment of costs for kidney transplantation services at any hospital which is authorized to perform these services by the state department. For purposes of this subdivision, a child is any person 18 years of age or under.

SEC. 2. Section 417.3 of the Health and Safety Code is amended

to read:

417.3. The director shall appoint a review committee, upon nomination of the represented party, not to exceed nine members, at least four of whom shall be physicians, including at least one physician specializing in kidney transplantation and at least two physicians specializing in pediatric nephrology, one member to represent the University of California, one to represent a private organization or organizations concerned with kidney disease in California, one to represent the state department, and two members to represent the lay public. The chairman of the committee shall be appointed by the Governor. This committee shall establish standards for the expenditure of state funds which are provided for the establishment and support of regional dialysis and transplantation centers to assure the availability of specialized personnel, resources, and equipment necessary to enable such centers to function and care for patients with severe uremia. The director shall choose from a list provided by the review committee the institutions which qualify under the standards established to receive grants of state funds to establish and continue a regional dialysis center. The review committee shall also examine periodically the performance of established regional dialysis centers and recommend continuation grants to the director. The members of the review committee shall serve for a two-year period and may be reappointed. Not more than half the membership of the committee shall be changed during any one year. The committee shall serve without compensation, but shall receive their necessary travel expenses.

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

In order to provide for proper representation on the Renal Dialysis Review Committee established pursuant to Section 417.3 of the Health and Safety Code, and thereby secure the most efficient administration of the program authorized by Article 7.7 (commencing with Section 417) of Chapter 2 of Division 1 of the Health and Safety Code, it is necessary that this act go into immediate effect.

CHAPTER 29

An act to add Section 832.5 to the Penal Code, relating to peace officers.

[Approved by Governor February 22, 1974 Filed with Secretary of State February 22, 1974]

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

SECTION 1. Section 832.5 is added to the Penal Code, to read:

832.5. Each sheriff's department and each city police department in this state shall establish a procedure to investigate citizens' complaints against the personnel of such departments, and shall make a written description of the procedure available to the public

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any services required to be carried on or performed by it by this act because duties, obligations, or responsibilities imposed on local governmental entities by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 30

An act to amend Sections 15302 and 15409 of, and to add Sections 20080.1 and 20080.2 to, the Education Code, relating to community colleges.

[Approved by Governor February 22, 1974 Filed with Secretary of State February 22, 1974]

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

SECTION 1. Section 15302 of the Education Code is amended to read:

15302. The Department of Education shall:

(a) Advise the governing board of each elementary, high school, and unified school district on the acquisition of new school sites, and after a review of available plots give the governing board of the district in writing a list of the approved locations in the order of their merit considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction and charge the governing board of the school district a fee of twenty-five dollars ($25) for each 10 acres or fraction thereof of school site reviewed.

(b) Establish standards for school buildings.

(c) Review all plans and specifications for buildings in every district required to submit plans and specifications therefor to it for approval. The department may, upon the request of the governing board of any other district, review plans and specifications for buildings in such district.

The department shall charge governing boards of school districts for the review of plans and specifications, a fee of one-twentieth of

1 percent of the estimated cost determined by the Division of Architecture. The minimum fee in any case shall be ten dollars ($10).

(d) Approve plans and specifications submitted by governing boards of school districts, and return without approval and with recommendation for changes, any plans not conforming to established standards.

(e) Make all necessary provisions by which governing boards of school districts, or architects engaged by them, may procure by purchase or otherwise, copies of standard specifications, plans, and building codes prepared by the department.

(f) Make, upon the request of the governing board of any school district, except a city board of education, a survey of the building needs of the district, advise the governing board concerning the building needs, suggest plans for financing a building program to meet the needs, and collect the cost of the survey, exclusive of the salaries of the state employees participating therein, from the district.

(g) Employ experts, and clerical, and stenographic assistants as may be required for expediting the checking and approving of plans and specifications.

SEC. 2. Section 15409 of the Education Code is amended to read:

15409. The governing board of each elementary, high school, and unified school district, except districts governed by a city board of education, or any regional occupational center or program created by or authorized to act by an agreement under joint exercise of power before letting any contract or contracts totaling seven thousand five hundred dollars ($7,500) or more, for the erection of any new school building, or for any addition to, or alteration of, an existing school building, shall submit plans therefor to the State Department of Education, and obtain the written approval of the plans by the department. No contract for building made contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to, or altering any school building in contravention of this section.

SEC. 3. Section 20080.1 is added to the Education Code, to read:

20080.1. The chancellor shall:

(a) Advise the governing board of each community college district on the acquisition of new college sites, and, after a review of available plots, give the governing board of the district in writing a list of the approved locations in the order of their merit, considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction, and charge the governing board of the community college district a fee of twenty-five dollars ($25) for each 10 acres or fraction thereof of school site reviewed.

(b) Establish standards for community college facilities.

(c) Review all plans and specifications for all construction in every community college district required to submit plans and

specifications therefor to it for approval.

The chancellor's office shall charge community college districts for the review of plans and specifications, a fee of one-seventh of 1 percent of the estimated cost determined by the chancellor's office except for those projects intended to be funded totally with district funds in which case a fee of one-twentieth of 1 percent will be charged. The minimum fee in any case shall be ten dollars ($10).

(d) Approve plans and specifications submitted by governing boards of community college districts, and return without approval and with recommendation for changes, any plans not conforming to established standards.

(e) Make, upon the request of the governing board of any community college district, except a city board of education, a survey of the building needs of the district, advise the governing board concerning the building needs, suggest plans for financing a building program to meet the needs, and collect the cost of the survey, exclusive of the salaries of the state employees participating therein, from the district.

(f) Employ experts, and clerical and stenographic assistants as may be required for expediting the checking and approving of plans and specifications.

SEC. 4. Section 20080.2 is added to the Education Code, to read:

20080.2. The governing board of each community college district, except districts governed by a city board of education, before letting any contract or contracts totaling ten thousand dollars ($10,000) or more, for the erection of any new community college facility, or for any addition to, or alteration of, an existing community college facility, shall submit plans therefor to the chancellor's office, and obtain the written approval of the plans by the office. No contract for construction made by any governing board of a community college district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to, or altering any facility in contravention of this section.

SEC. 5. The Legislature hereby determines that local costs will be increased only for projects on which community college districts request state support from Community College Construction Act bond funds. Because requests for state funding participation are voluntary, the provisions of Section 2164.3 of the Revenue and Taxation Code do not apply to this legislation

CHAPTER 31

An act to add Section 213.6 to the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 26, 1974 Filed with Secretary of State February 26, 1974]

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

SECTION 1. Section 213.6 is added to the Revenue and Taxation Code, to read:

213.6. As used in Section 214, "property used exclusively for religious, hospital, scientific or charitable purposes" shall include the property owned and operated by an organization incorporated by an act of the United States Congress whose purposes are to provide adequate facilities to assist in meeting local and national emergencies and to promote the public welfare and provide aviation and aerospace education and training which is used exclusively for such purposes; provided that the organization qualifies for exemption under Section 501(c) (3) of the Internal Revenue Code of 1954.

SEC. 2. Section 1 of this act shall become operative on the first lien date following the effective date of this act.

SEC. 3. This act does not require state reimbursement of local governments under Section 2229 of the Revenue and Taxation Code because there is no actual loss of revenue since the property exempted by this act has never in fact been taxed.

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

In order that the exemption from property taxation of property of the Civil Air Patrol may be operative at the earliest possible time, thereby fulfilling the policy of the state as expressed in Section 1c of Article XIII of the Constitution, it is necessary that this act take immediate effect.

CHAPTER 32

An act relating to surplus state highway land.

[Approved by Governor February 26, 1974 Filed with Secretary of State February 26, 1974]

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

SECTION 1. (a) The Department of Transportation shall offer to sell, at a price equal to its cost of acquisition, parcels 40468, 41246,

41339, 41356, 57847, A-8188, B-7069, and C-6741, as designated by the Division of Highways of the department, to the City of Newport Beach for park and recreational purposes.

(b) The department shall offer to sell, at a price equal to its cost of acquisition, parcel 1546, as designated by the division, which parcel is adjacent to State Highway Route 5, to the City of San Clemente for park and recreational purposes.

(c) The department shall offer to sell, at a price equal to its cost of acquisition, all parcels of land it had acquired for the construction of that portion of State Highway Route 77 from the Alameda-Contra Costa county line to State Highway Route 13 as a freeway to the East Bay Regional Park District for park and recreational purposes.

(d) If the local entities have not accepted the offers prior to March 1, 1975, the department may dispose of the parcels in the normal manner.

(e) The department may reacquire any parcel sold to a local entity pursuant to this act at the price for which the parcel was sold to the local entity, if the department needs the parcel for transportation purposes.

CHAPTER 33

An act to amend Section 75357 of the Water Code, relating to water conservation districts.

[Approved by Governor February 26, 1974 Filed with Secretary of State February 26, 1974]

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

SECTION 1. Section 75357 of the Water Code is amended to read:

75357. Except as provided in Section 75358, the assessment levied during any year pursuant to this chapter shall not exceed two and one-half mills ($0.0025) on each one hundred cents ($1) of the assessed value of the lands within the district, according to the last assessment rolls; provided, that the assessment levied during any year pursuant to this chapter shall not exceed five mills ($0.005) on each one hundred cents ($1) of the assessed value of the lands within the district, according to the last assessment rolls, in any district in which such limitation is approved by the voters of the district at an election held within the district at which a majority of the voters voting on the proposition approve such limitation. Such election may be called by the board and consolidated with any other election held within the district, and the manner of holding and conducting the election shall be in accordance with the general laws of the state relative to elections at which propositions are submitted and voted upon. This limitation shall not apply to a special assessment levied pursuant to Chapter 3 (commencing with Section 75390) of this part

or assessments for the payment of the principal and interest on bonds.

CHAPTER 34

An act to amend Section 6062 of the Business and Professions Code, relating to practice of law.

[Approved by Governor February 26, 1974 Filed with Secretary of State February 26, 1974]

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

SECTION 1. Section 6062 of the Business and Professions Code is amended to read:

6062. To be certified to the Supreme Court for admission, and a license to practice law, a person, who has been admitted to practice law outside of this state, shall:

(a) Be of the age of at least 18 years.

(b) Be of good moral character.

(c) Have been admitted to practice before the highest court of a sister state or of any foreign state or country and (1) have been actively and substantially engaged in the practice of law in any such jurisdiction or jurisdictions for at least four years out of the six years immediately preceding the filing of his application for admission to practice in this state or (2) demonstrated to the satisfaction of the examining committee that his experience and qualifications qualify him to take an examination. Teaching in a law school accredited by the committee and services as a judge of a court of law shall be considered practice within the meaning of this section. In determining what constitutes practice for at least four years out of the next six years immediately preceding the filing of the application, time spent, subsequent to September 16, 1940, and prior to two years after termination of hostilities between the United States and the nations with which the United States is now at war as determined by act of Congress or proclamation of the President, in active duty as a member of the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, or any of their respective components, or on active sea duty as an officer or member of the crew on or in connection with vessels documented under the laws of the United States, or vessels owned by, chartered to, or operated by or for the account or use of, the War Shipping Administrator, when the applicant is not engaged in the practice of law within the meaning of this requirement shall be excluded.

(d) Have passed such examination as in the discretion of the examining committee may be required; provided, however, that those persons admitted to practice law in a foreign state or country where the common law of England does not constitute the basis of

jurisprudence shall be required to pass the final bar examination given by the examining committee to general applicants pursuant to subdivision (f) of Section 6060.

CHAPTER 35

An act to add Section 31641.96 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor February 26, 1974 Filed with Secretary of State February 26, 1974]

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

SECTION 1. Section 31641.96 is added to the Government Code, to read:

31641.96. Notwithstanding any other provisions of this chapter, Section 31641.9 shall not be applicable to any county subject to the provisions of Section 31676.1, 31676.11, or 31676.12.

CHAPTER 36

An act to amend Section 7035 of the Water Code, relating to water.

[Approved by Governor February 26, 1974. Filed with Secretary of State February 26, 1974]

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

SECTION 1. Section 7035 of the Water Code is amended to read:

7035. Whenever any conduit for conducting water crosses a highway and no written records exist showing that the highway rights-of-way existed prior to the conduit rights-of-way, it shall be conclusively presumed that the conduit was in place and lawfully maintained prior to the highway and such conduit shall be repaired, improved for the benefit of the public agency having jurisdiction over such highway, and replaced, if necessary, by the public agency having jurisdiction over such highway, provided that usual acts of maintenance of the conduit, such as cleaning the conduit of dirt or silt, shall be performed by and at the expense of the person using the conduit.

This section shall not apply to any conduit as to which Section 7034 is applicable.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be any appropriation made by this act,

because there are minor savings as well as minor costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 37

An act to amend Section 12701 of the Business and Professions Code, relating to public weighmasters.

[Approved by Governor February 26, 1974 Filed with Secretary of State February 26, 1974.]

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

SECTION 1. Section 12701 of the Business and Professions Code is amended to read:

12701. The following shall not be construed to be public weighmasters:

(a) Retailers weighing or measuring commodities for sale by them in retail stores directly to consumers. The provisions of this exemption shall not apply to persons, firms, or corporations weighing bulk lot commodities on vehicle or hopper scales, or selling such commodities by volume, when the purchaser is not present at the time the weight or measure determination is made.

(b) Producers of agricultural commodities or livestock, weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, or no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based; except that when such weight is to be used by a processor as basis of payment there shall be no exception to the provisions of Section 12734.

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation.

(d) Weighers licensed under the provisions of Section 35161 of the Food and Agricultural Code when performing the duties for which they are licensed.

(e) Employees of the department authorized to weigh agricultural products under the provisions of Chapter 8 (commencing with Section 12801) of Division 5, when performing the duties authorized thereby.

(f) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment, or other operations of fuel and oil companies and their retail outlets.

(g) Employees of newspaper publishers weighing or counting newspapers for sale to dealers or distributors.

(h) Textile maintenance establishments weighing, counting, or measuring any articles in connection with the business of such

establishments.

(i) Employees of garbage and refuse disposal districts operating pursuant to Chapter 1.5 (commencing with Section 4170) of Part 2 of Division 5 of the Health and Safety Code and county sanitation districts operating pursuant to Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code, which are authorized by their respective governing boards to utilize scales in determining charges for the disposal of liquid and solid wastes.

(j) Persons who purchase scrap metal or salvage materials pursuant to a nonprofit cycling program.

CHAPTER 38

An act to amend Section 6065 of the Business and Professions Code, relating to bar examinations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 27, 1974 Filed with Secretary of State February 27, 1974]

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

SECTION 1. Section 6065 of the Business and Professions Code is amended to read:

6065. Any unsuccessful applicant for admission to practice, after he has taken any examination and within four months after the results thereof have been declared, has the right to inspect his examination papers at the office of the examining committee located nearest to the place at which the applicant took the examination.

The applicant also has the right to inspect the grading of the papers whether the record thereof is marked upon the examination or otherwise.

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

In order for this act to apply to the 1974 bar examination, it is necessary that it take effect immediately.

CHAPTER 39

An act to add Section 26857.5 to the Government Code, relating to filing fees.

[Approved by Governor February 27, 1974 Filed with Secretary of State February 27, 1974.]

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

SECTION 1. Section 26857.5 is added to the Government Code, to read:

26857.5. Notwithstanding any other provision of law, no fee shall be charged to file a respondent's appearance, stipulation if any, and waiver of rights in the action under the Soldiers' and Sailors' Civil Relief Act of 1940 in an action for dissolution of marriage in any case wherein the respondent is a member of the armed forces of the United States and does not contest the action for dissolution.

CHAPTER 40

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

[Approved by Governor February 27, 1974 Filed with Secretary of State February 27, 1974]

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

SECTION 1. (a) The county committee on school district organization of a county which is exempted from the requirement that all territory be included in a community college district as provided in Section 25457 of the Education Code, and in which an election has been called and conducted in a portion of the territory of such county pursuant to Section 25457.23 of the Education Code, may, upon a majority vote of the members, by resolution, elect to exclude the affected territory of the county from the community college district thereat approved within 30 days after the community college district formation election, provided that a majority of all the votes cast by county residents were cast against the inclusion of the affected territory of the county in the community college district.

(b) In the event that a county committee on school district organization elects to exclude the affected territory of the county from the community college district pursuant to subdivision (a), the votes cast by such county residents shall be excluded in the tabulation of results of the election called and conducted pursuant to Section 25457.23 of the Education Code, and shall likewise be excluded in the tabulation of the results of the election to fill any offices of trustee in the community college district. Further, the

election of any trustee to the governing board of the community college district from the excluded county shall be deemed void. The remaining governing board trustees shall appoint a trustee or trustees, as the case may be, to fill any vacancy which has been created. The appointed trustee or trustees shall hold office only until the next regular or special election.

SEC. 2. This act shall be operative only until April 15, 1974, and as of that date is repealed.

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

Section 25457 of the Education Code was amended by Chapter 481 of the Statutes of 1973, to exempt prescribed counties from the requirement that all territory be included in a community college district. However, certain counties, which would otherwise thereby be excluded from the requirement, have previously been included in community college district proposals concerning which elections have been called or conducted, or both. In order that the measures necessary to carry out the Legislature's intent expressed in Section 25457, may be undertaken by the affected counties as soon as possible following the calling and conducting of the elections involved, it is necessary that this act take immediate effect.

CHAPTER 41

An act to amend Sections 127 and 3301 of the Corporations Code and to amend Sections 12164, 12185, 12186, 12200, 12204 and 12205 of, to add Sections 12201, 12202, 12203, and 12209 to, and to repeal Sections 12187, 12189, 12201, 12202, 12202.5, 12203 and 12204.5 of, the Government Code, relating to fees of the Secretary of State.

[Approved by Governor February 27, 1974 Filed with Secretary of State February 27, 1974.]

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

SECTION 1. Section 127 of the Corporations Code is amended to read:

127. Any agreement, certificate, or other instrument relating to a domestic or foreign corporation filed with the Secretary of State pursuant to the provisions of this division may, within three years from the date of such filing, be corrected with respect to any misstatement of fact contained therein, any defect in the execution thereof, or any other error or defect contained therein, by filing with the Secretary of State a certificate of correction entitled "Certificate of Correction of _____ (insert here the title of the agreement, certificate or other instrument to be corrected, and name(s) of

corporation or corporations)"; provided, however, that no such certificate of correction shall alter the wording of any resolution which was in fact adopted by directors or shareholders or effect a corrected amendment of articles of incorporation which amendment as so corrected would not in all respects have complied with the requirements of this division at the time of filing of the agreement, certificate or other instrument being corrected; and provided, further, that only one certificate of correction may be filed for the same agreement, certificate or other instrument. Such certificate of correction shall be signed and verified or acknowledged as provided in this division with respect to the agreement, certificate, or other instrument being corrected. It shall set forth the following:

(a) The name or names of the corporation or corporations.

(b) The date the agreement, certificate, or other instrument being corrected was filed with the Secretary of State.

(c) The provision in the agreement, certificate, or other instrument as corrected or eliminated and, if the execution was defective, wherein it was defective.

The filing of the certificate of correction with the Secretary of State shall not alter the effective time of the agreement, certificate, or instrument being corrected, which shall remain as its original effective time, and such filing shall not affect any right or liability accrued or incurred before such filing, except that any right or liability accrued or incurred by reason of the error or defect being corrected shall be extinguished by such filing.

SEC. 2. Section 3301 of the Corporations Code is amended to read:

3301. (a) A domestic corporation, if desired, may designate, as the agent of such corporation for the purpose of service of process, any natural person residing in this state or any corporation which has complied with Section 3301.5 or Section 6403.5 and whose capacity to act as such agent has not terminated. If a natural person be designated, the statement shall set forth his complete business or residence address. If a corporate agent be designated, the statement shall set forth the state or place under the laws of which such agent was incorporated and the name of the city, town or village wherein it has the office at which the corporation designating it as such agent may be served, as set forth in the certificate filed by such corporate agent pursuant to Sections 3301.5, 3301.6, 6403.5 or 6403.6.

In the event of any change in the location or address of its principal office or the stated address of a natural person whom it has designated as such agent or the city, town or village wherein it may be served by delivery of a copy of any process to a corporate agent, a domestic corporation shall forthwith file with the Secretary of State a statement of such new location or address or such new city, town or village, which statement shall also include the names and addresses of the then officers, the names and addresses of whom are required above to be stated.

A corporation may at any time file a new statement wherein a new

agent for service of process is designated or a prior designation of agent is expressly revoked without designating a new agent, and such filing shall be deemed to revoke any prior designation of agent.

Delivery by hand of a copy of any process against the corporation (a) to any natural person designated by it as agent, or (b), if the corporation has designated a corporate agent, at the office of such corporate agent in the city, town or village named in the statement filed by the corporation pursuant to this section to any person at such office named in the certificate of such corporate agent filed pursuant to Section 3301.5 or 6403.5, if such certificate has not been superseded, or otherwise to any person at such office named in the last certificate filed pursuant to Section 3301.6 or 6403.6, shall constitute valid service on the corporation.

(b) Every domestic corporation shall within 90 days after the filing of its articles of incorporation with the Secretary of State, and every domestic corporation (other than a corporation which has already filed such a statement during the preceding three calendar months and there is no change in the information therein) shall during the period commencing on April 1st and ending on June 30th in each year, file with the Secretary of State, on a form prescribed by him, a statement of the names and complete business or residence addresses of its president, vice president, secretary, and treasurer, together with a statement of the location and address of its principal office.

The Secretary of State shall establish by regulation a fee to be charged and collected for filing a statement of the names and addresses of officers and the location and address of the principal office of the corporation as provided in this section. The filing fee shall approximate the estimated cost of such filing, and in any event shall not exceed three dollars ($3) for each filing. The information filed by a corporation pursuant to this section shall be made available to the public upon request. For furnishing a copy of any such statement, the Secretary of State shall charge and collect a fee of one dollar ($1). This section shall not be construed to place any person dealing with such corporation on notice of, or on duty or obligation to inquire about the existence or content of any such statement.

In the case of a nonprofit corporation, the statement shall be filed every time there is any change of officers and every fifth year in accordance with regulations of the Secretary of State rather than each year. However, a nonprofit corporation may file a statement more frequently than every fifth year. The statement of a nonprofit corporation shall be filed without fee.

For the purpose of this section, a "nonprofit corporation" is a domestic corporation organized or existing pursuant to Part 1 (commencing with Section 9000), Part 2 (commencing with Section 10000), Part 3 (commencing with Section 10200), or Part 4 (commencing with Section 10400) of Division 2 of Title 1 of the Corporations Code, or organized or existing without authority to issue shares of stock pursuant to Division 21 (commencing with

Section 29001) of the Education Code.

SEC. 3. Section 12164 of the Government Code is amended to read:

12164. The Secretary of State shall record all conveyances made to the state, except (1) evidences of title acquired for state highway purposes and retained by the Department of Transportation, and (2) conveyances of tax-sold property.

SEC. 4. Section 12185 of the Government Code is amended to read:

12185. The fee for filing a designation of agent for or on behalf of any person, partnership, firm or corporation is fifteen dollars ($15).

SEC. 5. Section 12186 of the Government Code is amended to read:

12186. Except as provided in Section 12209, the fee for comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, is one dollar ($1).

SEC. 6. Section 12187 of the Government Code is repealed.

SEC. 7. Section 12189 of the Government Code is repealed.

SEC. 8. Section 12200 of the Government Code is amended to read:

12200. The fee for filing articles of incorporation or agreements of consolidation not providing for shares is fifteen dollars ($15).

SEC. 9. Section 12201 of the Government Code is repealed.

SEC. 10. Section 12201 is added to the Government Code, to read:

12201. The fee for filing articles of incorporation or agreements of consolidation providing for shares is sixty-five dollars ($65).

SEC. 11. Section 12202 of the Government Code is repealed.

SEC. 12. Section 12202 is added to the Government Code, to read:

12202. The fee for filing an agreement of merger is sixty-five dollars ($65). This section does not apply where the articles of incorporation of each domestic corporation party to the merger do not provide for shares nor where the surviving corporation is a foreign corporation.

SEC. 13. Section 12202.5 of the Government Code is repealed.

12202.5.

SEC. 14. Section 12203 of the Government Code is repealed.

SEC. 15. Section 12203 is added to the Government Code, to read:

12203. The fee for filing certificates pursuant to Section 4110 of the Corporations Code is included in the fee for filing the agreement of merger or consolidation.

SEC. 16. Section 12204 of the Government Code is amended to read:

12204. The fee for filing the statement and designation upon the qualification of a foreign nonprofit nonstock corporation, and of a foreign corporation organized for educational, religious, scientific, or charitable purposes, and not issuing shares, is fifteen dollars ($15).

The fee for filing the statement and designation upon the qualification of any other foreign corporation is three hundred fifty

dollars ($350).

The fees in this section include the fee for designating an agent.

SEC. 17. Section 12204.5 of the Government Code is repealed.

SEC. 18. Section 12205 of the Government Code is amended to read:

12205. Unless another fee is specified by law, the fee for filing any instrument by or on behalf of a corporation is fifteen dollars ($15).

This section is not applicable to a certificate showing the surrender of the right of a foreign corporation to transact intrastate business.

SEC. 19. Section 12209 is added to the Government Code, to read:

12209. If, upon the filing of any document as to a corporation or upon the filing of a document pursuant to any provision of the Corporations Code, there is a filing fee of fifteen dollars ($15) or more, the Secretary of State will compare and certify up to three copies thereof without charge provided that the copies are submitted to the Secretary of State with the original to be filed.

CHAPTER 42

An act relating to street improvement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 28, 1974 Filed with Secretary of State February 28, 1974]

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

SECTION 1. The sum of eighty thousand dollars ($80,000) is hereby appropriated from the General Fund to the State Department of Health for payment to the City of Santa Clara of the department's share of the cost of improving Lafayette Street from Aldo Avenue to State Highway Route 237.

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

In order that funds be made available to the State Department of Health so that it may pay as soon as possible its share of the cost to improve Lafayette Street from Aldo Avenue to State Highway Route 237 and thereby enable the City of Santa Clara to undertake construction of the urgently needed improvement as early as possible, it is necessary that this act take effect immediately.

CHAPTER 43

An act making an appropriation in augmentation of Item 20 of the Budget Act of 1973, relating to the Judges' Retirement Fund, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 28, 1974 Filed with Secretary of State February 28, 1974.]

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

SECTION 1. The sum of five hundred seventy-eight thousand six hundred thirty-six dollars ($578,636) is hereby appropriated from the General Fund to the State Controller for transfer to the Judges' Retirement Fund in augmentation of Item 20, Budget Act of 1973.

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

In order for funds to be available to pay required retirement benefits to retired judges, this act must take effect immediately.

CHAPTER 44

An act to amend Sections 152, 254, 256, 1064, 1064.1, 1065, 5451, 6301, 6499.33, 7361 5, 10652, 13105, 13200.1, 13250.2, 13250.4, 13250.10, 13250.16, 13250.18, 13250.22, 13250.28, 13275, 13319, 13387, 14225, 15812, 16066, 22500, 22500 1, 22512, 22600.1, 22753, 23601, 23602, 23602.1, 23602.2, 23602.3, 23602.5, 23604, 23604.1, 23608, 23609, 23610, 23612, 23613, 23618, 23624, 23651, 23654, 23655, 23658, 23705, 23707, 23753, 23753 1, 23758.2, 23759, 23803, 24000.1, 24000.2, 24001, 24003, 24051, 24053.7, 24054, 24054.5, 24054.7, 24057, 24058, 24059, 24060, 24061, 24102, 24153, 24214, 24301, 24316, 24351, 24502, 24560, 24561, 24562, 24564, 24565, 24651, 24652. 24675, 24751, 24752, 24753, 24754, 24951, 24952, 24954, 25053, 25054, 25200, 25201, 25236, 25557, 25905, 26452, 29040, 30201, 30202, 30205, 31203, 31208, 31226.1, 31226.4, 31226.5, 31226.6, 31226.7, 34500, 34501, and 34503 of, and to amend the heading of Article 4 (commencing with Section 5451) of Chapter 4 of Division 6 of, and to amend the heading of Chapter 3 (commencing with Section 22600) of Division 16.5 of, and to amend the heading of Division 18 (commencing with Section 23600) of, and to amend the heading of Chapter 1.5 (commencing with Section 23604) of, to amend the heading of Chapter 10 (commencing with Section 24351) of, to amend the heading of Chapter 12 (commencing with Section 24651) of, to amend the heading of Chapter 13 (commencing with Section 24751) of, to amend the heading of Article 2 (commencing with Section 24751) of Chapter 13 of, to amend the heading of Article 3 (commencing with Section 24754) of Chapter 13 of, to amend the heading of Article 5 (commencing with Section 24951) of Chapter 13 of, to amend the heading of Article 6 (commencing with Section 25053) of Chapter 13 of, and to amend the heading of Chapter 14 (commencing with Section 25200) of, Division 18 of, and to amend the heading of Chapter 3.4 (commencing with Section 31226) of Division 22 of, the Education Code, relating to the California State University and Colleges.

[Approved by Governor February 28, 1974 Filed with Secretary of State February 28, 1974]

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

SECTION 1. Section 152 of the Education Code is amended to read:

152. The board shall adopt rules and regulations not inconsistent with the laws of this state (a) for its own government, (b) for the government of its appointees and employees, (c) for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the state, and (d) for the government of such other schools, excepting the University of California and the California State University and Colleges, as may receive in whole or in part financial

support from the state.

The rules and regulations adopted shall be published for distribution as soon as practicable after adoption.

SEC. 2. Section 254 of the Education Code is amended to read:

254. The Superintendent of Public Instruction shall prescribe regulations under which contracts, agreements or arrangements may be made with agencies of the federal government for funds, services, commodities, or equipment to be made available to schools of the public school system, except the California State University and Colleges.

SEC. 3. Section 256 of the Education Code is amended to read:

256. The Superintendent of Public Instruction may enter into an agreement with the government of the United States or any agency thereof relative to the establishment of courses of study in aeronautics in the community colleges and technical schools of the public school system, except the California State University and Colleges.

SEC. 6. Section 1064 of the Education Code is amended to read:

1064. The governing board of any school district or the county superintendent of schools of any county may enter into agreements to render to a campus of the California State University and Colleges, to the University of California, or to any state institution any service which such governing board or county superintendent of schools is authorized to provide to school districts. Any such agreement must provide for the payment for services rendered of an amount not less than the cost of rendering such service. The Trustees of the California State University and Colleges, the Regents of the University of California, and the Director of Finance are hereby authorized to enter into such agreements as to any state university or college, the University of California, and any state institution, respectively.

All funds received by a county superintendent of schools under this section shall be paid by him into the county treasury to the county school service fund and all funds received by the governing board of a school district under this section shall be paid by it into the county treasury to the credit of the general fund of the district.

SEC. 7. Section 1064.1 of the Education Code is amended to read·

1064.1. The governing board of any school district required or authorized to maintain special training schools or classes for exceptional children may, with the approval of the county superintendent of schools, contract with any campus of the California State University and Colleges situated within the boundaries of the county within which the school district is located, upon such terms and conditions as may be agreed upon, to provide for the education of such children in, and for the transportation of such children to, the laboratory classes for exceptional children established and maintained within or without the boundaries of the school district by or in conjunction with such campus of the California State University and Colleges pursuant to Chapter 10

(commencing with Section 24351) of Division 18. As used in this section, "exceptional children" means physically handicapped pupils, mentally retarded pupils, or educationally handicapped pupils required or allowed to be educated pursuant to Chapter 7.1 (commencing with Section 6750), Chapter 8 (commencing with Section 6801), and Chapter 9 (commencing with Section 6901) of Division 6.

SEC. 8. Section 1065 of the Education Code is amended to read:

1065. The governing board of any school district or the county board of education of any county may enter into agreements with the California State University and Colleges, the University of California, or any other university or college accredited by the State Board of Education as a teacher education institution, to provide teaching experience through practice teaching and to provide for supervised field experience in the public schools in such areas as may be called for in the requirements of the various authorized credentials for public school service to students enrolled in teacher education curricula of such institutions. Any such agreement may provide for the payment for the services rendered by the school district or the county board of education of an amount not to exceed the actual cost to the school district or the county board of education of the services rendered or such agreement may provide for the rendering of services to the school district or the county board of education of a value not to exceed the actual cost to the school district or the county board of education of the services rendered by the district. The Trustees of the California State University and Colleges and the Regents of the University of California are hereby authorized to enter into such agreements with the governing board of any school district or the county board of education of any county as to any campus of the California State University and Colleges, and the University of California, respectively.

All funds received by the governing board of a school district or the county board of education of a county under this section shall be paid by it into the county treasury to the credit of the general fund of the district or county.

SEC. 9. The heading of Article 4 (commencing with Section 5451) of Chapter 4 of Division 6 of the Education Code is amended to read:

Article 4. Contracts With the California State University and Colleges

SEC. 10. Section 5451 of the Education Code is amended to read:

5451. The governing board of any elementary school district within which a campus of the California State University and Colleges is located may contract with the Trustees of the California State University and Colleges for the education by such campus, of pupils eligible to attend school in the elementary school district. The pupils educated by such campus, under the contract may be housed

on such campus or in a building of the school district.

SEC. 11. Section 6301 of the Education Code is amended to read:

6301. Subject to the provisions of this article, the Department of Education acting by and through the Director of Education is hereby authorized to enter into an agreement, or agreements, with the Veterans Administration, or any other agency of the federal government, for the education of veterans in any of the schools of the public school system, except the California State University and Colleges. Such contract shall provide for the payment to such schools through the Department of Education or otherwise of the maximum amount permitted by the act, or acts, of Congress under which the agreement, or agreements, is entered into by the Veterans Administration, or any other agency of the federal government.

SEC. 12. Section 6499.33 of the Education Code is amended to read:

6499.33. (a) A "program improvement school" is an elementary school, a junior high school, or a high school designated as such by the district and approved by the State Board of Education.

(b) A "community resource committee" is a committee appointed by the director of each program improvement school at least one-half of the membership of which is made up of parents of children participating in the program. The committee shall assist the director and his staff to plan and implement the educational program, identify community resources which could be utilized in the program, and inform the community of the proposed program. The membership of the community resource committee may include, in addition to parents of children participating in the program, but need not be limited to:

(1) Parents of other pupils served by the school.

(2) Pupils enrolled in the school.

(3) Representatives of the community college, campus of the California State University and Colleges, or university participating in the project.

(4) Other individuals representing business and industry, organized labor, and representatives of local law enforcement, welfare, and employment agencies.

(c) If a parent advisory committee has been established for the school pursuant to Title I of the Elementary and Secondary Education Act of 1965, the director may, at his election, designate it to serve as the community resource committee in lieu of the committee otherwise to be appointed pursuant to subdivision (b).

SEC. 13. Section 7361.5 of the Education Code is amended to read:

7361.5. It is the intent of the Legislature that the University of California and the California State University and Colleges shall, to the extent feasible, and, in cooperation with the Department of Education, undertake to develop and expand programs in family life education as part of their secondary and elementary teacher education curriculum

SEC. 14. Section 10652 of the Education Code is amended to read:

10652. No state-owned college, university, or other school shall charge any tuition, or incidental fees to any dependent receiving assistance under Article 2 (commencing with Section 890) of Chapter 4 of Division 4 of the Military and Veterans Code or to any child of any veteran of the United States military service who has a service-connected disability, and whose annual income not including governmental compensation for such service-connected disability, does not exceed five thousand dollars ($5,000). Nothing contained in this section shall prevent the Regents of the University of California from charging to and collecting from nonresident students an admission fee and rate of tuition nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to schools under the jurisdiction of the Department of Education or the Director of Education or to a state university or college under the jurisdiction of the Trustees of the California State University and Colleges.

This section shall not apply to a dependent of a veteran within the meaning of paragraph (4) of subdivision (a) of Section 890 of the Military and Veterans Code.

SEC. 15. Section 13105 of the Education Code is amended to read:

13105. The Superintendent of Public Instruction, the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, and the Coordinating Council for Higher Education shall each appoint a representative to serve as member ex officio without vote.

SEC. 16. Section 13200.1 of the Education Code is amended to read:

13200.1. The Commission for Teacher Preparation and Licensing shall issue not more than 200 such credentials, and may consult with and receive the recommendations of the University of California and the California State University and Colleges in the selection of persons to whom credentials may be issued pursuant to this section. Specific preference shall be given to persons who may be expected to pursue public education as an uninterrupted career.

SEC 17. Section 13250.2 of the Education Code is amended to read:

13250.2. The University of California, the California State University and Colleges, or any private institution of higher education may participate in the program prescribed in this article.

SEC. 18. Section 13250.4 of the Education Code is amended to read:

13250.4. Any school district may enter into an agreement with the University of California, California State University and Colleges, or any private institution of higher education to participate in the New Careers Program prescribed in this article.

SEC 19. Section 13250 10 of the Education Code is amended to read·

13250.10. An intern shall be enrolled in at least a 6-week, but not more than a 12-week, preservice program at the participating university, campus of the California State University and Colleges, or private institution of higher education.

SEC. 20. Section 13250.16 of the Education Code is amended to read:

13250.16. An intern shall enroll in a course of study at the participating university, campus of the California State University and Colleges, or private institution of higher education which will lead to a baccalaureate degree and a teaching credential.

SEC. 21. Section 13250.18 of the Education Code is amended to read:

13250.18. The team leader and his interns shall, in addition to teaching duties, be afforded time for a teacher education program to be carried out under the guidance of the team leader in cooperation with the participating university, campus of the California State University and Colleges, or private institution of higher education.

SEC. 22. Section 13250.22 of the Education Code is amended to read:

13250.22. The participating school district shall pay to the intern an amount equivalent to the tuition fees or college or university fees, or both, if levied, upon the intern attending the participating university, campus of the California State University and Colleges, or private institution of higher education.

SEC. 23. Section 13250.28 of the Education Code is amended to read:

13250.28. The participating university, campus of the California State University and Colleges, and private institution of higher education shall fund its own costs involved in the program prescribed by this article.

SEC. 24. Section 13275 of the Education Code is amended to read:

13275. Each person employed by the governing board of a school district for a position requiring certification qualifications must, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, register in the manner prescribed by Section 13157 a valid certification document, issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, register the renewed certification document in the manner prescribed by Section 13157. If any person so employed is the holder of a California State University and Colleges, or state teachers college, diploma accompanied by the certificate of the State Board of Education, or of an educational or life diploma of this state, and has presented the same to, and has had his name recorded by, the county superintendent of schools of the county as heretofore provided by this code, such person shall be deemed to have registered such diploma under Section 13157

SEC. 25. Section 13319 of the Education Code is amended to read:

13319. Any employee in a position requiring certification

qualifications of a community college school district who teaches in a four-year state institution of higher education maintained on the campus of the community college pursuant to contracts entered into between the Trustees of the California State University and Colleges and said district, shall, without regard to subject or grade taught, whether of community college level or higher, acquire and retain all rights to employment in said district the same as though said employee were teaching exclusively in a community college of the said district; provided, that nothing in this section shall be construed to prevent said employee from resigning from employment in said district pursuant to the provisions of Section 13401.

SEC. 26. Section 13387 of the Education Code is amended to read:

13387. The governing board of any school district may contract with institutions of higher education, including the University of California, the California State University and Colleges, and private institutions, and with research centers or regional education laboratories, for such institutions, centers, or laboratories to furnish academic and consulting services for purposes of a staff development project. The school district shall be deemed the contracting agency and shall be responsible for coordination and administration of the staff development project.

SEC. 27. Section 14225 of the Education Code is amended to read:

14225. Any retirant who retired for service, whose last employment as a member of the system prior to such retirement was in the California State University and Colleges, may, without reinstatement from retirement or any loss or interruption of benefits under this chapter, serve as a member of the teaching staff of the California State University and Colleges provided that such service does not exceed 90 teaching days in any one fiscal year, and the compensation payable to such persons for such service does not exceed four thousand dollars ($4,000) in that fiscal year.

SEC. 29. Section 15812 of the Education Code is amended to read:

15812. The governing board of each district maintaining a high school or community college and the president of each campus of the California State University and Colleges shall provide for the annual cleaning, sterilizing, and necessary repair of football equipment of their respective schools, community colleges, or campus of the California State University and Colleges pursuant to Sections 15812 to 15814, inclusive.

SEC. 30. Section 16066 of the Education Code is amended to read:

16066. Notwithstanding any of the provisions of this article to the contrary, the governing board of any school district may, with the approval of the Director of General Services, lease real property owned by the school district to the State Department of Education, to the Trustees of the California State University and Colleges, or to the Regents of the University of California upon such terms and conditions as may be agreed upon. The State Department of Education, the Trustees of the California State University and Colleges, or the Regents of the University of California may enter

into any agreement to lease real property pursuant to this section.

SEC. 31. Section 22500 of the Education Code is amended to read:

22500. Public higher education consists of (1) all public community colleges heretofore and hereafter established pursuant to law, (2) the California State University and Colleges, and each campus, branch, and function thereof heretofore and hereafter established pursuant to law, and (3) each campus, branch and function of the University of California heretofore and hereafter established by the Regents of the University of California

SEC. 32. Section 22500.1 of the Education Code is amended to read:

22500.1. It is hereby declared to be the policy of the Legislature that all resident applicants to California institutions of public higher education, who are determined to be qualified by law or by admission standards established by the respective governing boards, should be admitted to either (1) the public community colleges, (2) the California State University and Colleges, or (3) the University of California.

SEC. 33. Section 22512 of the Education Code is amended to read:

22512. For purposes of this chapter, "public higher education" shall consist of (1) all public community colleges heretofore and hereafter established pursuant to law, (2) the California State University and Colleges, and each campus, branch, and function thereof, heretofore and hereafter established pursuant to law, and (3) each campus, branch and function of the University of California heretofore and hereafter established by the Regents of the University of California.

SEC. 34. The heading of Chapter 3 (commencing with Section 22600) of Division 16.5 of the Education Code is amended to read:

CHAPTER 3. THE CALIFORNIA STATE UNIVERSITY AND COLLEGES

SEC. 35. Section 22600.1 of the Education Code is amended to read.

22600.1. Whenever, in any law, the term "Trustees of the State College System of California" or the term "chief executive officer of the State College System" is used, such terms shall be deemed to mean the Trustees of the California State University and Colleges and the Chancellor of the California State University and Colleges, respectively.

SEC. 37. Section 22753 of the Education Code is amended to read:

22753. The Trustees of the California State University and Colleges on behalf of the California State University and Colleges, the Regents of the University of California on behalf of the university, the Board of Governors of the California Community Colleges on behalf of the community colleges and the Board of Governors of the California Maritime Academy on behalf of the California Maritime Academy, are vested with all power and

authority to perform all acts necessary to receive the benefits and to expend the funds provided by said act of Congress and with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, and with the California Postsecondary Education Commission for the purpose of receiving the benefits and expending the funds provided by said act of Congress, in accordance with said act, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the California Postsecondary Education Commission adopted in accordance with said act of Congress. Whenever necessary to secure the full benefits of said act of Congress for loans or grants for academic facilities, such trustees, regents, or boards of governors may give such security as may be required and may comply with such conditions as may be imposed by the federal government.

SEC. 39. The heading of Division 18 (commencing with Section 23600) of the Education Code is amended to read:

DIVISION 18. CALIFORNIA STATE UNIVERSITY AND COLLEGES

SEC. 40. Section 23601 of the Education Code is amended to read:

23601. The California State University and Colleges includes the institutions for higher education whose locations are listed in this section.

(a) San Jose.
(b) San Francisco.
(c) Chico.
(d) Humboldt.
(e) San Diego.
(f) Fresno.
(g) California Polytechnic State University, San Luis Obispo.
(h) California State Polytechnic University, at or near the Cities of San Dimas and Pomona.
(i) Long Beach.
(j) Los Angeles.
(k) Sacramento.
(*l*) Hayward.
(m) San Fernando Valley.
(n) Fullerton.
(o) Stanislaus.
(p) Sonoma.
(q) San Bernardino.
(r) Dominguez Hills
(s) Contra Costa.
(t) Kern.
(u) Redwood City.
(v) Ventura.

SEC. 41. Section 23602 of the Education Code is amended to read:

23602. The California State Polytechnic University included

within the California State University and Colleges is comprised of the two separate campuses or complexes of buildings, facilities, and land described as follows:

(a) The campus or complex situated within the County of San Luis Obispo.

(b) The campus or complex situated within the County of Los Angeles and within or near the City of Pomona and the City of San Dimas.

SEC. 42. Section 23602.1 of the Education Code is amended to read:

23602.1. The trustees shall have all power necessary to provide for the establishment of a separate California State Polytechnic University at the campus or complex situated in the County of Los Angeles, more particularly described in subdivision (b) of Section 23602, including the power to execute any necessary agreements and to receive, on behalf of the state, any property or interest in property which may be conveyed to the state in connection therewith or for any purposes of this section.

From and after the date upon which final action for the establishment of such separate university has been taken by the trustees, there shall be, within the California State University and Colleges, two separate California state polytechnic universities, comprised of the respective campuses or complexes described in Section 23602. The provisions of Section 23658, the provisions of Article 2 (commencing with Section 24751) of Chapter 13 of this division, and any provisions of law limited in applicability specifically to the California State Polytechnic University, unless otherwise therein specified, shall be deemed applicable to either or both of such California state polytechnic universities.

SEC. 43. Section 23602.2 of the Education Code is amended to read:

23602.2. It is the intent and purpose of the Legislature, in authorizing the establishment of the separate California State Polytechnic University in the County of Los Angeles at the campus or complex described in subdivision (b) of Section 23602, that the educational program there provided continue to be conducted in accordance with the essential aims and policies expressed in Section 24751, and in that certain grant deed dated November 22, 1949, as amended or modified by subsequent agreements and conveyances, whereby the W. K. Kellogg Foundation, a Michigan corporation, has granted to the State of California, for the use and benefit of the California State Polytechnic University, certain real property situated in the County of Los Angeles, which will form a part of such separate California State Polytechnic University.

SEC. 43.5. Section 23602.3 of the Education Code is amended to read:

23602.3. All references in any law or regulation to the "California State Colleges," to "state colleges" or to any particular state college shall be deemed to refer, respectively, to the California State

University and Colleges, to the institutions of higher education which comprise the California State University and Colleges as authorized in Section 23601, and to the particular institution of higher education as named pursuant to Section 23604.5. All references to the California State University and Colleges shall include all campuses, branches and functions thereof. The term "campus" shall mean any of the institutions included within the California State University and Colleges specified in Section 23601.

SEC. 44. Section 23602.5 of the Education Code is amended to read:

23602.5 It is unlawful for any person to utilize any information, not a matter of public record, which is received by him by reason of his employment by, or contractual relationship with, the trustees, the California State University and Colleges or an auxiliary organization of the California State University and Colleges as defined in Section 24054.5, for personal pecuniary gain, not contemplated by the terms of such employment or contract, regardless of whether he is or is not so employed or under contract at the time such gain is realized.

SEC. 45. The heading of Chapter 1.5 (commencing with Section 23604) of Division 18 of the Education Code is amended to read:

CHAPTER 1.5. POWERS OF THE TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY AND COLLEGES

SEC. 46. Section 23604 of the Education Code is amended to read:

23604. The trustees shall adopt rules and regulations not inconsistent with the laws of this state for:

(a) The government of the trustees

(b) The government of their appointees and employees

(c) The government of the California State University and Colleges.

The rules and regulations shall be published for distribution as soon as practicable after adoption.

This section shall be liberally construed in order that the purposes of the Donahoe Higher Education Act pursuant to Division 16.5 (commencing with Section 22500) may be effectuated.

SEC. 47. Section 23604.1 of the Education Code is amended to read:

23604.1. The trustees may establish rules and regulations for the government and maintenance of the buildings and grounds of the California State University and Colleges. Every person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor.

SEC. 48. Section 23608 of the Education Code is amended to read:

23608. The trustees may enter into agreements with any public or private agency, officer, person, or institution, corporation, association, or foundation for the performance of acts or for the furnishing of services, facilities, materials, or equipment by or for the trustees or for the joint performance of an act or function or the joint

furnishing of services and facilities by the trustees and the other party to the agreement.

The trustees may enter into agreements with the federal government or any agency thereof in accordance with the procedures prescribed by the federal government or such agency in order to receive the benefits of any federal statute extending benefits to the California State University and Colleges or to the California State University and Colleges students, including, but not limited to:

(a) Agreements with any agency of the federal government for the education of persons in the service of the federal government.

(b) Agreements with any agency of the federal government for the education of veterans, provided that such agreements shall provide for payment of the maximum amount permitted under the act, or acts, of Congress under which the agreement is entered into.

Notwithstanding any other provision of law, the trustees have all power necessary to perform such acts and comply with conditions required or imposed by the federal government in order to receive such benefits. The trustees are vested with all necessary power and authority to cooperate with any such agency of the federal government in the administration of any applicable act of Congress and rules and regulations adopted thereunder.

The provisions of Article 1 (commencing with Section 4300) of Chapter 4 of Division 5, Title 1 of the Government Code shall not apply to the purchase by the trustees of musical instruments for the use of students of the California State University and Colleges.

SEC. 49. *Section 23609 of the Education Code is amended to read:*

23609. The trustees may establish facilities for training deaf persons at the campus of the California State University and Colleges which the trustees shall designate for such purpose. The trustees shall:

(a) Request the Department of Rehabilitation to refer deaf students to the designated state university or college.

(b) Recognize the designated campus of the California State University and Colleges as a professional center for training deaf persons and take all action necessary to facilitate the receipt by such campus of state and federal funds.

SEC. 50. Section 23610 of the Education Code is amended to read:

23610. The trustees may enter into agreements with any agency of the federal government for the construction of housing and other educational facilities for students and faculties of any campus of the California State University and Colleges under the jurisdiction of the trustees if they determine that the income, rent and charges for the use of the facilities will be sufficient in amount to repay the principal and interest on the amount secured from the federal government for the construction of the facilities.

The trustees may also enter into agreements with any agency of the federal government which result in grants, matching funds, or any other kind of financial aid for construction of housing and other educational facilities for students and staff of any campus of the

California State University and Colleges under the jurisdiction of the trustees.

Notwithstanding any other provision of law, whenever necessary to secure the full benefits of any federal statutes pertaining to loans, grants, matching funds, or any other kind of financial aid to educational institutions for housing and other educational facilities, the trustees may give such security as may be required and may comply with such conditions as may be imposed by the federal government.

SEC. 51. Section 23612 of the Education Code is amended to read:

23612. The trustees may insure the owner of any motor vehicle used in driver training and employees of the California State University and Colleges and the students instructed by them against any liability, other than a liability which may be insured against under Division 4 (commencing with Section 3201) of the Labor Code, for injuries or damages resulting from the negligent operation of any motor vehicle while such motor vehicle is operated by the employees or by students in connection with the giving of instruction in the operation of motor vehicles within the curricula of the campus of the California State University and Colleges.

SEC. 52. Section 23613 of the Education Code is amended to read:

23613. The trustees may give in the name of the State of California such bond as may be required by the federal government, or any officer or agency thereof, for the care, safekeeping, and return of property of the United States issued to the California State University and Colleges for the Reserve Officer Training Corps unit maintained at such campus.

SEC. 53. Section 23618 of the Education Code is amended to read:

23618. The trustees may budget an amount to be expended in accordance with rules and regulations adopted by the State Board of Control for use in carrying out the community relation responsibilities of the president of each campus of the California State University and Colleges and of the chancellor, as defined by the trustees.

SEC. 54. Section 23624 of the Education Code is amended to read:

23624. The trustees, on behalf of any campus of the California State University and Colleges, may enter into contracts for the purpose of participating in or the procuring or transmitting of television broadcasts, may purchase broadcast time over, and may own, lease and operate television transmitting facilities for use in providing educational, noncommercial television broadcasts, and may provide necessary services in connection therewith.

SEC. 55. Section 23651 of the Education Code is amended to read:

23651. For each campus of the California State University and Colleges, except as otherwise provided in this chapter, there shall be an advisory board of not less than seven nor more than 13 members, who shall be appointed by the trustees. Each member of the advisory board of such campus shall reside in the area in which such campus is located. No person shall be appointed to serve as a member of an

advisory board who at the time holds any salaried educational position.

SEC. 56. Section 23654 of the Education Code is amended to read:

23654. The members of each board shall select a chairman from the members of the board. The president of the campus of the California State University and Colleges shall be the executive secretary of the board.

SEC. 57. Section 23655 of the Education Code is amended to read:

23655. Each board shall consult and advise with the president of the campus of the California State University and Colleges with respect to the improvement and development of such campus.

SEC. 58. Section 23658 of the Education Code is amended to read:

23658. This chapter does not apply to the California State Polytechnic University.

SEC. 59. Section 23705 of the Education Code is amended to read:

23705. Any campus of the California State University and Colleges shall operate on a year-round basis within three years of the date when its full-time equivalent academic year enrollment reaches 10,000.

Any campus of the California State University and Colleges which has a full-time equivalent academic year enrollment of 10,000 or greater on November 23, 1970, shall operate on a year-round basis on or before June 1, 1976.

All the terms into which a year may be divided for such purposes shall be of the same quality, and shall permit students to make normal progression toward their degree objectives during any term.

SEC. 60. Section 23707 of the Education Code is amended to read:

23707. Any campus of the California State University and Colleges which operates on a year-round basis on November 23, 1970, shall continue to operate on such basis.

SEC. 61. Section 23753 of the Education Code is amended to read:

23753. Except as otherwise provided, the total tuition fees charged any student in the California State University and Colleges shall not exceed twenty-five dollars ($25) per year or twelve dollars and fifty cents ($12.50) per term.

SEC. 62. Section 23753.1 of the Education Code is amended to read:

23753.1. Other sections to the contrary notwithstanding, tuition fees adequate to meet the cost of maintaining limited residence programs which are established by the trustees in the area of military installations and which are designed primarily for the benefit of military and nonmilitary personnel at such installations, shall be required of, and collected from resident and nonresident students enrolled in such programs, under and pursuant to rules and regulations prescribed by the trustees. Students whose enrollment is entirely in such programs shall not be required to pay nonresident tuition established pursuant to Section 23754.

The trustees shall not establish a limited residence program in the area of a military installation which is designed primarily for the

benefit of military and nonmilitary personnel at such installation without the prior approval of the Coordinating Council for Higher Education.

The enactment of this section is intended to prohibit, and the provisions of this section shall be construed as prohibiting, the state from providing capital outlay expenditures for any limited residence program in the area of a military installation which is designed primarily for the benefit of military and nonmilitary personnel at such installation.

The effect of this section is limited to the classes provided by California Polytechnic State University at Vandenberg Air Force Base.

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

SEC. 63. Section 23758.2 of the Education Code is amended to read:

23758.2. The trustees may enter into agreements with public colleges and universities in other states whereby qualified students from the California State University and Colleges may attend such other college or university without payment of any tuition fee charged by that institution to persons who are nonresidents of the state in which it is situate, and students from that institution may attend the California State University and Colleges without payment of the nonresident tuition established pursuant to Section 23754. No nonresident tuition shall be charged of students attending a campus of the California State University and Colleges pursuant to an agreement entered into under this section; provided, that during any year, the number of students attending the California State University and Colleges from a particular public college or university in another state, pursuant to such agreement, shall not exceed the number of the California State University and Colleges students attending such institution under that agreement.

SEC. 64. Section 23759 of the Education Code is amended to read:

23759. Tuition fees adequate, in the long run, to meet the cost of maintaining summer sessions in the California State University and Colleges shall be required of, and collected from, students enrolled in each such summer session under and pursuant to rules and regulations prescribed by the trustees.

SEC. 65. Section 23803 of the Education Code is amended to read:

23803. All money collected by a campus of the California State University and Colleges on behalf of a student body organization under Sections 23801, 23802, 24051, 24101, and 24102 shall be available for such purposes of the student body organization as are approved by the trustees.

The chief fiscal officer of each campus of the California State University and Colleges shall be custodian of these moneys and

provide the necessary accounting records and controls thereof.

These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by officers of the student body organization.

The campus of the California State University and Colleges shall be reimbursed by the student body organization an amount to cover the cost of the custodial and accounting services provided by the campus of the California State University and Colleges in connection with these funds.

Student body funds used for scholarships, grants-in-aid, stipends, loans, and similar expenditures shall conform to the regulations of the trustees, which shall be adopted by February 27, 1970, and shall be approved by the college financial aids office before such funds are expended and shall be reflected on the student's record kept in that office. The student's financial aid record shall include all such funds received by the student.

SEC. 66. Section 24000.1 of the Education Code is amended to read:

24000.1. Notwithstanding any other provision of law to the contrary, the chief fiscal officer of each campus of the California State University and Colleges shall deposit into and maintain in local trust accounts or in trust accounts in accordance with the provisions of Sections 16305 to 16305.7, inclusive, of the Government Code, or in the California State University and Colleges Trust Fund, moneys received in connection with the following sources or purposes:

(a) Gifts, bequests, devises, and donations received under Section 24000.

(b) Any student loan or scholarship fund program, including but not limited to, student loan programs of the state, federal government (including programs referred to in Section 24001), local government, or private sources.

(c) Advance payment for anticipated expenditures or encumbrances in connection with federal grants or contracts.

(d) Room, board, and similar expenses of students enrolled in the international program of the California State University and Colleges.

(e) Cafeteria replacement funds.

(f) Miscellaneous receipts in the nature of deposits subject to return upon approval of a proper application.

SEC. 67. Section 24000.2 of the Education Code is amended to read:

24000.2. The California State University and Colleges Trust Fund is hereby created in the State Treasury. Money in the California State University and Colleges Trust Fund is appropriated to the trustees as provided in Section 24002. Interest accruing upon the investment of moneys of the California State University and Colleges Trust Fund shall be paid into and credited to such fund. The trustees shall apportion as of June 30 and December 31 of each year the revenues earned and deposited in the fund during the six calendar months

ending with such dates. There shall be apportioned and credited to each campus of the California State University and Colleges having deposits in the fund, an amount directly proportionate to the total deposits in the fund and the length of time such deposits remained therein. The chief fiscal officer of each campus of the California State University and Colleges may allocate further this amount to the extent considered necessary.

SEC. 68. Section 24001 of the Education Code is amended to read:

24001. The trustees are vested with all necessary power to perform acts, receive and expend funds, and cooperate with state and federal agencies as provided in Section 554 for the purpose of receiving and spending the funds provided by the act of Congress entitled "An act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes" (National Defense Education Act of 1958), approved September 2, 1958, and the act of Congress entitled "An act to amend the Public Health Service Act to increase the opportunities for training professional nursing personnel, and for other purposes" (Nurse Training Act of 1964), approved September 4, 1964.

The trustees may provide for the establishment and maintenance of student loan funds pursuant to any of said acts of Congress. Money allocated for the purpose of establishing a student loan fund at a campus of the California State University and Colleges may be withdrawn from the State Treasury and deposited to the credit of that institution in a trust account in accordance with the provisions of Sections 16305 to 16305.7, inclusive, of the Government Code for the purpose of making loans to students in accordance with the federal acts.

SEC. 69. Section 24003 of the Education Code is amended to read:

24003. Notwithstanding any other provision of law to the contrary, grants, revenues and funds of any nature received by the trustees for research, workshops, conferences, institutes and special projects from the state, federal government, local government, or private persons, may be transmitted to the State Treasurer and, if transmitted, shall be deposited in the State Treasury to the credit of the California State University and Colleges Special Projects Fund, which fund is hereby created.

All such grants, revenues and funds are hereby appropriated without regard to fiscal years to the trustees for the operation, support, and development of research, workshops, conferences, institutes, and special projects in the California State University and Colleges.

Provision shall be made by the trustees for reimbursements to the General Fund for the cost of space and services furnished to projects funded by the California State University and Colleges Special Projects Fund.

Notwithstanding any other provision of the law to the contrary, the trustees shall have authority to establish the rules and procedures

under which the fund shall operate. All expenditures shall be made in accordance with such rules and procedures, without prior approval of the Department of General Services or the Department of Finance. All expenditures shall receive an annual postaudit by the Audits Division of the Department of Finance.

Moneys in the California State University and Colleges Special Projects Fund may be invested by the State Treasurer, upon approval of the trustees in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer and shall be deposited in the State Treasury to the credit of the California State University and Colleges Special Projects Fund.

SEC. 70. Section 24051 of the Education Code is amended to read:

24051. The trustees shall control and expend all money appropriated for the support and maintenance of the California State University and Colleges, and all money received as donations pursuant to Section 24000.

SEC. 71. Section 24053.7 of the Education Code is amended to read:

24053.7. Notwithstanding any other provision of law, the chief administrative officer of each campus of the California State University and Colleges shall be responsible for the propriety of the expenditure, and the integrity of the financial reporting, of the following funds received by such campus:

(1) State appropriations
(2) Gifts
(3) Bequests
(4) Trust funds
(5) Grants, loans, or combinations thereof.

The chief administrative officer shall also be responsible for the propriety of all expenditures, and the integrity of the financial reporting, made by auxiliary organizations. The chief administrative officer of a state university or college is, for the purpose of this section, the president of the university or college.

SEC. 71.3. Section 24054 of the Education Code is amended to read:

24054. (a) A certified public accountant shall be selected by each auxiliary organization described in Section 24054.5. Upon being notified of the certified public accountant selected by an auxiliary organization, the office of the chancellor shall forward the applicable auditing and reporting procedures to the selected certified public accountant. In accordance with procedures prescribed by the Department of Finance, such certified public accountant shall annually audit any and all state university or college auxiliary funds. The auxiliary organizations shall contract for and receive such audit annually, and shall submit such audit to the trustees and to the Director of Finance. Auxiliary organizations shall annually publish an audited statement of their financial condition which shall be disseminated as widely as feasible and be available to any person on

request. In the case of an auxiliary organization primarily serving a single campus of the California State University and Colleges, publication in the campus student newspaper shall be deemed compliance with this requirement. In the case of an auxiliary organization serving the trustees or the California State University and Colleges, distribution of the published audited statement of its financial condition at a regularly scheduled meeting of the trustees shall be deemed compliance with this requirement.

(b) In the case of an auxiliary organization primarily serving a single campus of the California State University and Colleges, the president of that state college shall be responsible for ascertaining that all expenditures are in accordance with policies of the trustees, the propriety of all expenditures, and the integrity of the financial reporting, made by auxiliary organizations.

(c) The operation of auxiliary organizations shall be conducted in conformity with regulations established by the trustees, and the accounting procedures of such auxiliary organizations shall be approved by the Director of Finance. The regulations shall include provisions requiring the governing board of each auxiliary organization to provide salaries, working conditions and benefits, exclusive of retirement and permanent status benefits, for the full-time employees of each auxiliary organization which are comparable to those provided California State University and Colleges employees performing similar services. For those employees whose duties are not comparable to classes in California State University and Colleges employment the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area.

SEC. 71.5. Section 24054.5 of the Education Code is amended to read:

24054.5. As used in this article, the term "auxiliary organization" includes the following entities:

(a) Any entity in which any official of the California State University or Colleges participates as a director as part of his official position.

(b) Any entity formed or operating pursuant to Article 2 (commencing with Section 23801) of this chapter.

(c) Any entity which operates a commercial service for the benefit of a campus of the California State University and Colleges on a campus or other property of the California State University and Colleges.

(d) Any entity whose governing instrument provides in substance that:

(1) Its purpose is to promote or assist any campus of the California State University and Colleges, or to receive gifts, property and funds to be used for the benefit of such campus or any person or organization having an official relationship therewith; and

(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of an official

of any campus of the California State University and Colleges, or selected, ex officio, from the membership of the student body or the faculty or the administrative staff of such campus.

(e) Any entity whose governing instrument provides in substance that·

(1) Its purpose is to promote or assist the trustees or the California State University and Colleges, or to receive gifts, property and funds to be used for the benefit of the trustees or the California State University and Colleges or any person or organization having an official relationship therewith; and

(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the trustees or an official of the California State University and Colleges, or selected, ex officio, from the membership of the trustees or the administrative staff of the California State University and Colleges.

(f) Any entity which, exclusive of the foregoing subdivisions of this section, is designated as an auxiliary organization by the trustees.

SEC. 71.7. Section 24054.7 of the Education Code is amended to read:

24054.7. This article shall not apply to any student body organization not formed or operating pursuant to Article 2 (commencing with Section 23801) of this chapter nor to any student or faculty society, social club, fraternity, or sorority, nor to any alumni association, whether officially recognized as a campus organization or not, unless it is described in Section 24054.5.

This section shall not be construed to alter or limit the powers of the trustees to establish rules and regulations governing organizations which maintain an official relationship with any campus of the California State University and Colleges or which use the name or facilities of such campus.

SEC. 72. Section 24057 of the Education Code is amended to read:

24057. Operations of commercial services on a campus of the California State University and Colleges, such as a food service or bookstore, or such commercial services as may be provided in a university or college union, shall, when operated by an auxiliary organization, be self-supporting.

Any surplus funds from commercial operations shall be used for such purposes as are consistent with regulations of the trustees.

SEC 73. Section 24058 of the Education Code is amended to read:

24058. No member of the governing board of an auxiliary organization shall be financially interested in any contract or other transaction entered 'nto by the board of which he is a member, and any contract or transaction entered into in violation of this section is void.

SEC. 74. Section 24059 of the Education Code is amended to read:

24059. No contract or other transaction entered into by the governing board of an auxiliary organization is void under the provisions of Section 24058, nor shall any member of such board be disqualified or deemed guilty of misconduct in office under said

provisions, if the circumstances specified in the following subdivisions exist:

(a) The fact of such financial interest is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such financially interested member or members, and

(b) The contract or transaction is just and reasonable as to the auxiliary organization at the time it is authorized or approved.

SEC. 75. Section 24060 of the Education Code is amended to read:

24060. The provisions of Section 24059 shall not be applicable if the circumstances specified in any of the following subdivisions exist:

(a) The contract or transaction is between an auxiliary organization and a member of the governing board of that auxiliary organization.

(b) The contract or transaction is between an auxiliary organization and a partnership or unincorporated association of which any member of the governing board of that auxiliary organization is a partner or in which he is the owner or holder, directly or indirectly, of a proprietorship interest.

(c) The contract or transaction is between an auxiliary organization and a corporation in which any member of the governing board of that auxiliary organization is the owner or holder, directly or indirectly, of 5 percent or more of the outstanding common stock.

(d) A member of the governing board of an auxiliary organization is interested in a contract or transaction within the meaning of Section 24058, and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction.

SEC. 76. Section 24061 of the Education Code is amended to read:

24061. It is unlawful for any person to utilize any information, not a matter of public record, which is received by him by reason of his membership on the governing board of an auxiliary organization, for personal pecuniary gain, regardless of whether he is or is not a member of the governing board at the time such gain is realized

SEC. 77. Section 24102 of the Education Code is amended to read:

24102. The trustees, with the approval of the Director of General Services, and the governing board of any school district within which a campus of the California State University and Colleges is located, may enter into an agreement providing for the leasing by the state of a school building of the school district for use by such campus as a laboratory demonstration elementary school on such terms and conditions as may be agreed upon by the trustees and the governing board of the school district except as otherwise herein provided.

The lease may be for a period of not to exceed 20 years and shall in addition to any other terms and conditions set forth therein (a)

require the school district to maintain the building at its own expense, (b) require such campus to maintain a school therein open to pupils of the school district residing in the attendance district for the school as established by the governing board of the district, and (c) require the school district to pay annually to the state on or before the end of each fiscal year an amount determined by computing the current expenditures per pupil in the elementary schools of the district for the fiscal year and multiplying the amount so computed by the average daily attendance for the fiscal year in the school in excess of 400

Only the average daily attendance in the school in excess of 400 shall be credited to the school district.

The average daily attendance of pupils in the school shall be computed separately in the same manner as the average daily attendance in other schools of the same grade maintained by the school district.

SEC. 78. Section 24153 of the Education Code is amended to read:

24153. On the basis of the examination and an evaluation of the candidate's experience and other qualifications made by the board, it shall recommend the granting of a baccalaureate degree in vocational arts by the California State University and Colleges.

SEC. 79. Section 24214 of the Education Code is amended to read:

24214. The trustees shall eliminate all policies which detrimentally and unreasonably affect the employment status of females hired by the California State University and Colleges. To accomplish this purpose, the trustees shall:

(a) Review hiring, wages, job classifications, and advancement practices as applied to female employees and take corrective measures where inequities exist;

(b) Review selection procedures utilized for employment of female employees to determine disparate selection practices;

(c) Assure opportunity of advancement for qualified female employees to executive positions within departments and divisions.

SEC. 80. Section 24301 of the Education Code is amended to read:

24301. (a) As used in this article, unless the context otherwise requires:

(1) "Dismissal" means dismissal for cause.

(2) "Layoff" means separation from a position for lack of funds or lack of work.

(3) "Probation" means the period an employee must serve before becoming entitled to permanent employment.

(4) "Permanent" means that the employee has a right to continued employment unless dismissed or laid off.

(b) This article does not apply to the California State University and Colleges presidents.

(c) This article does not apply to student assistants.

SEC. 81. Section 24316 of the Education Code is amended to read.

24316. Whenever a new campus of the California State University and Colleges is established and an employee is transferred from an

existing campus of the California State University and Colleges to the newly established campus before or during the first academic year of the newly established campus, each employee so transferred shall be entitled to retain all sickness and injury, sabbatical and other leave rights and all seniority and tenure rights accumulated as an employee of the existing campus of the California State University and Colleges as though the rights had been accumulated as an employee of the newly established campus of the California State University and Colleges.

Whenever the educational program of a newly established campus of the California State University and Colleges is, during the first year of its existence, limited to an off-campus educational program rather than a regular educational program, any employee transferring from an existing campus of the California State University and Colleges to the newly established campus of the California State University and Colleges before or during the first three academic years of the newly established campus shall be entitled to retain all sickness and injury, sabbatical and other leave rights and all seniority and tenure rights accumulated as an employee of the existing campus as though the rights had been accumulated as an employee of the newly established campus.

SEC. 82. The heading of Chapter 10 (commencing with Section 24351) of Division 18 of the Education Code is amended to read:

CHAPTER 10. CALIFORNIA STATE UNIVERSITY AND COLLEGES LABORATORY CLASSES FOR EXCEPTIONAL CHILDREN

SEC. 83. Section 24351 of the Education Code is amended to read:

24351. It is the intent and purpose of the Legislature in providing for the establishment at or in conjunction with individual state universities or colleges, under this chapter, of laboratory classes for exceptional children, to accomplish the following general aims:

(a) Improve programs presently offered within the California State University and Colleges system for the training of teachers in the education of exceptional children, and afford prospective teachers with direct experience with typical exceptional children.

(b) Provide facilities and workshops where needed systematic continuing research in the development of methods, means, and techniques in teaching of exceptional children shall be conducted.

(c) Accelerate the recruitment and training of prospective teachers of exceptional children and provide in-service training for credentialed teachers to improve their skills.

(d) Provide a combined and comprehensive university or college level program of research and teacher training to meet the needs of exceptional children such as will serve to attract and effectively utilize available public and private funds and grants.

(e) Provide for increased and improved special educational services for exceptional children through cooperation and coordination with local school districts and county offices.

SEC. 83.5. Section 24502 of the Education Code is amended to read:

24502. The following terms wherever used or referred to in this article, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Board" means the Trustees of the California State University and Colleges.

(b) "State college" and "campus of the California State University and Colleges" each means any of the institutions included within the California State University and Colleges as specified in Section 23601.

(c) The term "project" means any one or more dormitories or other housing facilities, boarding facilities, student union or activity facilities, vehicle parking facilities or any other auxiliary or supplementary facilities for individual or group accommodation, owned or operated or authorized to be acquired, constructed, furnished, equipped and operated by the board for use by students, faculty members or other employees of any one or more campuses of the California State University and Colleges, or a combination of such facilities, which may include facilities already completed and facilities authorized for future completion, designated by the board as a project in providing for the issuance of revenue bonds or notes.

(d) The term "bonds" or "revenue bonds" means the written evidence of any obligation, other than revenue bond anticipation notes, issued by the board with the approval of the State Board of Control, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this article, in order to obtain funds with which to carry out the purposes of this article, irrespective of the form of such obligations.

(e) The terms "notes" and "revenue bond anticipation notes" mean the written evidence of any obligation issued by the board, pursuant to Section 24503.1, in anticipation of the sale of revenue bonds, for the purpose of obtaining funds to carry out the purposes of this article.

(f) The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the board from the operation of or arising from a project, including any such revenue as may have been or may be impounded or deposited in any fund in the State Treasury created by this article for the security of any notes or bonds issued hereunder, or for the purpose of providing for the payment thereof or the interest thereon.

(g) The "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

(h) The term "indenture" means an agreement entered into by

the board pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the board or by other instrument.

(i) The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this state or any public corporation, political subdivision, city, county, district or any agency thereof or of this state.

(j) (1) The present tense includes the past and future tenses; and the future, the present.

(2) The masculine gender includes the feminine and neuter.

(3) The singular number includes the plural, and the plural the singular.

(4) "Shall" is mandatory and "may" is permissive.

SEC. 84. Section 24560 of the Education Code is amended to read:

24560. The proceeds from the sale of all bonds and notes authorized under the provisions of this article, except those proceeds used to redeem outstanding notes, shall be deposited forthwith by the State Treasurer, on order of the State Controller, in the State Treasury to the credit of a fund to be designated as the California State University and Colleges Dormitory Construction Fund, which fund is hereby created. The money in such construction fund shall be expended, pursuant to claims filed by the board with the State Controller, for the purposes authorized by this article, or as provided in the indenture or notes, and for such other purposes, subject to the restrictions provided by law, by the notes, or by the indenture, as may be authorized by resolution of the board approved by the State Board of Control. Moneys required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition, construction, furnishing and equipping of any project authorized by this article shall be paid from the said construction fund as herein provided upon claim filed by the board and after audit by the State Controller in the manner provided by law and upon warrants drawn by the Controller.

SEC. 85. Section 24561 of the Education Code is amended to read:

24561. To the extent and in the manner provided in the indenture or in a resolution authorizing the issuance of notes, all revenues received from the operation of any project acquired or constructed by the board under the provisions of this article shall be transmitted by the board at least once in every calendar month, to the State Treasurer. On order of the State Controller, the said Treasurer shall deposit such revenues in the State Treasury to the credit of the California State University and Colleges Dormitory Revenue Fund, which fund is hereby created. Moneys in the California State University and Colleges Dormitory Revenue Fund shall be used to pay the costs of operation and maintenance of the projects authorized by this article, including refunds authorized by Section 24556.5, to provide the amounts required for interest and redemption of notes and bonds as provided in this article, and for any

other purposes authorized by resolution of the board approved by the State Board of Control, subject to any restrictions provided by law, a resolution authorizing the issuance of notes, or the indenture.

SEC. 86. Section 24562 of the Education Code is amended to read:

24562. For the payment of the principal and interest of the notes and bonds authorized to be issued under this article, an interest and redemption fund in the State Treasury is hereby created, to be designated the California State University and Colleges Dormitory Interest and Redemption Fund. From the money deposited in the California State University and Colleges Dormitory Construction Fund, the State Treasurer, on order of the State Controller, shall transfer to the California State University and Colleges Dormitory Interest and Redemption Fund such sums as may be required to pay the interest as it becomes due on all notes and bonds sold and outstanding for the construction or acquisition of a particular project authorized under this article during the period of actual construction or acquisition thereof and during such period thereafter as may be provided in the indenture or authorized by resolution of the board approved by the State Board of Control. The State Treasurer, on order of the State Controller, shall thereafter transfer from the California State University and Colleges Dormitory Revenue Fund to the California State University and Colleges Dormitory Interest and Redemption Fund such sums as may be required to pay the interest on said notes and bonds and redeem the principal thereof as such interest payments and note and bond redemptions fall due for all notes and bonds issued under the provisions of this article.

SEC. 87. Section 24564 of the Education Code is amended to read:

24564. Moneys in the California State University and Colleges Dormitory Construction Fund may be invested by the board, with the approval of the State Board of Control, subject only to such limitations as may be provided in any resolution authorizing the issuance of revenue bond anticipation notes or in any indenture providing for the issuance of revenue bonds. All securities or other investments made under the provisions of this article shall be held by the State Treasurer as custodian thereof. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and, on order of the State Controller, shall be deposited in the State Treasury to the credit of the fund from which such interest or other earnings are derived.

SEC. 88. Section 24565 of the Education Code is amended to read:

24565. After all of the notes and revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the California State University and Colleges Dormitory Construction Fund shall, subject to the limitations and restrictions in any resolution authorizing the issuance of the notes or in any indenture providing for the issuance of the revenue bonds, remain available for the acquisition of sites for, and for the construction, equipping and furnishing of, buildings for the California State University and

Colleges.

SEC. 89. The heading of Chapter 12 (commencing with Section 24651) of Division 18 of the Education Code is amended to read:

CHAPTER 12. CALIFORNIA STATE UNIVERSITY AND COLLEGES POLICE

SEC. 90. Section 24651 of the Education Code is amended to read:

24651. The trustees may appoint one or more persons to constitute a police department for each campus of the California State University and Colleges. Persons employed and compensated as members of a California State University and Colleges police department, when so appointed and duly sworn, are peace officers; provided that such officers shall not exercise their powers or authority except (a) upon any campus of the California State University and Colleges and in an area within one mile of the exterior boundaries of each such campus, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University and Colleges, or by trustees or the state on behalf of the California State University and Colleges, and (b) as provided in Section 830.2 of the Penal Code.

SEC. 91. Section 24652 of the Education Code is amended to read:

24652. Every member of a California State University and Colleges police department shall be supplied with, and authorized to wear, a badge bearing the words "California State University and Colleges Police."

SEC. 93. Section 24675 of the Education Code is amended to read:

24675. The Trustees of the California State University and Colleges may establish and maintain a child development center on or near each campus of the California State University and Colleges pursuant to the provisions of Division 12.5 (commencing with Section 16700).

SEC. 95. The heading of Chapter 13 (commencing with Section 24751) of Division 18 of the Education Code is amended to read:

CHAPTER 13. SPECIFIC PROVISIONS RELATING TO PARTICULAR CAMPUSES OF THE CALIFORNIA STATE UNIVERSITY AND COLLEGES

SEC. 96. The heading of Article 2 (commencing with Section 24751) of Chapter 13 of Division 18 of the Education Code is amended to read:

Article 2. California State Polytechnic University, Pomona

SEC. 97. Section 24751 of the Education Code is amended to read:

24751. In addition to the functions provided by Section 22606 the California State Polytechnic University shall be authorized to

emphasize the applied fields of agriculture, engineering, business, home economics and other occupational and professional fields. This article shall be liberally construed.

SEC. 98. Section 24752 of the Education Code is amended to read:

24752. The California State Polytechnic University Agricultural Project Revolving Fund in the sum of ten thousand dollars ($10,000) is continued in existence. The fund shall be used for loans to needy and deserving students for the purchase of livestock, poultry, seed, feed, and such other materials as are necessary for the conducting of projects by students under supervision of instructors in the school. All sums borrowed shall be returned to the revolving fund as soon as projects are completed.

SEC. 99. Section 24753 of the Education Code is amended to read:

24753. The trustees, with the consent of the Director of Finance, may sell or trade such of the property belonging to the state and used for the California State Polytechnic University as may in the judgment of the trustees be disposed of advantageously. The proceeds of the sale shall be used for the purchase of such other land for the use of the California State Polytechnic University as the trustees and the Director of Finance may deem necessary.

SEC. 100. The heading of Article 3 (commencing with Section 24754) of Chapter 13 of Division 18 of the Education Code is amended to read:

Article 3. San Francisco State University Downtown Center

SEC. 101. Section 24754 of the Education Code is amended to read:

24754. Notwithstanding any other provision of law, the trustees may rent, lease, sell, or trade the property belonging to the state and used for the San Francisco State University Downtown Center, located at 540 Powell Street, San Francisco, California. All proceeds derived from such renting, leasing, sale, or trade shall be used for the acquisition, construction, improvement, or leasing of a downtown center for the California State University, San Francisco.

SEC. 102. The heading of Article 5 (commencing with Section 24951) of Chapter 13 of Division 18 of the Education Code is amended to read:

Article 5. California State University, San Francisco Child Care Center

SEC. 103. Section 24951 of the Education Code is amended to read:

24951. The California State University, San Francisco may maintain a child care center as an integral part of the state university. The center shall be used for observation, demonstration, study, student experience, and student teaching

SEC. 104. Section 24952 of the Education Code is amended to read:

24952. The trustees shall determine the fee which the state university shall charge the parents or guardian of any child admitted to the center. All fees shall be used to reimburse the state university for the cost of operating and maintaining the center.

SEC. 105. Section 24954 of the Education Code is amended to read:

24954. The budget for the center may be prepared and submitted to the trustees with the budget of the state university.

SEC. 106. The heading of Article 6 (commencing with Section 25053) of Chapter 13 of Division 18 of the Education Code is amended to read:

Article 6. California State University, Northridge

SEC. 107. Section 25053 of the Education Code is amended to read:

25053. All property, both real and personal, of the San Fernando campus of the Los Angeles State College of Applied Arts and Sciences is hereby assigned to the state university or college located in the San Fernando Valley.

SEC. 108. Section 25054 of the Education Code is amended to read:

25054. Each employee of the Los Angeles State College of Applied Arts and Sciences who is transferred to the state university or college located in the San Fernando Valley on or before the beginning date of the academic school year 1958–59 shall be entitled to retain all sickness and injury, sabbatical and other leave rights and all seniority and tenure rights accumulated as an employee of the Los Angeles State College of Applied Arts and Sciences as fully as though there had been no change in the name or operation of the college.

SEC. 109. The heading of Chapter 14 (commencing with Section 25200) of Division 18 of the Education Code is amended to read:

CHAPTER 14. CALIFORNIA STATE UNIVERSITY AND COLLEGES CONTRACT LAW

SEC. 110. Section 25200 of the Education Code is amended to read:

25200. This chapter may be cited as the California State University and Colleges Contract Law.

SEC. 111. Section 25201 of the Education Code is amended to read:

25201. As used in this chapter:

(a) "Project" includes the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind which will exceed in cost a total of ten thousand dollars ($10,000).

(b) "Trustees" means the Trustees of the California State University and Colleges.

(c) "Service contract" means any contract for services in connection with a project other than a project contract, and includes, but is not limited to, contracts for architectural, engineering, planning, testing, general studies, or feasibility services.

SEC. 112. Section 25236 of the Education Code is amended to read:

25236. The trustees may receive bids for the construction of several public works projects at one campus of the California State University and Colleges as a single project. Where more than one appropriation has been made for the several projects united as a single project under the provisions of this section, payments for the single project shall be made from the separate appropriations on such proportional basis as may be determined by the trustees and approved by the Department of Finance.

SEC. 113. Section 25557 of the Education Code is amended to read:

25557. The Superintendent of Public Instruction may authorize the California School for the Deaf to establish and maintain teacher training courses designed to prepare teachers of the public schools and such other persons holding a credential issued by the State Board of Education as are recommended by the president of a campus of the California State University and Colleges, to give instruction to the deaf and the hard of hearing. The Superintendent of Public Instruction shall prescribe standards for the admission of persons to the courses, and for the content of the courses.

The California School for the Deaf may enter into agreements with the Trustees of the California State University and Colleges, the University of California, or any other university or college accredited by the State Board of Education as a teacher training educational institution, to provide practice teaching required for issuance of the credential authorizing the holder to teach the deaf and severely hard of hearing. Such agreement may provide a reasonable payment, for services rendered, to teachers of the California School for the Deaf who have practice teachers under their direction.

SEC. 114. Section 25905 of the Education Code is amended to read:

25905. The Superintendent of Public Instruction may authorize the California School for the Blind to establish and maintain, either independently or in cooperation with the University of California or the Trustees of the California State University and Colleges, teacher training courses for teachers of the blind. The Superintendent of Public Instruction shall establish standards for the admission of persons to the courses, and for the content thereof.

The California School for the Blind may enter into agreements with the Trustees of the California State University and Colleges, the University of California, or any other university or college accredited by the State Board of Education as a teacher training educational

institution, to provide practice teaching required for issuance of the credentials authorizing the holder to teach the visually handicapped, the deaf-blind, or provide orientation and mobility instruction. Such agreement may provide a reasonable payment, for services rendered, to teachers of the California School for the Blind who have practice teachers under their direction.

SEC. 115. Section 26452 of the Education Code is amended to read:

26452. The Superintendent of Public Instruction may, in cooperation with an accredited college or university, authorize the California schools for neurologically handicapped children to establish and maintain teacher training courses designed to prepare teachers to instruct neurologically handicapped children in special classes in the public school system. The Superintendent of Public Instruction, in cooperation with an accredited college or university, shall prescribe standards for the admission of persons to the courses, and for the contents of the courses. Courses conducted in the schools shall be counted toward requirements of a credential in the area of the educationally handicapped upon the establishment of such a credential.

The Diagnostic Schools for Neurologically Handicapped Children may enter into agreements with the Trustees of the California State University and Colleges, the University of California, or any other university or college accredited by the State Board of Education as a teacher training educational institution, to provide practice teaching required for issuance of the credential authorizing the holder to teach the educationally handicapped. Such agreement may provide a reasonable payment, for services rendered, to teachers of the Diagnostic Schools for Neurologically Handicapped Children who have practice teachers under their direction.

SEC. 116. Section 29040 of the Education Code is amended to read:

29040. No person, firm, association, partnership, or corporation shall use or allow the use of any reproduction or facsimile of the Great Seal of the state on any diploma.

This section does not apply to the University of California, or to the California State University and Colleges, any community college or to any school which is part of the public school system.

SEC. 117. Section 30201 of the Education Code is amended to read:

30201. For purposes of this chapter the determination of definite need shall be established by the appropriate body as follows:

(a) The determination of need for a regional occupational center shall be established by the governing body of the agency maintaining the center

(b) The determination of need for a high school shall be established by the governing body of the district maintaining the high school.

(c) The determination of need for a community college shall be

established by the governing body of the district maintaining the community college.

(d) The determination of need for the state universities and colleges shall be established by the Trustees of the California State University and Colleges.

SEC. 118. Section 30202 of the Education Code is amended to read:

30202. (a) After November 23, 1970, no programs, courses, classes, or instruction in cosmetology, as defined by Section 7321 of the Business and Professions Code, shall, except as provided in subdivision (b), be initiated or expanded by any regional occupational center, high school, public community college, or campus of the California State University and Colleges unless and until a determination has been made, by the appropriate body pursuant to Section 30201, that a definite need exists for the initiation or expansion of such instruction and that existing private institutions offering the same or similar instruction are not adequately meeting that need.

(b) Notwithstanding the provision of subdivision (a) of this section, a regional occupational center, high school, public community college, or campus of the California State University and Colleges may initiate or expand programs, courses, classes, or instruction in cosmetology even though the appropriate body has determined that no definite need exists. In order to do so, the governing body maintaining the institution which will establish the programs, courses, classes, or instruction shall read the report of the appropriate body at a public meeting

SEC. 119. Section 30205 of the Education Code is amended to read:

30205. The appropriate body, as referred to in Section 30201, shall report its findings within 90 days from the date of being notified by a regional occupational center, high school, community college, or campus of the California State University and Colleges of its intent to initiate or expand its teaching of cosmetology.

SEC. 120. Section 31203 of the Education Code is amended to read:

31203. No person shall be awarded a scholarship unless:

(a) He is a resident of California as determined under the provisions of this code for determining the resident status of a student of a state university or college for the purposes of California State University and Colleges admission fees and rates of tuition. Wherever such provisions refer to the trustees the reference shall, for the purposes of this section, be deemed to be to the commission, any reference to "the opening day of a semester during which a person proposes to attend a state university or college" shall be deemed to be the day upon which a person will receive a scholarship as determined by the commission, and any reference to "immediately prior to first entering any California institution of higher learning" shall be deemed to be immediately prior to the day

upon which a person will receive a scholarship, as determined by the commission.

(b) He has not attained his 30th birthday. This age limitation does not apply in the case of renewed scholarship awards or for veterans as defined by the commission.

(c) He has graduated from high school or has been accepted for admission by an accredited university or college.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state competitive scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of state competitive scholarships adopted pursuant to this chapter.

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

SEC. 121. Section 31208 of the Education Code is amended to read:

31208. The membership of the commission shall be as follows:

(a) Three representatives of private institutions of collegiate grade located in California;

(b) One representative of the University of California;

(c) One representative of California State University and Colleges located in California;

(d) One representative of public community colleges located in California;

(e) Three representatives who shall be lay citizens of California, one of whom shall be a member of the governing board of a school district which includes at least one secondary school.

There shall not at any time be two or more persons serving as members of the commission who are professionally affiliated with, or hold a baccalaureate degree from, or are employed by, or serve as a member of the governing board of, the same institution of collegiate grade located in California.

SEC. 122. The heading of Chapter 3.4 (commencing with Section 31226) of Division 22 of the Education Code is amended to read:

CHAPTER 3.4. CALIFORNIA STATE UNIVERSITY AND COLLEGES EDUCATIONAL OPPORTUNITY PROGRAM

SEC. 123. Section 31226.1 of the Education Code is amended to read:

31226.1. California State University and Colleges Educational

Opportunity Program grants may be awarded to persons selected for enrollment in programs authorized by the trustees according to the procedures established by the trustees, provided that they are residents of this state, are high school graduates or have, pursuant to such procedures, equivalent qualifications, and have been nominated by their high school, the Veterans Administration, a state agency or educational agency designated by the trustees, or a state university or college president. The trustees shall determine eligibility for grants awarded pursuant to this chapter. Such grants may be granted and renewed according to standards set by the trustees until the student has received a baccalaureate degree or has completed four academic years, whichever occurs first. In special circumstances, such as illness or military service, or family hardship, the trustees may renew the grant beyond the fourth year of study, provided the student has not received a baccalaureate degree. When the recipient is an enrollee in a special educational opportunity program approved by the trustees, for the purposes of this chapter, the state university or college sponsoring the program shall receive from the trustees reimbursement of up to sixty dollars ($60) per month per enrollee up to 12 months support.

SEC. 124. Section 31226.4 of the Education Code is amended to read:

31226.4. Each high school in this state may nominate to the trustees students it deems deserving of the grants made available under this chapter. The trustees shall compile a list of students so nominated from which it may select students for grants in accordance with standards set by the trustees pursuant to this chapter. The Veterans Administration, state agencies and educational agencies and California State University and Colleges presidents may nominate persons whom they deem eligible for such grants.

SEC. 125. Section 31226.5 of the Education Code is amended to read:

31226.5. Records of the academic progress of each student attending a campus of the California State University and Colleges under a grant shall be kept by each campus of the California State University and Colleges having a program and forwarded to the trustees in order that the program created by this chapter may be evaluated.

SEC. 126. Section 31226.6 of the Education Code is amended to read:

31226 6. Each campus of the California State University and Colleges may submit plans for a special educational opportunity program for approval by the trustees. Each program qualifying shall be authorized a program director and may be authorized such special qualified counselors and advisers and such related operating and equipment support as is appropriate.

SEC. 127. Section 31226.7 of the Education Code is amended to read:

31226.7. This chapter shall be known as the California State University and Colleges Educational Opportunity Act.

SEC. 128. Section 34500 of the Education Code is amended to read:

34500. Notwithstanding any other provision of law, the Trustees of the California State University and Colleges and any school district may enter into an agreement for the exchange of personnel between a university or college and the district.

Nothing in this chapter shall be construed to limit the present authority of the parties, which exists by law, to participate in other agreements concerning the exchange, transfer, or temporary assignment of personnel.

SEC. 129. Section 34501 of the Education Code is amended to read:

34501. An agreement authorized by Section 34500 shall provide that an employee of the California State University and Colleges engaged in teacher training may assume the duties of one of the certificated employees of the district engaged in classroom teaching, and that the certificated employee of the district may assume the duties of the state university or college employee engaged in teacher training.

SEC. 130. Section 34503 of the Education Code is amended to read:

34503. During such time as an employee has assumed duties in another entity, pursuant to this chapter, he shall continue to be an employee of the California State University and Colleges, or school district, as the case may be, for all purposes, including, but not limited to, salary, membership in a retirement system, tenure rights, and all other incidents of employment.

SEC. 131. It is the intent of the Legislature in enacting this act to make technical corrections in various provisions relating to the California State University and Colleges.

SEC. 132. Any section of any other act enacted by the Legislature in 1974 at its 1973–74 Regular Session, which takes effect on or before January 1, 1975, and which amends, amends and renumbers, or repeals a section or heading amended, amended and renumbered, or repealed by this act, shall prevail over this act whether such act is enacted prior or subsequent to this act.

CHAPTER 45

An act to amend Section 11011.1 of the Government Code, relating to surplus property.

[Approved by Governor February 28, 1974 Filed with Secretary of State February 28, 1974]

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

SECTION 1. Section 11011.1 of the Government Code is amended to read:

11011.1. (a) Land that has been declared surplus by the Legislature, pursuant to Section 11011, and is not needed by any state agency shall be offered to local governmental agencies at fair market value. Where such land is to be used for park and recreation purposes and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may, notwithstanding any provision in Section 11011, transfer the land to local governmental agencies at the fair market value of the land or at any lesser value of the land, if such transfer is in the public interest, under the following conditions:

(i) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(ii) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years. The deed or other instrument of transfer shall provide that the land shall revert to the state if the land is not developed within the time period so determined by the state.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with parks and recreation purposes during the period of 25 years following the sale.

Where such land is to be used for public purposes other than park and recreation purposes, operated by the local agency at no expense to the state, and the use and enjoyment of the public purpose contemplated will be of broad public benefit, and not a benefit basically of local interest enjoyed and used primarily by the residents of the area of tax jurisdiction of the local agency, the Director of General Services, with the approval of the State Public Works Board, may transfer the land to local government agencies at a sales price no less than 50 percent of fair market value. Any such transfer shall provide that if the land is not used for the contemplated purpose during the period of 25 years following the sale, the land shall revert to the state. The Director of General Services may provide additional terms and conditions as he determines to be in the best interest of the state.

(b) Where such land is to be used for open-space purposes, as defined herein, and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may transfer the land to local governmental agencies at fair market value of the land or at any lesser value of the land under the following conditions:

(i) The local public agency has submitted a plan for the use of the

property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which plan has been approved by the Director of Parks and Recreation.

(ii) The land must be used according to plan within a time period determined by the state but not to exceed 10 years.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with open-space purposes during the period of 25 years following the sale.

(iv) For the purpose of this subdivision, "open-space purpose" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

CHAPTER 46

An act to amend Sections 2285 and 25863 of the Health and Safety Code, Section 3720 of the Labor Code, Sections 3423 and 4179 of the Public Resources Code, Section 4831 of the Revenue and Taxation Code, and Section 13305 of the Water Code, relating to liens.

[Approved by Governor February 28, 1974. Filed with Secretary of State February 28, 1974.]

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

SECTION 1. Section 2285 of the Health and Safety Code is amended to read.

2285. Notice of the lien, particularly identifying the property on which the nuisance was abated and the amount of such lien, and naming the owner of record of such property, shall be recorded by the district board in the office of the county recorder of the county in which the property is situated within one year after the first item of expenditure by the board or within 90 days after the completion of the work, whichever first occurs. Upon such recordation, such lien shall have the same force, effect and priority as if it had been a judgment lien imposed upon real property which was not exempt from execution, except that it shall attach only to the property described in such notice, and shall continue for 10 years from the time of the recording of such notice unless sooner released or otherwise discharged.

SEC. 2. Section 25863 of the Health and Safety Code is amended to read:

25863. (a) A lien in favor of the people of California shall be imposed upon any object, building, structure, or premises for the reasonable amount of expenses and costs incurred by the department in carrying out the provisions of Section 25862, 25862.1,

25862.3, or 25862.4 if the owner of the property or of any interest therein is the person responsible for the contamination, and to the extent of the interest of such person. Notice of lien or notice of intent to impose a lien shall be posted by the department upon any object, building, structure, or premises impounded or seized by the department and notice of lien or notice of intent to impose a lien shall be filed with the county recorder of the county in which they are located.

The lien shall not become effective until the notice of lien, particularly identifying the property, the interest subject to the lien and the name of the owner of record of such property, and the amount of such lien, is recorded in the office of the county recorder in the county where the property is located. Upon such recordation, the lien shall have the same force, effect and priority as if it had been a judgment lien imposed upon real property which was not exempt from execution, except that it shall attach only to the property described in such notice and impounded or seized by the department, and shall continue for 10 years from the time of the recording of such notice unless sooner released or otherwise discharged.

(b) The department may at any time release all or any portion of the property subject to a lien imposed pursuant to subdivision (a) from the lien or subordinate such lien to other liens and encumbrances if it determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by the department to the effect that any property has been released from such lien or that such lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in such certificate.

SEC. 3. Section 3720 of the Labor Code is amended to read:

3720. When the appeals board determines under Section 3715 that a claim has been filed with it against an employer who has not secured the payment of compensation as required by this division, the administrative director shall record in the office of the county recorder in the counties where such employer's property is located, a certificate prepared and furnished him by the appeals board showing the date on which such application was filed with the appeals board, the name and address of the employer against whom it was filed, and the fact that the employer has not secured the payment of compensation as required by this division. Upon such recordation, such certificate constitutes a valid lien in favor of the Director of Industrial Relations, and shall have the same force, effect and priority as a judgment lien and shall continue for 10 years from the time of the recording of such certificate unless sooner released or otherwise discharged. A copy of such a certificate shall be served upon the employer by the appeals board.

SEC. 4. Section 3423 of the Public Resources Code is amended to

read:

3423. The assessment and charges levied under this article are a lien upon all the property of every kind and nature belonging to the persons assessed. The assessments and charges levied upon oil or gas removed from any land in this state are a lien upon the land from which the oil or gas has been extracted. The lien shall attach on the first Monday in March of each year. The lien may be enforced and the charges collected by an action by the State Controller as provided by this article.

When an assessment shall have been levied, but shall not have been paid prior to the first Monday in February following such levy, if the certificate of delinquency is to be recorded as hereinafter provided, the Controller shall, within twenty-five (25) days thereafter, mail a notice to the owner of the land at his last known address as it appears in the office of the county assessor for the county in which the land is situate, or if no address appears in the office of the county assessor, then to the last address of the owner of the land as last shown on the records of the said county assessor. The notice shall contain a statement of the amount of the assessment, the date upon which the assessment was levied, the fact that the records of the Controller show the assessment to be unpaid, and shall declare that unless the assessment is paid before the first Monday in March following, the lien provided for in this section will attach.

When any person assessed shall be delinquent in the payment of the charges, interest or penalties as herein provided, the Controller may, on or before the 30th day of May next following the delinquency, record a certificate with the county recorder of the county in which the oil or gas was extracted, specifying the amount of the charges, interest and penalty due, the name and address of the assessee liable for the same, as it appears from his records, the name and address of the assessed owner of the land from which the oil or gas was extracted, together with its description, as it appears on the records of the county tax collector in which the property is located, that there has been compliance with all the provisions of law in relation to the computation and assessment of the charges. Upon recording such certificate the amount of the lien as above provided is determined and shall have the same force, effect and priority as a judgment lien, except that it shall attach only to the property described in such certificate, and shall continue for 10 years from the time of the recording of such certificate unless sooner released or otherwise discharged.

A warrant may be issued by the State Controller or his duly authorized representative for the collection of any charges, interest and penalty and for the enforcement of any lien directed to the sheriff or constable, and shall have the same effect as a writ of execution. It may and shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy upon and sale of real property pursuant to a writ of execution.

Notwithstanding any provisions of law to the contrary, the owner

of said land may redeem from any execution sale within a period of three years upon payment of interest, penalties and charges as provided in the case of other sales of real property under execution.

The sheriff or constable shall receive, upon the completion of his services pursuant to a warrant, and the Controller is authorized to pay to him the same fees and commissions and expenses in connection with services pursuant to said warrant as are provided by law for similar services pursuant to a writ of execution; provided, that fees for publication in a newspaper shall be subject to approval by the Controller rather than by the court; said fees, commissions and expenses shall be an obligation of the person or persons liable for the payment of said charges and may be collected from such person or persons by virtue of the warrant or in any other manner provided in this article for the collection of such charges.

In the event that the lien of the charges, penalties or interest attaches to real property from which the oil or gas is extracted and more than one parcel of property is included within the lien, the Controller may release by certificate as hereinabove provided from the lien of said charges, interest, penalties and costs, upon payment by the owner of any parcel or parcels of property of his proportionate share of the assessment of the oil or gas extracted from all land included within said lien owned by him.

The Controller may at any time release all or any portion of the property subject to the lien from the lien or subordinate the lien to other liens if he determines that the charges are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of such charges. A certificate by the Controller to the effect that any property has been released from the lien herein provided for or that such lien has been subordinated to other liens shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

It is expressly provided that the remedies provided herein of the state shall be cumulative and that no action by the Controller shall be construed to be an election on the part of the state, or of any of its officers, to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this article.

SEC. 5. Section 4179 of the Public Resources Code is amended to read:

4179. Notice of the lien, particularly identifying the property on which the nuisance was abated and the amount of such lien, and naming the owner of record of such property, shall be recorded by the State Forester in the office of the county recorder of the county in which the property is situated within one year after the first item of expenditures by the State Forester or within 90 days after the completion of the work, whichever first occurs. Upon such recordation of the notice of lien, the lien shall have the same force, effect, and priority as a judgment lien, except that it shall attach only to the property described in such notice, and shall continue for 10

years from the time recording of such notice unless sooner released or otherwise discharged.

SEC. 6. Section 4831 of the Revenue and Taxation Code is amended to read:

4831. When it can be ascertained from the roll or any papers in the assessor's office what was intended, or what should have been assessed, defects in description or form or clerical errors of the assessor on the roll or other errors of the assessor not involving the exercise of judgment as to value which result in the entry on the roll of assessed values other than those intended by the assessor may be corrected under this article at any time after the roll is delivered to the auditor by the clerk of the county board and prior to the expiration of four years after the making of the assessment which is being corrected.

In the event the correction has the effect of increasing the amount of taxes due on real property for the year or years in which such correction is made, such increased amount of taxes shall not create, impose or constitute a lien or charge on such real property if (a) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon, or (b) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon. In such case, the assesssor or tax collector may record with the county recorder of any county a certificate which shall set forth in the name of the person who was the assessee in the year in which such correction was made and the amount or amounts of any such correction. From the date of the recording of such certificate, a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded for the amount of such taxes, which lien shall have the force, effect and priority of a judgment lien, and shall continue for 10 years from the time of the recording of such certificate unless sooner released or otherwise discharged.

The tax collector, with the approval of the board of supervisors, may at any time, release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or

lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

Taxes which do not create, impose or constitute a lien or charge on the property assessed may be transferred from the secured roll to the unsecured roll of the corresponding year by the county auditor on order of the board of supervisors with the written consent of the district attorney and shall be collected in the same manner as other delinquent taxes on the unsecured roll and shall be subject to delinquent penalties in the same manner as taxes transferred to the unsecured roll under Section 4986. The statute of limitations for the collection of such taxes shall commence to run from the date of transfer.

SEC. 7. Section 13305 of the Water Code is amended to read:

13305. (a) Upon determining that a condition of pollution or nuisance exists which has resulted from a nonoperating industrial or business location within its region, a regional board may cause notice of such condition to be posted upon the property in question. The notice shall state that such condition constitutes either a condition of pollution or nuisance which must be abated by correction of such condition, otherwise it will be corrected by the city, county, other public agency, or regional board at the property owner's expense. Such notice shall further state that all property owners having any objections to the proposed correction of such condition may attend a hearing to be held by the board at a time not less than 10 days from the posting of the notice.

(b) Notice of the hearing prescribed in this section shall be given in the county where the property is located pursuant to Section 6061 of the Government Code.

(c) In addition to posting and publication, notice as required in this section shall be mailed to the property owners as their names and addresses appear from the last equalized assessment roll.

(d) At the time stated in the notices, the board shall hear and consider all objections or protests, if any, to the proposed correction of the condition, and may continue the hearing from time to time.

(e) After final action is taken by the board on the disposition of any protests or objections, or in case no protests or objections are received, the board shall request the city, county, or other public agency in which the conditions of pollution or the nuisance exists to abate it. In the event that such city, county, or other public agency does not abate such condition within a reasonable time the board shall cause the condition to be abated. It may proceed by force account, contract or other agreement or any other method deemed most expedient by the board, and shall apply to the state board for the necessary funds.

(f) The owner of the property on which the condition exists, or is created, is liable for all reasonable costs incurred by the board or any city, county, or public agency in abating the condition. The amount of the cost for abating the condition upon the property in question

shall constitute a lien upon the property so posted upon the recordation of a notice of lien, particularly describing the property on which the condition was abated and the amount of such lien, and naming the owner of record of such property, in the office of the county recorder of the county in which the property is located. Upon such recordation, the lien shall have the same force, effect, and priority as if it had been a judgment lien imposed upon real property which was not exempt from execution, except that it shall attach only to the property so posted and described in such notice of lien, and shall continue for 10 years from the time of the recording of such notice unless sooner released or otherwise discharged. Such lien may be foreclosed by an action brought by the city, county, other public agency, or state board, on behalf of the regional board, for a money judgment. Money recovered by a judgment in favor of the state board shall be returned to the State Water Pollution Cleanup and Abatement Account.

(g) The city, county, other public agency, or state board on behalf of a regional board, may at any time release all or any portion of the property subject to a lien imposed pursuant to subdivision (f) from the lien or subordinate such lien to other liens and encumbrances if it determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by such board, city, county, or other public agency to the effect that any property has been released from such lien or that such lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in such certificate.

(h) As used in this section, the words "nonoperating" or "not in operation" means the business is not conducting routine operations usually associated with that kind of business.

SEC. 8. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because this act consists of technical changes to statutes enacted prior to January 1, 1973.

CHAPTER 47

An act to amend Section 690.8 of, to add Section 690.8a to, and to repeal Section 690.8 of, the Code of Civil Procedure, to amend Section 7269 of, to add Sections 7266 and 7269.1 to, and to repeal Section 7266 of, the Government Code, and to amend Sections 17300, 17401, and 17409 of the Welfare and Institutions Code, relating to relocation assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 28, 1974 Filed with Secretary of State February 28, 1974]

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

SECTION 1. Section 690.8 of the Code of Civil Procedure as added by Chapter 861 of the Statutes of 1972 is amended to read:

690.8. For a period of six months from the date of receipt, the compensation received from a public entity which acquires for a public use a dwelling actually owned and occupied by the debtor. Such compensation shall be exempt in the amount, over and above all liens and encumbrances, provided by Section 1260 of the Civil Code.

SEC. 2. Section 690.8a is added to the Code of Civil Procedure, to read:

690.8a. All relocation benefits for displacement from a dwelling actually owned or rented by the debtor received from a public entity pursuant to Chapter 16 (commencing with Section 7260), Division 7, Title 1 of the Government Code or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, shall, in addition to any other exemptions provided for by the law, be exempt from attachment or execution. Such benefits shall be exempt from attachment or execution without filing a claim of exemption, as provided in Section 690.50.

SEC. 3. Section 690.8 of the Code of Civil Procedure as added by Chapter 822 of the Statutes of 1972 is repealed.

SEC. 3.5. Section 7266 of the Government Code is repealed.

SEC. 3.8. Section 7266 is added to the Government Code, to read:

7266. (a) If a relocation appeals board has been established pursuant to Section 33417.5 of the Health and Safety Code, a city by ordinance may designate the board to hear appeals from all public entities, except those state agencies which have an appeal process, on the eligibility for, or the amount of, a payment authorized by this chapter.

(b) Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by this chapter may have the application reviewed by the public entity or by the relocation appeals board if authorized under subdivision (a). The review of a determination by a community redevelopment agency may only be made by a relocation appeals board established pursuant to Section

33417.5 of the Health and Safety Code.

SEC. 4. Section 7269 of the Government Code is amended to read:

7269. No payment received by any person under this chapter shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code, nor shall such payments be considered as income or resources to any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled under any other provisions of law.

SEC. 5. Section 7269.1 is added to the Government Code, to read:

7269.1. Where a recipient of relocation benefits payments under federal or state law is also a general assistance recipient under Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code and two or more rent schedules apply to the recipient, the highest shall prevail and any excess amount over lower rent schedule shall not be counted as income or resources for general assistance purposes under Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code.

SEC. 6. Section 17300 of the Welfare and Institutions Code is amended to read:

17300. All aid rendered by the county under this part shall be a charge against the spouse, parent, and adult child of the recipient thereof, and the county rendering aid shall be entitled to reimbursement therefor.

The board of supervisors of the county rendering aid shall determine if the spouse, parent, or adult child, or any of them, have financial ability to support or contribute to the support of the recipient and were pecuniarily able to support or contribute to the support of the recipient during the time aid was rendered. If in the opinion of the board of supervisors pecuniary ability existed when the aid was given, and exists when the matter comes before the board of supervisors, the board shall request the district attorney or other civil legal officer of the county granting aid to proceed against such responsible relative or relatives.

Upon such request, the district attorney or other civil legal officer shall maintain an action on behalf of the county granting aid against the relative or relatives to recover for the county the aid rendered and to secure an order requiring the payment of any sums which may become due in the future.

The board of supervisors shall, in the case of aid granted by institutional care, fix a reasonable charge therefor, which shall be the measure of reimbursement to the county, and the existence of the order fixing the charge shall constitute prima facie evidence of its reasonableness.

For the purposes of this article, property described in subdivisions

(g) and (h) of Section 17409 shall not be considered in determining the financial ability of a responsible relative to support or contribute to the support of the recipient.

SEC. 7. Section 17401 of the Welfare and Institutions Code is amended to read:

17401. No lien taken by a county pursuant to Section 17109 for care provided to a person in a county hospital shall be enforced against the home of that person (1) during his lifetime or that of his spouse, or (2) during the minority of his children if they reside in the home, or (3) during the lifetime of any dependent adult child who resides in the home and who is incapable of self-support because of mental or physical disability.

Any lien taken by a county for county hospital care shall be released immediately when the amount owing the county for that care is paid. The county shall render to a person to whom care has been provided in a county hospital a statement setting forth the charges upon which its claim for reimbursement is based. No interest or carrying charge shall be charged in connection with any debt incurred for county hospital care.

If a person against whose home a lien has been imposed for county hospital care desires to sell his home, the county shall release its lien against the original home and transfer it to the new home, provided that it finds that its security will not be impaired. If the person desires to borrow money for the purpose of making improvements to his home, using his home for security, the county shall subordinate its lien to the mortgage or other security interest given for the loan, if the county finds that its security will not be impaired.

If a person against whose home a lien has been imposed for county hospital care has the home acquired by a public entity for public use, the county shall release its lien against the original home and transfer it to any new home the person acquires.

No lien shall be taken pursuant to Section 17109 against the home of a person for care provided him in a county hospital, if he was confined to the county hospital as the result of a diagnosis of tuberculosis.

No lien shall be taken pursuant to this part against the home or other property of any relative, except for a parent of a minor or a spouse, liable for the support of a person confined in a county hospital or otherwise receiving aid under this part.

In no way do the authorizations and limitations expressed in this section enlarge upon the power of counties to take or impose liens under existing law. Nothing contained in this section shall be construed to permit a county to impose a lien for aid or other assistance granted under any public assistance program established by this code for which federal funds are received by this state, or under the aid to the potentially self-supporting blind program.

SEC. 8. Section 17409 of the Welfare and Institutions Code is amended to read:

17409. There shall be exempt from the transfers and grants

authorized by Section 17109 and from attachment and execution on claims under Section 17403 against property acquired by persons for the support of whom public moneys have been expended all of the following property:

(a) Cash to the amount of fifty dollars ($50).

(b) Personal effects and household furniture to the value of five hundred dollars ($500).

(c) An interment space, crypt, or niche intended for the interment of the applicant or recipient of aid.

(d) Funds placed in trust for funeral or burial expenses to the extent that such funds do not exceed the sum of five hundred dollars ($500).

(e) Insurance policies having an actual cash surrender value of not to exceed five hundred dollars ($500).

(f) Real or personal property of a recipient of public assistance, with respect to aid or county hospital care granted after May 21, 1963.

(g) For a period of six months from the date of receipt, the compensation received from a public entity which acquires for a public use a dwelling actually owned and occupied by the recipient. Such compensation shall be exempt in the amount, over and above all liens and encumbrances, provided by Section 1260 of the Civil Code

(h) Relocation benefits for displacement from a dwelling actually owned or rented by the debtor received from a public entity pursuant to Chapter 16 (commencing with Section 7260), Division 7, Title 1 of the Government Code and from the federal government under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

No county shall withhold emergency medical or hospital care from any person pending his giving security for reimbursement to the county for the care or hospitalization to be provided to him.

SEC. 9. There are no state-mandated local costs in this act that require reimbursing under Section 2231 of the Revenue and Taxation Code.

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

Many of those presently receiving relocation assistance benefits are enduring very serious financial difficulties and in order to provide prompt relief it is necessary for this act to take effect immediately.

CHAPTER 48

An act to amend Sections 3600, 3601, 3610, 3625, 3626, 3627, 3700, 3701, and 3753 of the Government Code, relating to financial disclosure.

[Approved by Governor March 4, 1974 Filed with Secretary of State March 4, 1974]

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

SECTION 1. Section 3600 of the Government Code is amended to read:

3600. This division shall be known and may be cited as the Moscone Governmental Conflict of Interests and Disclosure Act.

SEC. 1.2. Section 3601 of the Government Code is amended to read:

3601. The Legislature enacts this division

(1) To assure the independence, impartiality and honesty of public officials in governmental actions and decisions;

(2) To inform citizens of the existence of personal economic interests which may present a conflict of interest between the official's public trust and private gain;

(3) To prevent public office from being used for personal gain, other than the remuneration provided by law;

(4) To assure that governmental decisions and policy be made in the proper course according to the proper procedures and considerations;

(5) To prevent special interests from unduly influencing governmental decisions and policy; and to assure to the extent possible, that governmental decisions and policy reflect the public interest.

(6) To assure that no official will have economic interests which are in substantial conflict with the proper exercise of his official duties and powers.

SEC. 1.5. Section 3610 of the Government Code is amended to read:

3610. The terms used in this division are defined as follows:

(a) "Business entity" means any undertaking operated for economic gain, including, but not limited to, a corporation, partnership, trust, business, proprietorship, firm, association, or joint venture.

(b) "Candidate" means any person who seeks nomination for or election to a state, county, regional, general law or chartered city, or district office at any primary or special or general election.

(c) "Constitutional officer" means the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, State Superintendent of Public Instruction, Members of the Legislature, and all other elected state officials.

(d) "Gift" means any thing of economic value given without valuable consideration but does not include campaign contributions

nor gifts from relatives.

(e) "Income" means income of any nature from any source derived, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, return of capital, forgiveness of indebtedness, rebate of money, or anything of economic value. "Source of income," as used in subsection (3) of subdivision (b) of Section 3700, means the business entity or activity of the official which earned or produced the income.

(f) "Investment" means any economic interest, but does not include a time or demand deposit in a financial institution, shares in a credit union or the cash surrender value of life insurance or of any debt instrument having a set yield unless it is convertible to an equity instrument.

(g) "Public agency" means the Legislature, the office of any constitutional officer, county, city and county, charter or general law city or district, and any agency, department, commission, or bureau office or comparable unit of the state, any county, city and county, general law or charter city or district government.

(h) "Public official" or "official" mean any elective or appointive officer of any public agency.

(i) "Real property" means any interest or option to purchase any interest in any real property, but does not include a home or property used by the owner primarily for personal or recreational purposes.

SEC. 1.7. Section 3625 of the Government Code is amended to read:

3625. (a) No public official shall participate in, or in any way attempt to influence, governmental action or decisions relating to any matter within the responsibilities of his agency in which he knows or has reason to believe he has an economic interest.

(b) An official has an economic interest in a matter if the action or decision will have a material economic effect on:

(1) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars ($1,000);

(2) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars ($1,000);

(3) Any source of income, loans or gifts aggregating two hundred fifty dollars ($250) or more in value received by or promised to the public official within 12 months prior to the time when the action is taken or decision made.

(4) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent children of the public official, by an agent on his behalf, by any business entity controlled by the public official or by a trust in which he has a substantial economic interest. A business entity is controlled by a public official if the public official, agents, spouse or dependent

children, possess more than 50 percent of the ownership interest in the entity. A public official has a substantial economic interest in a trust, when the official, his spouse or dependent children have a present or future interest worth more than one thousand dollars ($1,000).

(c) Subdivision (a) of this section shall not apply to the following:

(1) To any constitutional officer;

(2) To any public official with respect to any matter which could not legally be acted upon or decided by his public agency without his participation;

provided that the constitutional officer or official specifically disclose as a matter of official, public record the existence of any economic interest described in subdivision (b), and describe with particularity the nature of the interest before he acts or decides or participates in any action or decision; and provided further that he in no way attempts to influence any other public official with respect to the matter.

(d) Subdivision (a) of this section shall not apply if the action or decision affects an economic interest of the official as a member of the public or a significant segment of the public or as a member of an industry, profession or occupation, to no greater extent than any other such member of the public, segment of the public or an industry, profession or occupation.

SEC. 1.9. Section 3626 of the Government Code is amended to read:

3626. Each public agency may adopt guidelines for its officials in determining whether they have an economic interest in matters for purposes of subdivision (a) of Section 3625. These guidelines shall not supersede the requirements of subdivision (a) of Section 3625, but when complied with in the good faith belief that they are consistent with those provisions they shall exempt officials from the civil penalties in Section 3751 and the sanctions in Section 3753.

SEC. 2. Section 3627 of the Government Code is amended to read:

3627. (a) Except as a governmental employee or consultant, no former official shall influence or attempt to influence for compensation, the public agency by which he was employed or which he served, or any of its members, officers or employees in their official duties within a period of two years after the termination of his employment or service.

(b) Within a period of two years after termination of his service or employment, no former public official shall receive compensation from any person whose economic interests were the subject of or affected by any action or decision in which he participated or was involved in his official capacity during the period of his service or employment, unless the action or decision was one which affected the person's interests as a member of the public or a significant segment of the public, or as a member of an industry, profession or occupation to no greater extent than any other such member of the

public or the industry, profession or occupation.

(c) Subdivisions (a) and (b) of this section shall not apply to a former public official unless the official receives compensation or other thing of value from a business entity having a contractual relationship with the public agency by which the official was employed.

(d) This section shall not apply to a former public official who left office or employment prior to January 1, 1974.

(e) This section shall not apply to a former public official who served without compensation, other than expenses, on a purely advisory board, commission, or committee.

SEC. 3. Section 3700 of the Government Code is amended to read:

3700. (a) This section is applicable to constitutional officers, county supervisors and chief administrative officers, mayors, city council members, members of planning commissions and planning officers of counties and cities, and managers and chief administrative officers of general law or charter cities.

(b) During April of each year, officials designated in subdivision (a) of this section shall file a statement for the period since the last statement filed or due under this chapter, or, if none, for the 12 months immediately preceding the date of the statement containing the following information:

(1) The name, principal address, and general description of the nature of the business activity of any business entity in which he has, or at any time during the preceding 12 months had, a direct or indirect investment worth more than one thousand dollars ($1,000), and whether the value of such investment exceeds ten thousand dollars ($10,000);

(2) A description of any real property in which he has, or at any time during the preceding 12 months had, a direct or indirect interest worth more than one thousand dollars ($1,000), including the street address of the property, the place, book and page number where such interest is recorded and whether the value of such interest exceeds ten thousand dollars ($10,000).

(3) Each source of income, loans or gifts, aggregating two hundred fifty dollars ($250) or more in value, received in the preceding 12 months, including the name, address, and general description of the business activity of each source, a statement of the consideration, if any, for which the income was received, and whether the aggregate value of the income, loans and gifts received was worth more than one thousand dollars ($1,000).

(4) Any employment, position of management or office, salaried or otherwise, held at the time of filing, or at any time during the preceding 12 months by the public official and the name, principal address and a general description of the nature of the business activity of the business entity.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent

children of the public official, by an agent on his behalf, or by any business entity controlled by the public official or a trust in which he has a substantial economic interest. A business entity is controlled by a public official if the public official, his agent or spouse and dependent children, possess more than 50 percent of the ownership interest in the entity. A public official has a substantial economic interest in a trust when the official, his or her spouse or dependent children have a present or future interest worth more than one thousand dollars ($1,000).

(c) The statement required by this section need not disclose any interest otherwise includable under subdivision (b) including investments, interests or income, which could not be affected materially by any action, failure to act or decision taken by the public official acting within the scope of his official duties.

(d) For the purposes of this section, an interest in real property located within the jurisdiction of the official's agency or an investment in a business entity, a source of income or a position of employment, office or management in any business entity located within the jurisdiction or doing business within the jurisdiction shall be regarded as an interest which could be affected materially by the official in the scope of his official duties.

SEC. 4. Section 3701 of the Government Code is amended to read:

3701. (a) Each nonincumbent candidate for an office specified in Section 3700, at the time he files his nomination papers or his declaration of acceptance, shall file a statement containing the information required by Section 3700 for persons holding elective office.

(b) Each person nominated for appointment or appointed to public office designated in subdivision (a) of Section 3700, 10 days or more before he is confirmed or assumes office shall file a statement containing the information required by Section 3700 for persons holding that office.

SEC. 5. Section 3753 of the Government Code is amended to read:

3753. A violation of any provision of this division shall be grounds for forfeiture of office as provided in Section 1770 of the Government Code and for disqualification from holding public office as provided in Section 1021 of the Government Code.

SEC. 6. The Legislature finds and declares that the amendments effected by this act are declaratory of the legislative intent in enacting Chapter 1166 of the Statutes of 1973.

CHAPTER 49

An act to amend Section 9360 of the Public Resources Code, and to amend Sections 756 and 759 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor March 4, 1974. Filed with Secretary of State March 4, 1974]

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

SECTION 1. Section 9360 of the Public Resources Code is amended to read:

9360. The directors shall, on or before January 1 of the calendar year during which an assessment is to be levied for the first time, notify the State Board of Equalization as provided in Revenue and Taxation Code Sections 756 and 759 and, annually on or before August 1st, furnish the county auditor and the board of supervisors an estimate in writing of the amount of money necessary to be raised by assessment for the purposes of the district for the next ensuing fiscal year.

SEC. 2. Section 756 of the Revenue and Taxation Code is amended to read:

756. Immediately after the third Monday in August the board shall transmit to each county auditor a roll showing the assessments made by the board in the county and in each city and revenue district in the county; provided, however, that the roll need not show the assessments made by the board in a revenue district which did not levy a tax or assessment during the preceding year. Such roll is at all times, during office hours, open to the inspection of any person representing any taxing agency or revenue district, or any district described in Section 2131. If the roll does not show the assessments in a revenue district as herein provided and a notice of a proposed levy is furnished the board in writing, on or before January 1 preceding the fiscal year for which the levy is to be made, the board shall furnish an estimate of the total assessed value of state-assessed property in the district and shall transmit thereafter to the county auditor a statement of roll change showing the assessments made by the board in the district. The estimate shall be regarded as establishing the total assessed value of state-assessed property in the district for the purpose of determining the tax rate of the district.

SEC. 3. Section 759 of the Revenue and Taxation Code is amended to read:

759. In lieu of complying with the provisions of Section 756, the board may, upon receipt by July 1 of a written request from a county auditor who has the approval of the board of supervisors, transmit to the auditor immediately after the first Monday in August an estimate of the total assessed value of state-assessed property in the county and in each revenue district in the county. Such an estimate need not be made for a revenue district that did not levy a tax or assessment

during the preceding year unless the board receives on or before January 1 preceding the fiscal year for which the levy is to be made a notice in writing of a proposed levy, in which case the board shall furnish, as part of the original estimate or by way of a statement of changes, an estimate of the total assessed value of state-assessed property in the district.

The estimates shall be regarded as establishing the total assessed value of state-assessed property in the county and district for the purpose of determining the tax rate of such county and district, subject only to changes transmitted prior to August 15th. If there are no changes, the board shall at that time confirm its estimates. All information furnished pursuant to this section is at all times, during office hours, open to the inspection of any person representing any taxing agency or revenue district, or any district described in Section 2131.

CHAPTER 50

An act to amend Section 17920.7 of the Health and Safety Code, relating to building standards.

[Approved by Governor March 4, 1974 Filed with Secretary of State March 4, 1974.]

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

SECTION 1. Section 17920.7 of the Health and Safety Code is amended to read:

17920.7. (a) The commission shall adopt, amend, repeal, and except as otherwise provided in this part, enforce rules and regulations for the provision of structural fire safety and fire-resistant exits in existing multiple-story structures let for human habitation including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor. The rules and regulations shall provide adequate safety to the occupants and the general public, and shall impose the same requirements as are contained in subdivisions (d), (e), (f), (g), (h), (i), (k), and (*l*) of Section 1313 of Chapter 13 of the appendix of the Uniform Building Code, 1970 edition, as adopted by the International Conference of Building Officials.

The commission, after consultation with the State Fire Marshal, may adopt reasonable exceptions to subdivisions (e) and (g) of Section 1313 to permit the continued use of existing stairs and to subdivision (*l*) of Section 1313 to permit equivalent protection in lieu of occupancy separations. However, such exceptions shall not impair occupant safety and shall be consistent with the legislative intent of this section.

Interior stairs and vertical openings need not be enclosed in

two-story buildings.

(b) Notwithstanding the provisions of subdivision (a), any city, county, or city and county may adopt standards for structural fire safety and fire-resistant exits in structures subject to the provisions of this section, provided that such standards are substantially equivalent in fire safety to the standards adopted by the commission pursuant to subdivision (a). Each city, county, or city and county adopting such alternative standards shall submit a detailed statement, with supporting data, to the Director of Housing and Community Development demonstrating the equivalency of the alternate standards to the state standards. The Director of Housing and Community Development shall make a finding as to the equivalency of alternate local standards to state standards. It is the intention of the Legislature that this section and the rules and regulations adopted by the commission pursuant to this section shall not be more restrictive than the requirements for new construction contained in the Uniform Building Code, 1970 edition, as adopted by the International Conference of Building Officials.

CHAPTER 51

An act to amend Section 30756 of the Public Utilities Code, relating to transit districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 4, 1974 Filed with Secretary of State March 4, 1974]

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

SECTION 1. Section 30756 of the Public Utilities Code is amended to read:

30756. (a) In the event the board and the representatives of the employees do not agree to submit a dispute over the terms and conditions of a collective bargaining agreement to arbitration as provided in subdivision (d) of Section 30750, the State Conciliation Service may be notified by either party that a dispute exists and that there is no agreement to arbitrate.

(b) Following such notification, the State Conciliation Service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists.

(c) Upon a determination that the dispute cannot be resolved by the parties, the service shall certify its findings to the Governor of the State of California.

(d) The Governor shall, within 10 days of receipt of certification, appoint a factfinding commission consisting of three persons.

(e) The commission shall immediately convene and inquire into and investigate the issues in the dispute.

The commission shall have authority to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, documents, and other records. Subpoenas shall be serviced and enforced in accordance with Chapter 2 (commencing with Section 1985) of Title 3, Part 4 of the Code of Civil Procedure.

The commission shall report to the Governor within 60 days of the date of its creation. However, the commission shall deliver a preliminary confidential report to the parties not later than the 51st day of the 60-day period, and the parties may submit comments on such report to the commission for its consideration not later than the 54th day of the 60-day period.

The commission shall, if either party so requests in its comments, include in its report an estimate of the cost of implementing any proposals or recommendations contained in the report.

(f) After notification to the State Conciliation Service by either party in accordance with subdivision (a), no change, except by mutual agreement, shall be made by the parties in the conditions out of which the dispute arose and service to the public shall continue to be provided (1) until the service determines that the dispute may be resolved by the parties, or (2) if the service determines that the dispute cannot be resolved by the parties, until 10 days after the commission has made its report to the Governor.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities by this act are such that related costs are incurred as a part of their normal operating procedures.

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

In order that the public may be better protected against loss of public transit service provided by the Southern California Rapid Transit District in case there is a failure between the district and its employees to agree to arbitrate a dispute involving the terms of a collective bargaining agreement, it is necessary that this act take effect immediately.

CHAPTER 52

An act to amend Section 22505 of the Vehicle Code, relating to vehicles.

[Approved by Governor March 4, 1974. Filed with Secretary of State March 4, 1974]

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

SECTION 1. Section 22505 of the Vehicle Code is amended to read:

22505. (a) The Department of Transportation with respect to highways under its jurisdiction may place signs or markings prohibiting or restricting the parking of vehicles in any of the following areas and under the following conditions:

(1) In areas where, in its opinion, as evidenced by resolution or order entered in its minutes, such parking is dangerous to those using the highway or where the parking of vehicles would unduly interfere with the free movement of traffic thereon.

(2) In areas within one-half mile of the boundary of any unit of the state park system which the Director of Conservation has determined are unusually high fire hazard areas, upon notification of the Department of Transportation of such determination by the Director of Conservation.

(3) In areas within one-half mile of the boundary of any unit of the state park system which the county health officer has determined are areas where a substantial public health hazard would result if camping were allowed, upon notification of the Department of Transportation of such determination by the county health officer.

(b) No person shall park any vehicle in violation of the restrictions stated on such signs or markings.

(c) This section shall not apply to any of the following:

(1) Public utility vehicles while performing a work operation.

(2) The driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because this act consists of technical changes to statutes enacted prior to January 1, 1973

CHAPTER 53

An act relating to highway funds.

[Approved by Governor March 4, 1974 Filed with Secretary of State March 4, 1974.]

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

SECTION 1. The Counties of Sutter and Yuba may expend revenues allocated to them from the Highway Users Tax Account in the Transportation Tax Fund to finance construction on State Highway Route 99 from the Sacramento-Sutter county line to State Highway Route 70, or on State Highway Route 70 from State Highway Route 99 to the freeway portion of State Highway Route 70 commencing south of McGowan Road in the County of Yuba, or on both such highways, and may enter into any agreement with the Department of Transportation necessary for such expenditures.

SEC. 2. Expenditures by a county pursuant to Section 1 of this act shall be deemed expenditures on its select system of highways.

SEC. 3. Notwithstanding Section 188.9 of the Streets and Highways Code, with the consent of the Counties of Sutter and Yuba, the Department of Transportation may expend moneys required to be expended in either county to meet the requirements of Section 188.9 to finance construction on State Highway Route 99 from the Sacramento-Sutter county line to State Highway Route 70, or on State Highway Route 70 from State Highway Route 99 to the freeway portion of State Highway Route 70 commencing south of McGowan Road in the County of Yuba, or on both such highways, and such expenditures shall be deemed expenditures in the contributing county for purposes of Section 188.9.

CHAPTER 54

An act to amend Sections 11203, 11251, 11271, 11272, 11293, 11315, 11336, 11337, 11338, 11401, 11426, 11427, 11430, 11495, 11553, 11555, and 11653 of, to amend the heading of Article 4 (commencing with Section 11311) of Chapter 2 of Part 6 of Division 2 of, to add Sections 11273, 11316, 11317, 11318, 11319, 11339, 11651.5, 11654, and 11655 to, to add Article 6 (commencing with Section 11351) to Chapter 2 of Part 6 of Division 1 of, and to repeal Sections 11292, 11313, 11316, and 11402 of, and to repeal Chapter 8 (commencing with Section 11750) of Part 6 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor March 4, 1974 Filed with Secretary of State March 4, 1974]

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

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

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

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

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

(3) By any other person.

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

(c) "Private car" does not include:

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

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

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

(4) Passenger train cars, other than those described in subdivision (b), that are privately owned and for which the owner pays the railroad a fee, regardless of how calculated, for transporting such cars.

SEC. 2. Section 11251 of the Revenue and Taxation Code is amended to read:

11251. Private cars operated upon railroads into, out of, or through this state shall be assessed by the board at 25 percent of their full cash value and taxed as prescribed in this part.

SEC. 3. Section 11271 of the Revenue and Taxation Code is amended to read:

11271. (a) Every person whose private cars are operated upon the railroads in this state at any time during a calendar year shall file with the board on or before April 30 a report under oath setting forth specifically the information prescribed by the board to enable it to make the assessment required in this part.

(b) In the case of a corporate owner of property, the property statement shall be signed either by an officer of the corporation or by an employee or agent who has been designated in writing by the board of directors to sign such report on behalf of the corporation.

SEC. 4. Section 11272 of the Revenue and Taxation Code is amended to read:

11272. The board for good cause may extend for not to exceed 30 days the time for making a report, provided a written request is filed with the board prior to the period for which the extension may be granted.

SEC. 5. Section 11273 is added to the Revenue and Taxation Code, to read:

11273. If any person required to file a report fails to file it on or before April 30 or such time as extended by the board, a penalty of 10 percent of the assessed value shall be added to the assessment.

SEC. 6. Section 11292 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 11293 of the Revenue and Taxation Code is amended to read:

11293. In making an assessment the board shall determine the average number of each class of private cars physically present in the state in the year immediately preceding the year in which the tax is imposed upon the basis of car mileage, car days, or such other data as would tend to establish this average. The board shall multiply the average number so determined by the full cash value for a car of that class and use the product as the basis for the assessment of the property.

SEC. 8. The heading of Article 4 (commencing with Section 11311) of Chapter 2 of Part 6 of Division 2 of the Revenue and Taxation Code is amended to read:

Article 4. Estimated and Escaped Assessments

SEC. 9. Section 11313 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 11315 of the Revenue and Taxation Code is amended to read:

11315. If any property required to be assessed for any year wholly escapes assessment or escapes assessment in part due to the board's underassessing the property because of failure of the taxpayer to report the property accurately, the board shall immediately assess or reassess the property upon the discovery of the escape.

SEC. 11. Section 11316 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 11316 is added to the Revenue and Taxation Code, to read:

11316. If the property escapes assessment because of the negligence of the taxpayer, a penalty of 10 percent of the value escaping assessment shall be added to the assessment. If the escape

is due to a fraudulent or willful attempt to evade the tax, a penalty of 25 percent of the value escaping assessment shall be added to the assessment.

SEC. 13. Section 11317 is added to the Revenue and Taxation Code, to read:

11317. An escape assessment shall be entered on the current private car tax record, and if this is not the record for the year in which the property escaped assessment, the entry shall be followed with "escape assessment for year 19__". The property shall be assessed at the same value and taxed at the same rate as it would have been assessed and taxed had it not escaped.

SEC. 14. Section 11318 is added to the Revenue and Taxation Code, to read:

11318. Except in the case of a taxpayer fraudulently or willfully attempting to evade the tax, any escape assessment shall be made and the taxpayer notified thereof within four years after August 1 of the year in which the property escaped assessment. No escape assessment shall be effective until the assessee has been notified personally or by United States mail at his address as contained in the official records of the board. Receipt by the assessee of a tax bill based on such assessment shall suffice as such notice.

SEC. 15. Section 11319 is added to the Revenue and Taxation Code, to read:

11319. If any assessment made pursuant to this article results in a tax that is paid after December 10 of the year to which the assessment relates, the tax shall bear interest of one-half of 1 percent per month for the period it remains unpaid from such date to the date of payment.

SEC. 16. Section 11336 of the Revenue and Taxation Code is amended to read:

11336. On or before the first Monday in August the board shall complete the assessment of all property required to be assessed and shall notify the assessees thereof. This notice shall include an announcement of the statutory period during which, and the place at which, a petition for reassessment may be filed.

SEC. 17. Section 11337 of the Revenue and Taxation Code is amended to read:

11337. Between the first and fourth Mondays in August, the assessments made by the board shall be open for inspection by all persons interested.

SEC. 18. Section 11338 of the Revenue and Taxation Code is amended to read:

11338. At any time prior to the fourth Monday in August, the owner or the lessee of any property assessed may petition the board for reassessment. The board shall hear the applicant on such petition on or before October 1.

SEC. 19. Section 11339 is added to the Revenue and Taxation Code, to read:

11339. Any assessment made outside of the regular assessment

period may be the subject of a petition for reassessment. The petition shall be filed within 10 days of the notice of assessment.

SEC. 20. Article 6 (commencing with Section 11351) is added to Chapter 2 of Part 6 of Division 1 of the Revenue and Taxation Code, to read:

Article 6. Jeopardy Assessments

11351. If at any time after the lien date the board believes that the collection of all or part of the tax imposed by this part will be jeopardized by delay, it shall immediately determine the assessed value of the property and the tax rate to be applied. From these it shall compute the amount of tax together with any interest and penalties. The amount so determined shall be due and payable upon service of a notice of assessment upon the person assessed and shall be final 10 days after service unless the person assessed within such 10-day period petitions for reassessment.

11352. The notice of assessment shall be inscribed "jeopardy assessment" and shall be served upon the assessee in the manner prescribed in Section 11312. It shall contain in addition to the information prescribed in Section 11404 notice that the tax, interest, and penalties are due and payable at the time of service and will be delinquent 10 days thereafter unless they are paid or a petition for reassessment is filed.

11353. The person against whom a jeopardy assessment is made may file a petition for reassessment with the board within 10 days of service upon him of the notice of assessment. At the time of filing the petition the person shall deposit with the board such security as the board may deem necessary to insure payment of the amount due.

11354. A jeopardy assessment is delinquent at the time it becomes final, and if unpaid at this time, a penalty of 10 percent of the tax shall be added thereto, plus interest on the amount of tax at the rate of one-half of 1 percent per month or fraction thereof, from the date on which the tax becomes due and payable until the date of payment.

SEC. 21. Section 11401 of the Revenue and Taxation Code is amended to read:

11401. On or before October 1, the board shall levy upon private cars assessed under this part, for each year, a tax computed at the next preceding year's average rate of general property taxation in the state and shall enter the tax upon a record maintained by the board for that purpose.

SEC. 22. Section 11402 of the Revenue and Taxation Code is repealed.

SEC. 23. Section 11426 of the Revenue and Taxation Code is amended to read:

11426. When it can be determined by any report or from any papers of the board what was intended or what should have been assessed, defects in form or clerical errors of the board in assessing private cars may be corrected by the board under this chapter at any

time within four years after the assessment was made.

SEC. 24. Section 11427 of the Revenue and Taxation Code is amended to read:

11427. If the correction will increase the amount of tax due, the board shall give the assessee opportunity for a hearing after at least 10 days' notice at which he may present his objections to the change. The board's decision is final.

SEC. 25. Section 11430 of the Revenue and Taxation Code is amended to read:

11430. If the additional tax is not paid within the time specified in Section 11429, it is delinquent and a penalty of 10 percent of the amount of the additional tax shall be added thereto, plus interest on the amount of the additional tax at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the additional tax became due and payable until the time of payment.

SEC. 26. Section 11495 of the Revenue and Taxation Code is amended to read:

11495. If any amount required to be paid to the state under this part is not paid when due, the board may within four years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 27. Section 11553 of the Revenue and Taxation Code is amended to read:

11553. No credit or refund shall be allowed after four years from December 10 of the year in which the assessment is made or after six months from the date of overpayment, whichever period expires the later, unless a written claim is filed with the board within such period.

SEC. 28. Section 11555 of the Revenue and Taxation Code is amended to read:

11555. Interest shall be paid upon the amount of any overpayment of tax at the rate of one-half of 1 percent per month upon the amount found to have been illegally collected from the date

of payment of the amount to the date of allowance of credit on account of the overpayment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board from the first day of the month following the month the tax becomes due. The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 29. Section 11651.5 is added to the Revenue and Taxation Code, to read:

11651.5. If the board for any reason fails to complete the private car tax assessments by the time specified in Section 11336, it may nevertheless complete them within the next calendar month. In such case there shall be added one calendar month to the dates specified in Sections 11337, 11338, 11401, 11404, and 11405. The board shall notify each assessee by mail at his address as it appears in the records of the board of the substituted dates during which the assessment may be examined, a petition for reassessment filed, and the tax paid without penalty.

SEC. 30. Section 11653 of the Revenue and Taxation Code is amended to read:

11653. Every railroad company with lines in this state shall keep such records and other data with respect to the operation of private cars over those lines and make such reports as the board requires. The company shall on demand make the records and data available to the board or its authorized representative.

SEC. 31. Section 11654 is added to the Revenue and Taxation Code, to read:

11654. Any person having private cars in his possession or control in this state shall furnish such data concerning the cars as the board may request.

SEC. 32. Section 11655 is added to the Revenue and Taxation Code, to read:

11655. Information and records relating to the business affairs of persons required to report to the board pursuant to this part shall be held secret by the board. The board shall disclose information and records to law enforcement agencies, grand juries, and other duly authorized legislative or administrative officials of the state pursuant to their authorization to examine such information and records.

SEC. 33. Chapter 8 (commencing with Section 11750) of Part 6 of Division 2 of the Revenue and Taxation Code is repealed.

CHAPTER 55

An act to amend Section 32128 of, and to repeal Section 32128.5 of, the Health and Safety Code, relating to hospital powers.

[Approved by Governor March 4, 1974 Filed with Secretary of State March 4, 1974]

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

SECTION 1. Section 32128 of the Health and Safety Code is amended to read:

32128. The rules of the hospital, established by the board of directors pursuant to this article, shall include: 1. Provision for the organization of physicians and surgeons, podiatrists, and dentists licensed to practice in this state who are permitted to practice in the hospital into a formal medical staff, with appropriate officers and bylaws and with staff appointments on an annual or biennial basis; 2. Provision for procedure for appointment and reappointment of medical staff as provided by the standards of the Joint Committee on Accreditation of Hospitals; 3. Provision that the medical staff shall be self-governing with respect to the professional work performed in the hospital; that the medical staff shall meet in accordance with the minimum requirements of the Joint Committee on Accreditation of Hospitals; and that the medical records of the patients shall be the basis for such review and analysis; 4. Provision that accurate and complete medical records be prepared and maintained for all patients (medical records to include identification data, personal and family history, history of present illness, physical examination, special examinations, professional or working diagnoses, treatment, gross and microscopic pathological findings, progress notes, final diagnosis, condition on discharge, and such other matters as the medical staff shall determine); and, 5 Such limitations with respect to the practice of medicine and surgery in the hospital as the board of directors may find to be in the best interests of the public health and welfare; provided, that no duly licensed physician and surgeon shall be excluded from staff membership solely because he be licensed by one or the other of the boards mentioned in Section 2005 of the Business and Professions Code.

Said rules of the hospital shall, insofar as consistent herewith, be in accord with and contain, minimum standards not less than the rules and standards of private or voluntary hospitals operating within the district

SEC. 2. Section 32128.5 of the Health and Safety Code is repealed.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because duties, obligation, or responsibilities imposed on local hospital districts by this act are such that related costs are incurred as a part of the normal operating procedures.

CHAPTER 56

An act to amend Sections 21108, 21152, and 21167 of the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 4, 1974 Filed with Secretary of State March 4, 1974.]

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

SECTION 1. Section 21108 of the Public Resources Code is amended to read:

21108. (a) Whenever a state agency, board, or commission approves or determines to carry out a project which is subject to the provisions of this division, it shall file notice of such approval or such determination with the Secretary of the Resources Agency. Such notice shall indicate the determination of the agency, board, or commission whether the project will, or will not, have a significant effect on the environment and shall indicate whether an environmental impact report has been prepared pursuant to the provisions of this division.

(b) Whenever a state agency, board, or commission determines that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172, and it approves or determines to carry out such project, it, or the person specified in subdivision (b) or (c) of Section 21065, may file notice of such determination with the Secretary of the Resources Agency. Any notice filed pursuant to this subdivision by a person specified in subdivision (b) or (c) of Section 21065 shall have a certificate of determination attached to it issued by the state agency, board, or commission responsible for making the determination that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172. The certificate of determination may be in the form of a certified copy of an existing document or record of the state agency, board, or commission.

(c) All notices filed pursuant to this section shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of 30 days

SEC. 2. Section 21152 of the Public Resources Code is amended to read:

21152. (a) Whenever a local agency approves or determines to carry out a project which is subject to the provisions of this division, it shall file notice of such approval or such determination with the county clerk of the county, or counties, in which the project will be located. Such notice shall indicate the determination of the local agency whether the project will, or will not, have a significant effect on the environment and shall indicate whether an environmental

impact report has been prepared pursuant to the provisions of this division.

(b) Whenever a local agency determines that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172, and it approves or determines to carry out such project, it, or the person specified in subdivision (b) or (c) of Section 21065, may file notice of such determination with the county clerk of the county, or counties, in which the project will be located. Any notice filed pursuant to this subdivision by a person specified in subdivision (b) or (c) of Section 21065 shall have a certificate of determination attached to it issued by the local agency responsible for making the determination that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172. The certificate of determination may be in the form of a certified copy of an existing document or record of the local agency.

(c) All notices filed pursuant to this section shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the office of the county clerk. Each such list shall remain posted for a period of 30 days.

SEC. 3. Section 21167 of the Public Resources Code is amended to read:

21167. Any action or proceeding to attack, review, set aside, void, or annul the following acts or decisions of a public agency on the grounds of noncompliance with this division shall be commenced as follows:

(a) An action or proceeding alleging that a public agency is carrying out or has approved a project which may have a significant effect on the environment without having determined whether the project may have a significant effect on the environment shall be commenced within 180 days of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project.

(b) Any action or proceeding alleging that a public agency has improperly determined whether a project may have a significant effect on the environment shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152

(c) Any action or proceeding alleging that an environmental impact report does not comply with the provisions of this division shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152.

(d) Any action or proceeding alleging that a public agency has improperly determined that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172 shall be commenced within 35

days after the filing by the public agency, or person specified in subdivision (b) or (c) of Section 21065, of the notice authorized by subdivision (b) of Section 21108 or subdivision (b) of Section 21152. If such notice has not been filed, such action or proceeding shall be commenced within 180 days of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project.

(e) Any action or proceeding alleging that any other act or omission of a public agency does not comply with the provisions of this division shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there by any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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

There is uncertainty regarding when certain actions or proceedings which allege that an act or omission of a public agency does not comply with the Environmental Quality Act of 1970 are required to be commenced. It is essential that this situation be clarified as soon as possible in the interest of protecting the rights of parties to such actions or proceedings and it is, thus, necessary that this act take immediate effect.

CHAPTER 57

An act to amend Sections 8822 and 9322 of the Elections Code, relating to elections and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 8, 1974. Filed with Secretary of State March 8, 1974.]

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

SECTION 1. Section 8822 of the Elections Code is amended to read:

8822. In each county containing 20 or more Assembly districts a county central committee shall consist of seven members elected from each Assembly district contained either wholly or partially within the county. In an Assembly district that lies only partially

within a county containing 20 or more Assembly districts, the seven members shall be elected from that portion of the Assembly district contained within the county.

SEC. 2. Section 9322 of the Elections Code is amended to read:

9322. In each county containing 20 or more Assembly districts a county central committee shall consist of seven members elected from each Assembly district contained either wholly or partially within the county. In an Assembly district that lies only partially within a county containing 20 or more Assembly districts, the seven members shall be elected from that portion of the Assembly district contained within the county.

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

The reapportionment of Assembly districts for the 1974 direct primary election will result in major changes in the number of whole or partial Assembly districts to be contained within a county containing 20 or more Assembly districts. In order that a county clerk in such a county may comply with his statutory duty to compute, for the purposes of the 1974 direct primary ballots of the Democratic Party and Republican Party, the number of elected members to which the Democratic and Republican county central committees in his county are entitled, it is necessary that this act shall go into immediate effect.

CHAPTER 58

An act to add Section 21351.5 to the Vehicle Code, relating to traffic signs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 8, 1974 Filed with Secretary of State March 8, 1974]

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

SECTION 1. Section 21351.5 is added to the Vehicle Code, to read:

21351.5. The Department of Transportation or local authorities, with respect to highways under their respective jurisdictions, may erect stop signs to require the traffic on a highway to stop before crossing any railroad grade crossing designated by the agency having jurisdiction of the highway as a major crossing with a demonstrated need for stop signs, except a railroad grade crossing which is controlled by automatic signals, gates, or other train-actuated control devices.

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

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

One of the hazards confronting motorists at railroad crossings is reduced visibility due to fog occurring in the winter and spring. This act would enable action to be taken immediately facilitating the reduction of this serious hazard in the foggy period of 1974.

CHAPTER 59

An act to add Section 12232 to, and Chapter 16 (commencing with Section 26490) to Part 2 of Division 2 of Title 3 of, the Government Code, relating to historical commissions, and making an appropriation therefor.

[Approved by Governor March 12, 1974 Filed with Secretary of State March 12, 1974]

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

SECTION 1. Section 12232 is added to the Government Code, to read:

12232. The Secretary of State shall utilize the California Heritage Preservation Commission and the California State Library to advise, encourage, and coordinate the activities of the county historical records commissions, either designated or appointed by the county boards of supervisors pursuant to Section 26490. The chairman or his designate of each county historical records commission may attend an annual meeting with the named state representatives, at state expense, to receive advice in the preservation of local government archives and public library collections of historical materials.

SEC. 2. Chapter 16 (commencing with Section 26490) is added to Part 2 of Division 2 of Title 3 of the Government Code, to read:

CHAPTER 16. HERITAGE AND HISTORICAL COMMISSIONS

26490. The board of supervisors may designate an existing county historical commission or county museum commission to foster and promote the preservation of historical records. An existing commission to be so designated may include in its membership the county clerk or his designate, the county librarian or his designate, and the county museum director (if one exists) or his designate. If no such commission has been designated, the board of supervisors may appoint a historical records commission to foster and promote the preservation of historical records. The commission shall be composed of the county clerk or his designate, the county librarian or his designate, the county museum director (if one exists) or his designate, and two or three additional members for a total of five members.

SEC. 3. The sum of five thousand dollars ($5,000) is hereby appropriated from the General Fund to the Secretary of State for the purpose of carrying out the provisions of this act.

CHAPTER 60

An act to repeal Section 16123 of the Government Code, and to amend Sections 254, 255, and 255.4 of, to add Sections 253.5, 255.3, 255.6, 255.7, 275, 531.6, and 2610.5 to, and to repeal Sections 255.3 and 275 of, the Revenue and Taxation Code, relating to property taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1974. Filed with Secretary of State March 12, 1974]

I am deleting the $1,500,000 appropriation contained in Section 14(a) of Assembly Bill No 198

Necessary funds to reimburse counties and cities for the 1973–74 fiscal year property tax revenues lost by reason of the operation of this bill will be included in the provisions of AB 3169, now before the Legislature

With this deletion, I approve Assembly Bill No. 198

RONALD REAGAN, *Governor*

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

SECTION 1. Section 16123 of the Government Code, as added by Chapter 208 of the Statutes of 1973, is repealed.

SEC. 2. Section 253.5 is added to the Revenue and Taxation Code, to read:

253.5. Any person claiming the homeowners' property tax exemption shall make a return of the property to the assessor, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board. Such information shall include, but shall not be limited to, the name of the person claiming the exemption, the address of the property, and a statement to the effect that the claimant owned and occupied the property as his principal place of residence on the lien date, or that he intends to own and occupy the property as his principal place of residence on the next succeeding lien date.

SEC. 3. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, orphanage, college, exhibition, welfare, or veterans' organization tax exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that a filing once

made shall continue in effect until such time as there is a change in the exterior boundary of the property originally claimed as exempt.

Any person claiming the classification of a vessel as a documented vessel eligible for assessment under Section 227 shall meet the requirements of the first paragraph of this section.

SEC. 4. Section 255 of the Revenue and Taxation Code is amended to read:

255. Affidavits required for exemptions named in this article, except the veterans' exemption and the homeowners' exemption, shall be filed with the assessor between the lien date and 5 o'clock p.m. on March 15. Veterans' exemptions and affidavits for the homeowners' exemption shall be filed with the assessor between the lien date and 5 o'clock p.m. on April 15, except that affidavits for the homeowners' exemption may be filed any time after acquisition of a dwelling if such acquisition is after March 1, 1974, and the dwelling is occupied by an owner as his principal place of residence.

Affidavits required for classification of vessels as documented vessels eligible for assessment under Section 227 shall be filed with the assessor between the lien date and 5 o'clock p.m. on April 1.

SEC. 5. Section 255.3 of the Revenue and Taxation Code, as added by Chapter 1583 of the Statutes of 1971, is repealed.

SEC. 6. Section 255.3 is added to the Revenue and Taxation Code, to read:

255.3. (a) For the 1974–75 fiscal year only, before the lien date, county assessors shall mail a claim form for the homeowners' exemption to all homeowners who received the exemption for the 1973–74 fiscal year, except where such person has transferred title in the property since the lien date in 1973.

(b) For the 1975–76 fiscal year and thereafter, county assessors shall each year mail a notice to all homeowners who received the homeowners' exemption in the immediately preceding year, except where such person has transferred title in the property since the immediately preceding lien date. The notice shall inform the taxpayer of the requirements that must be met in order to be eligible for the exemption, of the penalties if the taxpayer allows the exemption to continue when he is not eligible for the exemption, and of his duty to inform the assessor when he is no longer eligible for the exemption.

(c) For the 1974–75 fiscal year and thereafter, the county assessor shall each year on or after the lien date mail a claim form for the homeowners' exemption to all persons acquiring title and who are owners of record of an eligible dwelling after the immediately preceding lien date and before the lien date of the calendar year of the claim.

SEC. 7 Section 255.4 of the Revenue and Taxation Code is amended to read:

255.4. (a) The notice or claim form required to be sent to homeowners by Section 255.3 shall be accompanied by a notice to read as follows.

"ATTENTION HOMEOWNERS 62 OR OLDER ON JANUARY 1

"You may be eligible for additional property tax relief.

"Under the Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Relief Act funded by the 1971 Legislature, homeowners 62 years of age or older with incomes of $10,000 or less are eligible for a state assistance of part of their property taxes. This relief is available for the taxes you have paid last December and this April.

"The period for filing a claim for assistance for this year is between May 15 and October 15. Claim forms with instructions will be available on or about May 15. This assistance will afford you an additional and substantial reduction in your property taxes.

"For further information, contact the office of the Franchise Tax Board in your area after April 15."

(b) Each county shall insert in the notice required by subdivision (a) the address and telephone number of the Franchise Tax Board office in the county. In the absence of a Franchise Tax Board office, a county shall include either (1) the address and telephone number of the county tax collector or assessor, or (2) the nearest Franchise Tax Board office.

SEC. 8. Section 255.6 is added to the Revenue and Taxation Code, to read:

255.6. A claim for the homeowners' property tax exemption filed by the owner of a dwelling, as defined in Section 218, once granted, shall remain in effect until such time as title to the property changes, the owner does not occupy the home as his principal place of residence on the lien date, or the property is altered so that it is no longer a dwelling as defined in Section 218.

The assessor of the county in which such a dwelling is situated shall verify the eligibility of each owner who is receiving a homeowners' exemption to continue to receive such an exemption in accordance with rules and regulations, which shall be issued by the board, to provide for a periodic audit and for the establishment of a control system for the homeowners' exemption claims.

SEC. 9. Section 255.7 is added to the Revenue and Taxation Code, to read:

255.7. Whenever a change of ownership is recorded in the county recorder's office, the county recorder shall provide the assessor with a copy of the transfer of ownership document as soon as possible.

SEC. 10. Section 275 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 275 is added to the Revenue and Taxation Code, to read:

275. (a) If a claimant for the homeowners' property tax exemption for the 1973–74 fiscal year failed to file the required affidavit with the assessor between March 1, 1973 and 5 o'clock p.m on April 15, 1973, but files such claim on or before March 31, 1974, 80 percent of the homeowners' exemption shall be granted by the assessor.

(b) If a claimant for the homeowners' property tax exemption for the 1974–75 fiscal year fails to file the required affidavit with the assessor between March 1, 1974, and 5 o'clock p.m. on April 15, 1974, but files such claim on or before December 1, 1974, 80 percent of the homeowners' exemption shall be granted by the assessor.

(c) A claimant for the homeowners' property tax exemption on a dwelling acquired during or after the assessment year commencing on March 1, 1974, which is occupied by the owner as his principal place of residence, may file the affidavit specified in Section 253.5 at any time. If such affidavit is filed on or before 5 o'clock p.m. on April 15 following the assessment year in which the dwelling was so acquired and occupied as his principal place of residence, 100 percent of the homeowners' exemption shall be granted by the assessor. If such affidavit on such dwelling is filed after April 15th but on or before 5 o'clock p.m. on December 1 of such year, 80 percent of the homeowners' exemption shall be granted by the assessor.

(d) On such claims filed pursuant to subdivision (a), (b) or (c) after November 15, this partial homeowners' exemption may be applied to the second installment, and if applied to the second installment, the first installment will still become delinquent on December 10 and a 6-percent penalty will attach if the tax amount due is not paid.

If this partial homeowners' exemption is applied to the second installment and if both installments are paid on or before December 10 or if the reduction in taxes from this partial exemption exceeds the amount of taxes due on the second installment, a refund shall be made to the taxpayer upon a claim submitted by the county tax collector to the auditor.

SEC. 12. Section 531.6 is added to the Revenue and Taxation Code, to read:

531.6. The taxpayer who has filed a claim for the homeowners' exemption, once granted, is responsible for notifying the assessor when the property is no longer eligible for the exemption.

Upon any indication that a homeowners' exemption has been incorrectly allowed, the assessor shall make a redetermination of eligibility for the homeowners' exemption. If the assessor determines that the property is no longer eligible for the exemption, he shall immediately cancel the exemption on the property.

If a homeowners' exemption has been incorrectly allowed, an escape assessment as allowed by Section 531.2 in the amount of the exemption with interest as provided in Section 506 shall be made. If the exemption was incorrectly allowed because of erroneous or incorrect information submitted by the claimant with knowledge that such information was erroneous or incomplete or because the claimant failed to notify the assessor that the property was no longer eligible for the exemption, the penalty provided in Section 504 shall be added to the assessment.

SEC. 13. Section 2610.5 is added to the Revenue and Taxation Code, to read:

2610.5. On or before November 1 each year, the tax collector of every county shall mail a county tax bill or copy thereof to each assessee or fee owner of property on the secured roll. This requirement need not be met where the computation of taxes results in a zero amount. The failure to receive a tax bill does not relieve the fee owner from the liability to pay taxes owed.

SEC. 14. (a) The sum of one million five hundred thousand dollars ($1,500,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies to pay the supplemental claims submitted pursuant to the provision of this section to reimburse counties and cities for 1973–74 fiscal year property tax revenues lost by reason of the operation of this chapter.

(b) On or before April 30, 1974, the auditor of each county and of each city for which taxes are not collected by the county shall file a supplemental claim with the Controller in the same manner and form as required by Sections 29100.6 and 29100.7 of the Government Code. Such supplemental claims shall contain a statement of 1973–1974 property tax revenues lost by reason of the operation of this chapter.

(c) On or before May 31, 1974, the Controller shall pay, from the funds appropriated from the General Fund pursuant to this section, to the auditor of each city or county that amount claimed on supplemental claims made under subdivision (b), in addition to the amounts required to be paid pursuant to Section 16120 of the Government Code. Upon the receipt of such payments, such auditors shall apportion the reimbursement proceeds to the county and cities in accordance with the claims made under subdivision (b).

(d) The Controller shall transfer one million five hundred thousand dollars ($1,500,000) from the Federal Revenue Sharing Fund to the State General Fund to make the allocations required by subdivision (a).

SEC. 15. No appropriation is made by this act and no obligation is created thereby under Section 2231 of the Revenue and Taxation Code for reimbursing local government for state-mandated costs under this act for the following reasons:

(a) The administrative costs involved in processing late claims for the homeowners' exemption for the 1973–74 fiscal year are minor in nature.

(b) The local costs involved in performing new duties for the fiscal years 1974–75 and thereafter, are more than offset by cost savings that will be realized under the permanent homeowners' exemption claim filing system instituted under this act.

SEC. 16. The provisions of this act shall become operative as follows:

(a) Sections 4, 5, 6, 7, 9, 10, 11, 14 and 15 shall take effect immediately.

(b) Section 1 shall become operative on July 1, 1975, and there shall be no reimbursement pursuant to such section for any fiscal

year after the 1974–75 fiscal year.

(c) Sections 2, 3 and 13 shall be operative with respect to claims for the 1975–76 fiscal year and thereafter.

(d) Sections 8 and 12 shall be operative with respect to claims for the 1974–75 fiscal year and thereafter.

SEC. 17. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act allowing homeowners to cure a procedural defect in obtaining the homeowners' exemption to apply to claims for the 1973–74 fiscal year, thereby complying with the intent and purpose of Section 1d of Article XIII of the Constitution, it is necessary that this act take effect immediately.

CHAPTER 61

An act to add Section 7354.5 to the Labor Code, relating to aerial passenger tramways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1974 Filed with Secretary of State March 12, 1974]

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

SECTION 1. Section 7354.5 is added to the Labor Code, to read:

7354.5. Notwithstanding any other provision of this chapter, in any case in which an insurer admitted to transact insurance in this state has inspected or caused to be inspected, by a qualified, licensed professional engineer who is registered in California pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, any aerial passenger tramway used as a ski lift, the division may, if it finds such inspections were made according to the provisions of subdivisions (a) and (b) of Section 7344, accept such inspections in lieu of any other inspections for that year. Such private inspector shall, before commencing his duties therein, secure from the division a certificate of competency to make such inspections.

The division may determine the competency of any applicant for such certificate, either by examination or by other satisfactory proof of qualification.

The division may rescind at any time, upon good cause being shown therefor, and after hearing, if requested, any certificate of competency issued by it to a ski lift inspector. The inspection reports made to the division shall be in such form and content as the division may find necessary for acceptance as a proper inspection made by such private inspector

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

The Division of Industrial Safety will have to conduct at least two inspections of each aerial passenger tramway during 1974 if this bill is not in effect. Such tramways are often inspected by insurers in a manner sufficient to meet the requirements of this act. Therefore, in order to avoid duplication in inspections by the division and by insurers, it is necessary that this act take effect immediately.

CHAPTER 62

An act to amend Section 2393 of the Business and Professions Code, relating to medicine, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1974 Filed with Secretary of State March 12, 1974]

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

SECTION 1. Section 2393 of the Business and Professions Code is amended to read:

2393. The use of any fictitious, false or assumed name, or any name other than his own, by the holder of any certificate, either alone or in conjunction with a partnership group, in any sign or advertisement in connection with his practice, or in any advertisement or announcement of his practice, or in any public announcement of his practice, except as hereinafter expressly permitted, constitutes unprofessional conduct within the meaning of this chapter. Holders of physicians' and surgeons' certificates and holders of certificates to practice podiatry issued under this chapter may practice, within the scope of their respective certificates, in partnerships or groups of physicians and surgeons or of podiatrists, respectively.

Any physician and surgeon or partnership or group of physicians and surgeons, or any podiatrist or partnership or group of podiatrists, engaging in practice under any name that would otherwise be a violation of this section may practice under such name if, and only if, such individual, partnership or group holds an outstanding unexpired, unsuspended, and unrevoked permit issued by the board under the provisions of this section.

The board shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the board finds to its satisfaction that:

(a) The applicant or applicants are either duly licensed physicians and surgeons or podiatrists, as the case may be;

(b) The place or establishment, or the portion thereof, in which the applicant or applicants practice, is owned or leased by the applicant or applicants, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants provided, however, that where the applicant is working for a community clinic, as defined in subdivision (a) of Section 1203 of the Health and Safety Code, which contracts with or employs individual licensed physicians and surgeons to render medical care, this subdivision shall not apply.

(c) The name under which the applicant or applicants propose to operate contains at least one of the following designations: "medical group," "medical clinic," "podiatrists' group," "podiatry group," "podiatrists' clinic," or "podiatry clinic"; provided, however, that where the applicant is working for a community clinic, as defined in subdivision (a) of Section 1203 of the Health and Safety Code, and is subject to the name limitations of Title 17, California Administrative Code, Section 161, this subdivision shall not apply. In no case shall the name under which the applicant or applicants propose to operate contain the name or names of any of the physicians working for or employed by the community clinic.

(d) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any person practicing at such location.

Permits issued under this section by the Board of Medical Examiners shall expire and become invalid unless renewed at the times and in the manner provided in Article 15 for the renewal of certificates issued under this chapter. Permits issued under this section by the Board of Osteopathic Examiners shall expire on December 31st of each year, and may be renewed by the board on payment of the fee equal to the annual tax and registration fee payable by licentiates of the Board of Osteopathic Examiners.

Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the individual or group to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.

In the event charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a partnership or a member of a group to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license.

The amendments to this section enacted at the 1955 Regular Session of the Legislature shall not be applicable to establishments licensed under Chapter 1 of Division 2 of the Health and Safety Code.

SEC. 2. This act is an urgency statute necessary for the

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

There are several medical-free clinics which are being challenged on their use of the designation "clinic" and without such use they are unable to effectively inform those citizens who are in need of their services about the availability of the services which they offer. In order that these medical-free clinics may achieve their goals it is necessary that this act go into immediate effect.

CHAPTER 63

An act to amend the heading of Chapter 2.5 (commencing with Section 35525) of Part 5 of Division 13, of, to amend Section 33525 of, to amend Section 55668.5 as added by Assembly Bill No. 2748 of the 1973–74 Regular Session to, and to add Chapter 2.75 (commencing with Section 35540) to Part 5 of Division 13 of, the Water Code, relating to water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1974 Filed with Secretary of State March 12, 1974]

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

SECTION 1. The heading of Chapter 2.5 (commencing with Section 35525) of Part 5 of Division 13 of the Water Code is amended to read:

CHAPTER 2.5. PROVISIONS PERTAINING ONLY TO THE KERN DELTA WATER DISTRICT AND THE CAWELO WATER DISTRICT

SEC. 2. Section 35525 of the Water Code is amended to read:

35525. The provisions of this chapter shall apply only to the Kern Delta Water District and the Cawelo Water District as member units of the Kern County Water Agency or to an improvement district formed within either the Kern Delta Water District or the Cawelo Water District pursuant to the provisions of this division.

SEC. 3. Chapter 2.75 (commencing with Section 35540) is added to Part 5 of Division 13 of the Water Code, to read:

CHAPTER 2.75. PROVISIONS PERTAINING ONLY TO LOST HILLS WATER DISTRICT

35540. The provisions of this chapter shall apply only to the Lost Hills Water District as a member unit of the Kern County Water

Agency.

35541. As an alternative to, and in addition to, the methods in this division provided for the apportionment of water, the district may adopt a plan of water allocation which may include a provision that the holders of title to lands within a designated area of the district, not at the time receiving delivery of water purchased by the district under long term contract with the Kern County Water Agency by means of district-provided facilities, shall have no right in the future to have allocated to them, as the holders of title to lands within such designated area, any part of the water which will thereafter be made available to the district under contracts between the district and the Kern County Water Agency in effect at the time of approval of such plan. Such a plan shall provide that the lands within such designated area of the district shall not thereafter be assessed by the district, or by the Board of Supervisors of the County of Kern on behalf of the district, for the purpose of providing funds to pay any part of the district's obligation to the Kern County Water Agency under contracts between the district and such agency in effect at the time of approval of such plan or for the purpose of providing funds to pay either the principal of bonds or interest on bonds of the district sold after approval of such plan, excepting, however, bonds sold for the purpose of providing funds to construct irrigation works wholly or partially for the benefit of such designated area.

No such plan shall affect the power of the Kern County Water Agency to levy a tax or assessment pursuant to Section 11652 or to levy assessments under the provisions of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961, as amended) against all lands within the district nor shall any such plan constitute or be given effect as a limitation upon the power of any bondholder or other creditor of the district to enforce rights existing at the time of approval of such plan.

Such plan shall provide that for so long as the lands within such designated area receive no benefits from the district, they shall not be assessed for district purposes, except to the extent required to pay principal of bonds and interest on bonds of the district sold prior to approval of such plan.

Such plan may further provide that the holders of title to lands within the designated portion of the district shall have the right to purchase from the district, from time to time, as the same is available to the district, water which the district may acquire, other than under long term contract between the district and the Kern County Water Agency in effect at the time of approval of such plan, at a cost which shall not include in its computation any part of the district's obligation to pay for contract entitlement water under long term contract between the district and the Kern County Water Agency in effect at the time of the approval of such plan, but which shall include a pro rata share of the cost of district administration.

35542. A plan adopted or approved pursuant to the provisions of this chapter may be changed, supplemented, amended, or rescinded

in the manner herein provided for the adoption and approval of an original plan.

35543. Before adopting such a plan the board shall make or cause to be made a report setting forth the proposed plan.

35544. Before adopting such a plan the board shall pass a resolution of intention stating the following:

(a) The intention of the board to adopt a plan for distribution and use within the district of water available to the district under existing contract or contracts with the Kern County Water Agency under which plan such water will not be made available to a designated area within the district.

(b) A brief description of the plan proposed to be adopted.

(c) A description of the area within the district to which delivery of water would be curtailed under the proposed plan.

(d) That a copy of the plan and of a map showing the area within the district to which delivery of water would be curtailed under the proposed plan, which map shall govern for all details as to the extent of the area to which water deliveries will be curtailed, is on file with the secretary of the district and is available for inspection by any person or persons interested.

(e) The time and place of hearing by the board in regard to the proposed plan.

(f) That at such time and place any person interested, including all persons owning land within the district or in the area within the district to which delivery of water would be curtailed under the proposed plan, may appear and be heard and written protests, if any, will be considered.

(g) A statement of the substance of Sections 35546, 35547, 35548, 35549, and 35550.

35545. Notice of the hearing shall be given by publishing a copy of the resolution of intention provided for in Section 35544 in a newspaper of general circulation, published in Kern County, California, pursuant to Section 6066 of the Government Code, the first publication to be at least 14 days prior to the time fixed for hearing. Notice of the hearing shall also be given by posting certified copies of such resolution of intention in three public places within the area within the district to which delivery of water would be curtailed under the proposed plan for at least 14 days prior to the time fixed for hearing. Notice of the hearing shall also be given by mailing, by certified mail, a certified copy of such resolution of intention to each holder of title to lands within the area within the district to which delivery of water would be curtailed under the proposed plan as shown in the last equalized assessment book of the district, except, that, in the event an assessment for the district shall not have been made and levied for the year in which such hearing is to be held, the last equalized assessment roll for the County of Kern shall be used in place of the assessment book of the district. Such mailing shall be completed not less than 14 days prior to the hearing. No notice of such hearing, other than that required by this section,

need be given.

35546. At any time, not later than the hour set for hearing on such resolution of intention, any holder of title to land to which delivery of water would be curtailed under the proposed plan may make written protest. Such protest shall be in writing, shall contain a description of the property in which each signer has an interest sufficient to identify the same, and, if any signer is not shown on the last equalized assessment book of the district or, if used as the basis for the mailing of notice, the last equalized assessment roll of Kern County, such protest shall contain or be accompanied by written evidence that such signer is the owner of such property or of an interest therein. All such protests shall be delivered to the secretary of the district.

35547. At the time set for hearing protests, the board shall hear and pass upon all protests made as provided for in Section 35546, and its decision shall be final and conclusive. The board may adjourn the hearing from time to time, and any written protest may be withdrawn by the holder of title making the same in writing at any time prior to the conclusion of the hearing or any such adjournment thereof.

35548. If a written protest is made pursuant to Section 35546 against the proposed plan and the board finds that the protest represents more than one-half of the assessed value of the lands to which delivery of water would be curtailed under the proposed plan, and such protests are not withdrawn so as to reduce the same to less than a majority of such assessed value, the proceedings shall be terminated and no further proceedings may be taken with respect to such plan or any modification thereof for a period of one year from the time of the decision of the board on the hearing.

35549. If a written protest is made pursuant to Section 35546 against the proposed plan and the board finds that the protest represents less than one-half but more than 10 percent of the assessed value of the lands to which delivery of water would be curtailed under the proposed plan, and such protests are not withdrawn to reduce the same to less than 10 percent of such assessed value, the board may adopt such plan subject to approval thereof by the holders of title to the lands to which delivery of water would be curtailed under the proposed plan at a special election to be held for such purpose. Such election shall be called, noticed, held, conducted and the results thereof shall be canvassed in substantially the same manner as provided in this division for the calling, noticing, holding, conducting, and canvassing of general obligation bond elections.

35550. If no written protest is made pursuant to Section 35546 against the proposed plan or if a written protest is made pursuant to Section 35546 and the board finds that the protest represents less than 10 percent of the assessed value of the lands to which delivery of water would be curtailed under the proposed plan, then, at the conclusion of the hearing, the board may, by resolution, adopt and approve such plan.

35551. The last equalized assessment book of the district shall be used as a basis for determining the assessed value of lands to which delivery of water would be curtailed under the proposed plan, excepting, however, if no assessment for the district shall have been made and levied for the year in which the hearing is held, the last equalized assessment roll of the County of Kern shall be used for such purpose in place of the assessment book of the district.

35552. If a majority of the votes cast at an election held pursuant to the provisions of Section 35549 is in favor of the proposed plan, the board shall, within 30 days after canvass of the results of such election, by resolution reciting the fact of such election, the total number of votes cast thereat, the number of votes cast in favor of the plan and the number of votes cast opposed to the plan, approve the proposed plan. If a majority of the votes cast at such election is opposed to adoption of the proposed plan, the proceedings shall be terminated upon the canvass of the vote and no further proceedings may be taken with respect to such plan or any modification thereof for a period of one year from the date of the election.

35553 In the event the plan is approved, either according to the provisions of Section 35550 or Section 35552, a certified copy of the board's resolution approving the plan shall be recorded in the office of the County Recorder of the County of Kern following which recording such plan shall be effective for all purposes.

SEC. 4. The State of California and the people thereof are hereby declared to have a primary and supreme interest in securing to the inhabitants and holders of title to lands within the Cawelo Water District the greatest possible use, conservation and protection of ground water within the district and of waters of the Kern River to which certain holders of title to land within the district may be entitled, to the ends that rights of all holders of title to lands within the district will be recognized and protected through an equitable apportioning of the costs of the project of the district in accordance with benefits received therefrom, that costs of water utilization shall be equalized, and that a firm water supply shall be assured.

Investigation having shown conditions in the area comprising the district to be peculiar to the district, it is hereby declared that a general law cannot be applicable thereto, and the enactment of this special law is therefore necessary for the proper allocation of costs of the project, for the proper distribution and use of waters available to the district, for the protection of life and property therein, and for the public good.

SEC. 5. Section 55668.5 of the Water Code, as added by Assembly Bill No. 2748 of the 1973–74 Regular Session, is amended to read:

55668.5. Notwithstanding Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation code, or any other provisions of law to the contrary, the board may levy, without an election, a tax rate within a zone to pay the cost of interest and redemption charges on bonded indebtedness incurred prior to July 1, 1974, where a valid petition is presented pursuant to Section

55668.

This section shall only apply the Ventura County Waterworks District No. 1. It is hereby declared to be necessary to enact this special law with respect to such district because of special facts and circumstances existing therein:

It has recently been discovered that due to the lowering of the water table, ranchers in certain areas of Ventura County are threatened with drought and a loss of crops. In order to expedite the provision of water to the areas, the landowners in the areas petitioned for annexation to Ventura County Waterworks District No. 1, for the formation of improvement zones, and for authorization of bonded indebtedness. Registered voters and owners of land approved such actions, and the Board of Supervisors of Ventura County approves. In order to insure, however, that the bonds may be immediately sold without the requirement of an election, it is necessary to exempt the district from the provisions of Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code with respect to such bonded indebtedness. Thus, this special law is necessary in order to permit bonds to be sold and water to be provided to the affected areas in time to avoid severe crop losses in the area.

SEC. 6. Section 5 of this act shall become operative only if Assembly Bill No 2748 of the 1973–74 Regular Session is chaptered and becomes effective and shall become operative at the same time as Assembly Bill No. 2748.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Lost Hills Water District has entered into a long term contract for a water supply with the Kern County Water Agency which has, in turn, entered into a long term contract for a water supply with the State of California acting through the Department of Water Resources.

Lost Hills Water District has no source of water other than its contract with the Kern County Water Agency. The quantity of water available to Lost Hills Water District under such contract is inadequate to provide water for irrigation purposes to all the lands within Lost Hills Water District.

Lost Hills Water District has been advised that, without an adequate water supply for all land within the district, the district will be unable to secure financing for any new system of works. By adopting a plan of water allocation such as would be authorized by this act, the district can assure an adequate water supply to all other portions of the district and will then be able to secure financing for works designed to service such other portions of the district. Because of rapidly increasing contractual entitlements under its contract with the Kern County Water Agency and commensurate increase in its obligations to the Kern County Water Agency and because of the

long leadtime required in planning, designing, financing and constructing necessary works, it is necessary that this act go into immediate effect.

In order also to permit urgently needed water to be provided to Ventura County Waterworks District No. 1 in time for the irrigation season, it is necessary that bonds be issued immediately. In order to permit bonds to be issued by such district without further delay and to thereby provide water necessary to avoid severe crop losses to ranchers and farmers, it is necessary that this act go into immediate effect.

CHAPTER 64

An act to amend Sections 6501, 6502, 6504, 6505, 6506, 6507, and 6550 of, and to add Section 6505.1 to, the Streets and Highways Code, relating to improvement bonds, and declaring the urgency thereof, to take effect immediately

[Approved by Governor March 12, 1974 Filed with Secretary of State March 12, 1974]

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

SECTION 1. Section 6501 of the Streets and Highways Code is amended to read:

6501. The treasurer shall mail a notice of sale to the owner of any property to be sold for nonpayment of either principal or interest upon any delinquent bond. The notice shall be sent by certified mail to the owner of the property as shown on the last equalized assessment roll and to any person whose name appears as an owner on the records of the county assessor's office which the county assessor will use to prepare the next assessor's roll. The notice shall be substantially in the following form:

"Notice of Sale of Property Delinquent for Nonpayment of Street Improvement Bond

You are hereby notified that Bond _____, Series _____, representing a lien against Parcel Number _____ (or the legal description of the property in said bond) located at _____, for an improvement in the City (or County) of _____, is delinquent. Unless the amount of the unpaid principal on said bond, together with interest, penalties, and recordation fee for filing notice of pendency, is paid to the city (or county) treasurer on or before six months after the mailing of this notice, the date of which being this _____ day of _____, 19__, or unless the bond is reinstated as provided by Section 6631, the undersigned will institute proceedings to foreclose the lien of said bond in the manner prescribed by law.

Such foreclosure will result in the sale of such property to satisfy the amount of the bond, interest, penalties, and costs."

SEC. 2. Section 6502 of the Streets and Highways Code is amended to read:

6502. No sale of property shall be made pursuant to this chapter unless the notices are sent pursuant to Sections 6501 and 6505. The failure of the property owner to receive or accept the notices shall not affect the validity of the sale or invalidate any subsequent act or proceeding.

SEC. 3. Section 6504 of the Streets and Highways Code is amended to read:

6504. The notice of sale shall be in substantially (filling in all blanks) the following form:

"Notice of Sale of Property Delinquent for Nonpayment of Bond No. _____, Series No. _____, Issued for the Improvement of _____

Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the Treasurer of the City (or County) of _____ proceed to advertise and sell the lot or parcel of land mentioned in said bond. Now, therefore, I give notice that I will on the _____ day of _____, 19__, at the hour of _____ o'clock __m., of said day, sell at public auction the lot or parcel of land mentioned in said bond, to wit: Parcel Number _____ (or the legal description of the property in said bond) located at _____, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place in said city (or county)) unless the amount due on said bond and the accrued interest thereon together with the costs set forth in the third paragraph of this notice are paid; and that I will so sell the same to the person who will take the least amount of said lot or parcel of land and pay the full amount of unpaid principal and interest on said bond, together with costs of publication and, if incurred, costs of obtaining an abstract of title or title search. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, _____ dollars ($_____); due on account of interest _____ dollars ($_____) (here set forth the interest calculated and compounded semiannually up to the date on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid) due on account of penalties _____ dollars ($_____). Total amount due on said bond (here set forth the total of the foregoing items).

In order to avoid this sale, payment of the total amount above

named will be required together with the additional interest accruing up to the date of payment and the following costs: (a) the cost of recording pendency of foreclosure as provided in Section 3121 of the Streets and Highways Code; (b) if incurred, costs of obtaining an abstract of title or title search; (c) treasurer's costs for mailing and posting notice of sale and issuance of certificate of sale as provided in Section 6505.1 of this code, except fee for issuance of certificate of sale; (d) reinstatement of bond by payment of amounts due, interest, penalties and costs, in the manner provided by law.

In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale and the costs provided in Section 6505.1 of the Streets and Highways Code. The _____ (here name newspaper) is designated as the newspaper in which this notice shall be published.

Dated _____

_____

Treasurer of the City (or County) of _____"

SEC. 4. Section 6505 of the Streets and Highways Code is amended to read:

6505. The day named in the notice for the sale shall not be less than 30 days from the date of the first publication of the notice.

At least 15 days prior to the sale a copy of such notice shall be transmitted by the treasurer by certified mail to:

(a) The bondholder at his last known address.

(b) The property owner as shown by the last equalized roll for taxes and any persons whose name appears as owner on the records of the county assessor's office which the county will use to prepare the next assessor's roll.

SEC. 5. Section 6505.1 is added to the Streets and Highways Code, to read:

6505.1. The treasurer shall be under no obligation to publish or mail notice of sale as provided in Sections 6503, 6504 and 6505 unless the bondholder shall deposit with the treasurer prior to the issuance of such notice the following sums:

(a) The cost of recording notice of pendency of foreclosure as provided by Section 3121.

(b) The cost of title search, if incurred.

(c) The sums provided by Sections 26725 and 26746 of the Government Code for conduct of the sale and ascertainment by the treasurer of the name and address of the property owner, as shown on the last equalized roll for taxes, and any persons whose name appears as owner on the records of the county assessor's office, which the county will use to prepare the next assessor's roll.

(d) Cost of publication of the notice of sale.

(e) Treasurer's fee for issuance of certificate of sale which is hereby fixed at seven dollars ($7)

SEC. 6. Section 6506 of the Streets and Highways Code is amended to read:

6506. Any affidavit of publication setting forth a copy of the publication and stating that the publication was made in the newspaper named on specified dates shall be filed with the treasurer and shall be primary evidence of the publication of the notice. The treasurer shall also file an affidavit of mailing stating that copies of the notice were mailed as set forth in Section 6505.

SEC. 7. Section 6507 of the Streets and Highways Code is amended to read:

6507. The treasurer shall collect the sum of seven dollars ($7) for the issuance of the certificate of sale, which sum shall belong to and be subject to the disposition of the city or county.

SEC. 8. Section 6550 of the Streets and Highways Code is amended to read:

6550. In order to obtain a deed, the purchaser of the property or his assignees shall, 30 days prior to the expiration of the time of redemption, or 30 days before the date of his application for a deed, request the treasurer to send a written notice by certified mail, postage prepaid, to the owner of the property purchased, stating his intention to apply for a deed to the owner of the property purchased. The term "owner" as used herein is the name and address of the property owner as shown on the last equalized roll for taxes, and any person whose name appears as owner on the records of the county assessor's office, which the county will use to prepare the next assessor's roll. At the time of making such request, the purchaser or his assignee shall pay to the treasurer the following sums:

(i) For issuance of the notice and mailing the same by certified mail, the sum of three dollars ($3).

(ii) For search of the last equalized assessment roll to determine the name and address of the owner, as hereinabove defined, the sum of three dollars ($3).

(iii) For posting the notice as hereinafter provided, the fees provided by Sections 26725 and 26746 of the Government Code.

The notice shall state:

(a) That the property or a portion of it has been sold to satisfy the bond lien;

(b) The date of sale;

(c) The date, number and series of the bond;

(d) The amount then due, and

(e) The time when the right of redemption will expire, or when the purchaser will apply for a deed.

The treasurer shall immediately, upon such request being made and payment of the fees hereinbefore provided, send a copy of the notice addressed to the owner of the property purchased as shown on the last equalized roll for taxes, and any person whose name appears as owner on the records of the county assessor's office, which the county will use to prepare the next assessor's roll. Such notice shall be mailed at least 30 days before the expiration of the time for redemption, or 30 days before the purchaser applies for a deed. The treasurer also shall post a copy of such notice in a conspicuous place

upon the property. Such notice shall be posted at least 30 days before the expiration of the time for redemption.

SEC. 9. The amendments to Part 6 (commencing with Section 6400) of Division 7 of the Streets and Highways Code made by this act enacted during the 1973–74 Regular Session of the Legislature shall apply to all proceedings to foreclose instituted pursuant to such part where the first notice required pursuant to Section 6501 has not been sent prior to the effective date of this act.

SEC. 10. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be any appropriation made by this act, because the duties, obligations, or responsibilities imposed on local governments by this act are minor in nature and will not cause any financial burden to local governments.

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

In order to reduce the loss of property by the owners thereof through inadvertent failure to make payments on bonds issued against the property under the Improvement Act of 1911 by making the proposed changes in the notice requirements of the act, it is necessary that this act take effect immediately.

CHAPTER 65

An act to amend Section 31691 of, and to add Section 31691.1 to, the Government Code, relating to the County Employees Retirement Law.

[Approved by Governor March 12, 1974 Filed with Secretary of State March 12, 1974]

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

SECTION 1. Section 31691 of the Government Code is amended to read:

31691. The board of supervisors of any county by ordinance or the governing body of any district under the County Employees Retirement Law may by ordinance or resolution provide for the contribution by the county or district from its funds and not from the retirement fund toward the payment of all or a portion of the premiums on a policy or certificate of life insurance or disability insurance issued by an admitted insurer, or toward the payment of all or part of the consideration for any hospital service or medical service corporation, including any corporation lawfully operating under Section 9201 of the Corporations Code, contract, or for any combination thereof, for the benefit of any member heretofore or

hereafter retired or his dependents. At least one of these plans shall include free choice of physician and surgeon.

The benefits provided by this section are in addition to any other benefits provided by this chapter (commencing with Section 31450).

The board of retirement may provide on behalf of a member who has retired or, an eligible surviving spouse who was married to the member for one year prior to the date of retirement of the member or, if there is no such spouse, the surviving unmarried children of the member who are under 18 years of age or under the age of 22 and full-time students, for the benefits enumerated herein from the earnings of the retirement fund which are in excess of the total interest credited to contributions and reserves plus 1 percent of the total assets of the retirement fund. The board may provide for the benefits enumerated from like sources when the board of supervisors or the governing body of a district has elected to provide these benefits to its active employees, even though they are not provided to those who have retired from the service of the county or district.

SEC. 2. Section 31691.1 is added to the Government Code, to read:

31691.1. In lieu of the benefits prescribed by the last paragraph of Section 31691, the board of retirement may provide on behalf of a member who has retired or an eligible surviving spouse who was married to the member prior to the date of retirement of the member, or, if there is no such spouse, the surviving unmarried children of the member who are under 18 years of age or under the age of 22 and full-time students, for an equivalent increase in allowance from the earnings of the retirement fund which are in excess of the total interest credited to contributions and reserves plus 1 percent of the total assets of the retirement fund. Any benefit provided by this section shall be subject to the provisions of Section 31692.

CHAPTER 66

An act to add Sections 50005, 50006, 50007, and Article 3 (commencing with Section 50061) to Division 17 of, the Food and Agricultural Code, relating to transportation of potatoes.

[Approved by Governor March 12, 1974 Filed with Secretary of State March 12, 1974]

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

SECTION 1. Section 50005 is added to the Food and Agricultural Code, to read:

50005. This chapter does not prohibit any person from transporting potatoes that fail to meet the quality standards of this chapter, for processing, preserving, or manufacturing purposes out

of the state, under a permit issued pursuant to this article by a commissioner.

SEC. 2. Section 50006 is added to the Food and Agricultural Code, to read:

50006. A permit may be issued by the commissioner of the county from which the potatoes are to be transported if he has satisfactory verification by a like officer of the state or country of destination that the potatoes are to be transported to a purchaser for processing, preserving, or manufacturing purposes.

SEC. 3. Section 50007 is added to the Food and Agricultural Code, to read:

50007. The verification shall include a statement that such official will report to the commissioner who issued the permit as to the processing, preserving, or manufacturing purposes for which the potatoes transported under the permit were actually used by the purchaser.

SEC. 4. Article 3 (commencing with Section 50061) is added to Division 17 of the Food and Agricultural Code, to read:

Article 3. Fees

50061. The board of supervisors of the county from which the potatoes are to be transported pursuant to the provisions of this chapter shall establish a schedule of fees, which shall be based upon the cost to the county in carrying out the provisions of this chapter, to be paid by any person who requests a permit under this chapter. Such fees shall be deposited in a county fund and be used for carrying out the provisions of this chapter.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act, since a schedule of fees based upon the cost to the county in carrying out the provisions of this act is provided in Section 50061 of the Food and Agricultural Code.

CHAPTER 67

An act to add Section 72610 to, and to repeal Section 72716 of, the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1974 Filed with Secretary of State March 12, 1974]

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

SECTION 1. Section 72610 is added to the Government Code, to read:

72610. In addition to any other fees or charges required by law, in all civil cases and proceedings, exclusive of small claims court cases, the clerk shall collect from all private persons, firms and corporations the following charges for all court forms supplied:

(a) Thirty cents ($0.30) for 10 forms or less.

(b) Three cents ($0.03) per form where more than 10 forms are purchased at the same time.

The provisions of Section 72004 shall apply to the collection and disposition of all sums collected pursuant to this section.

SEC. 2. Section 72716 of the Government Code is repealed.

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

In order to insure sufficient funds to meet the cost of providing court forms in the Los Angeles County municipal courts, to eliminate the disparity in fees charged between municipal courts in the City of Los Angeles and all other municipal courts in Los Angeles County, and to otherwise provide for the efficient operation of these courts, it is necessary that this act go into immediate effect at the earliest possible time.

CHAPTER 68

An act to amend Sections 1162, 1162.5, and 1163 of the Education Code, and to amend Section 2504 of the Elections Code, relating to governing boards of school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 13, 1974 Filed with Secretary of State March 13, 1974]

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

SECTION 1. Section 1162 of the Education Code is amended to read:

1162. (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district governing board shall, within 30 days of the vacancy or the filing of the deferred resignation, either call an election or make a provisional appointment to fill the vacancy.

(b) When an election is called, it shall be held on the next established election date provided pursuant to Section 2504 of the Elections Code not less than 74 days after the occurrence of the vacancy or after the written resignation is filed with the county

superintendent of schools.

(c) If a provisional appointment is made within the 30-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the appropriate percentage of registered voters of the district who voted in the last regular election for governing board members, as follows:

(1) In districts in which less than 75,000 voters voted 5 percent of the number of such voters.

(2) In districts in which 75,000 or more, but less than 200,000, voters voted 3,750 plus 2½ percent of the number, over 75,000, of such voters.

(3) In districts in which 200,000 or more voted 6,875 plus 1 percent of the number, over 200,000, of such voters.

The number of registered voters of the district on the date of the most recent regular election for governing board members shall be deemed to be the number of registered voters of the district.

The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall call a special election to be conducted no later than the 120th day after the determination.

(d) A provisional appointment made pursuant to subdivision (a) confers no powers or duties of a governing board member upon the appointee during the 30-day period following his appointment and within which a petition calling for a special election may be filed. If a petition is not filed within the 30-day period, the appointee shall thereafter have all the powers and perform all the duties of a governing board member.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(f) No person appointed as a successor to serve during the remainder of or a portion of a term in which a vacancy occurs shall be designated as an incumbent, a member of the governing board, a school board member, or other designation indicating incumbency, for purposes of the next general election of governing board members.

(g) Whenever a petition calling for a special election is circulated, the petition shall contain the clerk's estimate of the cost of conducting the special election.

(h) Elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other

governing board member elections.

SEC. 2. Section 1162.5 of the Education Code is amended to read:

1162.5. Whenever a provisional appointment is made to the governing board of a school district pursuant to Section 1162, the board shall, within 10 days of the provisional appointment of a person to fill a vacancy which occurs or will occur, post notices of both the actual vacancy or the filing of a deferred resignation and also the provisional appointment in three public places in the district and shall publish a notice pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. The notice shall also contain the full name of the provisional appointee to the board and the date of his appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

SEC. 3. Section 1163 of the Education Code is amended to read:

1163. (a) There shall be no special election or appointment to fill a vacancy on a governing board if the vacancy occurs within four months of the end of the term of that position and the incumbent is not reelected to fill the position.

(b) Section 1162 shall not apply to a vacancy on a governing board if the vacancy occurs during the period between four months and 74 days prior to a regularly scheduled governing board election and the position is not scheduled to be filled at such election. In such a case, the position shall be filled at a special election for that position to be consolidated with the regular election. A person elected to fill a position under this subdivision shall take office at the next regularly scheduled meeting of the governing board following the election and shall serve only until the end of the term of the position which he was elected to fill.

SEC. 4. Section 2504 of the Elections Code is amended to read:

2504. Three regular election dates shall be established each even-numbered year and two election dates established in each odd-numbered year as follows:

(1) One on the first Tuesday after the first Monday in March of both the even- and odd-numbered years.

(2) One on the first Tuesday after the first Monday in June in each even-numbered year.

(3) One on the first Tuesday after the first Monday in November of both the even- and odd-numbered years.

Elections held in June and November in each even-numbered year shall be statewide elections, and these dates shall be considered statewide election dates. Notwithstanding any other provision of law, all state, county, municipal, district, and school district elections shall

be held on the established election date nearest to the date on which they would be held in the absence of this election. If the election is held on a statewide election date it shall be consolidated with the statewide election. The procedural requirements prescribed for any such election shall be construed as if the provisions of this section were specifically set forth in the provisions relating to that election.

This section shall not apply to any election called by the Governor, elections held in chartered cities in which the charter provisions are inconsistent with the provisions of this section, school governing board elections consolidated pursuant to Section 1111.6 of the Education Code, school district governing board elections initiated by petition pursuant to Section 1162 of the Education Code, or county, municipal, district, and school district initiative, referendum, or recall elections.

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

In order that registered voters of a school district may have the opportunity of exercising more control over the selection of successors to members of the governing board of the school district when vacancies occur, and in order to clarify provisions governing the election of school district governing board members at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 69

An act to amend Section 19700.605 of the Education Code, relating to school building aid, and declaring the urgency thereof to take effect immediately.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 19700.605 of the Education Code is amended to read:

19700.605. Notwithstanding the provisions of Section 19700.60, apportionments under this article from the proceeds of bonds remaining from the authorization provided in the State School Building Aid Bond Law of 1966 may be made for the purpose of reconstructing or replacing existing substandard school buildings or high school dormitories that present a potential threat to the safety of schoolchildren and which were not previously constructed or reconstructed in accordance with the requirements of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 or

which if previously reconstructed to comply with the provisions of said Article 4, no longer meet the standards of structural safety prescribed under the authority of Article 4 in effect on April 10, 1933. Apportionments for the reconstruction or replacement of a dormitory shall only be made when the use and occupancy of the dormitory will be by resident pupils of the district who are in attendance at the high school of the district and when in the judgment of the board such pupils cannot be reasonably expected to travel by vehicle to the school on a daily basis.

SEC. 2. Section 19700.605 of the Education Code is amended to read:

19700.605. Notwithstanding the provisions of Section 19700.60, apportionments under this article from the proceeds of bonds remaining from the authorization provided in the State School Building Aid Bond Law of 1966 may be made for the purposes of (1) reconstructing or replacing existing substandard school buildings or high school dormitories that present a potential threat to the safety of schoolchildren and which were not previously constructed or reconstructed in accordance with the requirements of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 or which if previously reconstructed to comply with the provisions of said Article 4, no longer meet the standards of structural safety prescribed under the authority of Article 4 in effect on April 10, 1933, or (2) reconstructing or replacing existing structures utilized by a school district as school buildings originally designed to house the United States Cavalry and used as World War II prisoner-of-war camp structures without regard to conditional or provisional structural approvals received by the district with respect to such buildings prior to the enactment of Chapter 500 of the Statutes of 1972. Apportionments for the reconstruction or replacement of a dormitory shall only be made when the use and occupancy of the dormitory will be by resident pupils of the district who are in attendance at the high school of the district and when in the judgment of the board such pupils cannot be reasonably expected to travel by vehicle to the school on a daily basis.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1108 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 19700.605 of the Education Code, and this bill is chaptered after Senate Bill No. 1108, that Section 19700.605 of the Education Code, as amended by Section 1 of this act, shall remain operative until the effective date of Senate Bill No. 1108, and that on the effective date of Senate Bill No. 1108, Section 19700.605 of the Education Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 19700.605 proposed by Senate Bill No. 1108. Therefore, if this bill and Senate Bill No. 1108 are both chaptered and become effective on or before January 1, 1974, and Senate Bill No. 1108 is chaptered before this bill and amends Section 19700.605, Section 2 of this act shall become operative on the

effective date of Senate Bill No. 1108.

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

School districts in the state which maintain high school dormitories are in need of reconstructing or replacing such dormitories in order to eliminate the hazards of structurally inadequate dormitories. To insure that applications for loans afforded by this act can be made at the earliest possible time in order to eliminate such hazards, it is necessary that this act take effect immediately.

CHAPTER 70

An act to amend Section 19700.605 of the Education Code, as added by Chapter 22 of the Statutes of 1973, relating to school housing aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 19700.605 of the Education Code, as added by Chapter 22 of the Statutes of 1973, is amended to read:

19700.605. Notwithstanding the provisions of Section 19700.60, apportionments under this article from the proceeds of bonds remaining from the authorization provided in the State School Building Aid Bond Law of 1966 may be made for the purposes of (1) reconstructing or replacing existing substandard buildings that present a potential threat to the safety of school children and which were not previously constructed or reconstructed in accordance with the requirements of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 or which if previously reconstructed to comply with the provisions of said Article 4, no longer meet the standards of structural safety prescribed under the authority of Article 4 in effect on April 10, 1933, or (2) reconstructing or replacing existing structures utilized by a school district as school buildings originally designed to house the United States Cavalry and used as World War II prisoner-of-war camp structures without regard to conditional or provisional structural approvals received by the district with respect to such buildings prior to the enactment of Chapter 500 of the Statutes of 1972.

SEC. 2. Section 19700.605 of the Education Code is amended to read:

19700.605. Notwithstanding the provisions of Section 19700.60, apportionments under this article from the proceeds of bonds remaining from the authorization provided in the State School

Building Aid Bond Law of 1966 may be made for the purposes of (1) reconstructing or replacing existing substandard school buildings or high school dormitories that present a potential threat to the safety of schoolchildren and which were not previously constructed or reconstructed in accordance with the requirements of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 or which if previously reconstructed to comply with the provisions of said Article 4, no longer meet the standards of structural safety prescribed under the authority of Article 4 in effect on April 10, 1933, or (2) reconstructing or replacing existing structures utilized by a school district as school buildings originally designed to house the United States Cavalry and used as World War II prisoner-of-war camp structures without regard to conditional or provisional structural approvals received by the district with respect to such buildings prior to the enactment of Chapter 500 of the Statutes of 1972.

Apportionments for the reconstruction or replacement of a dormitory shall only be made when the use and occupancy of the dormitory will be by resident pupils of the district who are in attendance at the high school of the district and when in the judgment of the board such pupils cannot be reasonably expected to travel by vehicle to the school on a daily basis.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1213 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 19700.605 of the Education Code, and this bill is chaptered after Assembly Bill No. 1213, that Section 19700.605 of the Education Code, as amended by Section 1 of Assembly Bill No. 1213, be further amended on the effective date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 19700.605 proposed by this bill. Therefore, if this bill and Assembly Bill No. 1213 are both chaptered and become effective on or before January 1, 1975, and Assembly Bill No. 1213 is chaptered before this bill and amends Section 19700.605, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

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

In order to permit this act to become operative before the beginning of the 1974–75 fiscal year and so facilitate the orderly administration of this act in assuring the safety of the pupils affected, it is necessary that this act take effect immediately.

CHAPTER 71

An act to amend Sections 28830, 28834, and 28835 of the Public Utilities Code, relating to rapid transit.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 28830 of the Public Utilities Code is amended to read:

28830. The board shall appoint and fix the salary of a general manager, who shall have charge, subject to the direction and control of the board, of the acquisition, construction, maintenance, and operation of the facilities of the district and also of the administration of the business affairs of the district.

SEC. 2. Section 28834 of the Public Utilities Code is amended to read:

28834. The powers and duties of the general manager are:

(a) To have charge, subject to the direction and control of the board, of the acquisition, construction, maintenance, and operation of the facilities of the district.

(b) To have charge, subject to the direction and control of the board, of the administration of the business affairs of the district.

(c) To see that all ordinances of the district are enforced.

(d) To administer the personnel system adopted by the board and except for officers appointed by the board to appoint, discipline or remove all officers and employees subject to the rules and regulations adopted by the board and the applicable provisions of this part.

(e) To prepare and submit to the board as soon as practical after the end of each fiscal year a complete report of the finances and administrative activities of the district for the preceding year.

(f) To keep the board advised as to the needs of the district.

(g) To prepare or cause to be prepared all plans and specifications for the construction of the works of the district.

(h) To devote his entire time to the business of the district.

(i) To perform such other and additional duties as the board may require.

(j) To cause to be installed and maintained a system of auditing and accounting which shall completely and at all times show the financial condition of the district.

SEC. 3. Section 28835 of the Public Utilities Code is amended to read:

28835 The general manager shall attend meetings of the board as directed by the board.

CHAPTER 72

An act to amend Section 1192.5 of the Penal Code, relating to plea bargaining.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 1192.5 of the Penal Code is amended to read:

1192.5. Upon a plea of guilty or nolo contendere to an accusatory pleading charging a felony, the plea may specify the punishment to the same extent as it may be specified by the jury on a plea of not guilty or fixed by the court on a plea of guilty, nolo contendere, or not guilty, and may specify the exercise by the court thereafter of other powers legally available to it.

Where such plea is accepted by the prosecuting attorney in open court and is approved by the court, the defendant, except as otherwise provided in this section, cannot be sentenced on such plea to a punishment more severe than that specified in the plea and the court may not proceed as to such plea other than as specified in the plea.

If the court approves of the plea, it shall inform the defendant prior to the making of the plea that (1) its approval is not binding, (2) it may, at the time set for the hearing on the application for probation or pronouncement of judgment, withdraw its approval in the light of further consideration of the matter, and (3) in such case, the defendant shall be permitted to withdraw his plea if he desires to do so. The court shall also cause an inquiry to be made of the defendant to satisfy itself that the plea is freely and voluntarily made, and that there is a factual basis for such plea.

If such plea is not accepted by the prosecuting attorney and approved by the court, the plea shall be deemed withdrawn and the defendant may then enter such plea or pleas as would otherwise have been available.

If such plea is withdrawn or deemed withdrawn, it may not be received in evidence in any criminal, civil, or special action or proceeding of any nature, including proceedings before agencies, commissions, boards, and tribunals.

CHAPTER 73

An act to amend Section 4003 of the Unemployment Insurance Code, relating to federal-state extended benefits and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 4003 of the Unemployment Insurance Code is amended to read:

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

(b) Effective with respect to compensation for weeks of unemployment beginning before April 1, 1974, and beginning after December 31, 1973, the determination of whether there has been a state "on" or "off" indicator beginning or ending any extended benefit period shall be made as provided in subsection (e) of Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended by HR 11333 of the 93rd Congress (First Session) as if subparagraph (A) of paragraph (1) of such subsection (e) did not exist.

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

Higher levels of unemployment are anticipated in the immediate future and federal legislation is only effective for 90 days.

CHAPTER 74

An act to amend Sections 310, 321, and 450 of the Elections Code, relating to registration of voters.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at his option, by the designation of Miss, Ms., Mrs. or Mr. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to mark a prefix to his given name and shall be so advised by the registration clerk or deputy registrar.

(c) Affiant's place of residence; residence telephone number, if furnished; and post office address with sufficient particularity to

identify it and to determine affiant's voting precinct. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his telephone number, and shall be so advised by the registration clerk or deputy registrar.

(d) Affiant's social security number. If his social security number is not immediately available, the affiant may mail the number to the county clerk on an addressed postcard provided for that purpose. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his social security number, and shall be so advised by the registration clerk or deputy registrar.

(e) Affiant's occupation.

(f) The country or state of affiant's birth.

(g) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(h) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he cannot mark the ballot, in which case the nature of such disability shall be stated.

(i) Whether the affiant has been convicted of a felony which disqualifies him from voting. (Not all felony convictions disqualify him from voting.)

(j) The affiant's sex.

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 2. Section 321 of the Elections Code, as amended by Chapter 444 of the Statutes of 1973, is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ Precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I am a citizen of the United States, and a resident of the state, of the county, of the precinct, and will be at least 18 years of age at the next succeeding election.

1. I am not now registered as a voter in this state. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including given name, middle name or initial and, at the affiant's option, the prefix Miss, Ms., Mrs., or Mr.), and my sex is:

☐ male ☐ female
(check one)

3. My residence is _____ between _____ and _____ Streets, _____ floor, Room ____, and my residence telephone number is _____. (If telephone number is not given, write or stamp "None" or "Declines to state" as appropriate.)

4. My occupation is _____.

5. My height is ____ feet ____ inches.

6. I was born in _____.
(state or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. {Father's naturalization. / Mother's naturalization.}
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

Where { city / state } _____

My { father's / husband's / mother's } name is (was) _____

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

6—3659

8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911, an elector.

I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ Party. (If affiliation is not given, write or stamp "Nonpartisan" or "Declines to state," as registrant chooses. If party affiliation is not given, inform the registrant that he will be ineligible to vote in party primaries to nominate candidates for partisan office.)

10. I have not been convicted of a felony which disqualifies me from voting. (Not all felony convictions will disqualify you from voting.)

11. My social security number is _____ (may be omitted).

_____

(Affiant sign here.)

Residence _____

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

_____

County Clerk.

By_____

Deputy County Clerk.

Assembly District _____

Post office address is _____ Precinct _____

Rural Route No. _____ Box No. _____

SEC. 3. Section 450 of the Elections Code is amended to read:

450. At least once, and oftener if he deems it necessary, within each two-year period commencing on the first day of January in each odd-numbered year, the county clerk shall have printed a complete index, by precinct, to the affidavits of registration current at the date of printing. The county clerk shall keep a copy of such index on file as a public record for a period of five years. The index shall contain the name, address, residence telephone number if furnished, and political affiliation of each voter, and also a ruled space to the left of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters. The name shall include the given name and the middle name or initials, if any. At the affiant's option, the given name may be preceded by the designation "Miss," "Ms.," "Mrs." or "Mr." The index shall be printed in a size no smaller than eight-point roman type on eight-point body and shall be arranged in alphabetical order in accordance with the surnames of the voters. A space of not less than one-quarter inch or one line of printing shall be left between the names of voters beginning with one letter of the alphabet and those starting with the next letter of the alphabet. Supplements of the same content and style may be printed as need for them appears.

SEC. 4. Notwithstanding the state-mandated local costs contained in this act, there shall be no reimbursement pursuant to

Section 2164.3 of the Revenue and Taxation Code, nor shall any appropriation be made by this act because this act consists of technical changes to statutes enacted prior to January 1, 1973.

CHAPTER 75

An act to amend Sections 12151, 12200, 12300, 12302, 12303, 12304, 12351, 12400, 13920, 13922 and 18910 of, to add Sections 12303.5, 12304.5 and 12361 to, and to repeal Chapter 4 (commencing with Section 12500) of Part 3 of Division 9 as added by Chapter 1784 of the Statutes of 1965 of, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 12151 of the Welfare and Institutions Code is amended to read:

12151. Persons who for the month of December 1973 were recipients of aid or who had applied for and met all the eligibility conditions for aid under Chapter 3 (commencing with Section 12000), 4 (commencing with Section 12500), or 6 (commencing with Section 13500), of this part shall be eligible for benefits under this chapter during the period that they continue to meet the more liberal of the eligibility requirements in effect in December 1973 or after January 1, 1974, provided that no person shall remain eligible under this section who would otherwise be ineligible to receive state supplemental payments by reason of the provisions of Section 212(a) (2) (C) or (D) of Public Law 93-66, or Section 1611(e) (1) (A), (2), or (3), 1611(f), or 1615(c) of Title XVI of the Social Security Act.

SEC. 2. Section 12200 of the Welfare and Institutions Code is amended to read:

12200. An aged, blind or disabled applicant or recipient shall be paid an amount of aid which when added to his federal benefit received under Part A of Title XVI of the Social Security Act and other nonexempt income and resources, equals the following:

(a) For a blind applicant or recipient, the sum of two hundred sixty-five dollars ($265) per month and for a married couple both qualifying for benefits under this chapter as blind, the sum of five hundred thirty dollars ($530) per month.

(b) For a married couple, both qualifying for benefits under this chapter, and one of whom is blind, the sum of five hundred dollars ($500) per month. This sum may be reduced to four hundred eighty-five dollars ($485) per month until June 30, 1974, or such time as the secretary can pay the higher amount, whichever is sooner.

(c) For an aged or disabled applicant or recipient, the sum of two hundred thirty-five dollars ($235) per month.

(d) For a married couple both qualifying for benefits under this chapter as aged or disabled, the sum of four hundred forty dollars ($440) per month.

(e) For an aged or disabled applicant or recipient under subdivision (c) or for a married couple under subdivision (d) whose living arrangement prevents preparation of his or their meals at home shall be entitled to an allowance of twenty-five dollars ($25) per month for an individual and fifty dollars ($50) per month for a married couple in addition to any other amount he is entitled to under this chapter.

(f) For a disabled minor under 18 living with a parent or guardian or relative by blood or marriage, an amount equal to the state adjusted payment level determined pursuant to Section 401 of Title IV of the Social Security Act amendments to 1972, per month.

(g) For a recipient in a nonmedical out-of-home care facility, the sum established pursuant to Section 13922 per month.

(h) For the personal and incidental needs of a person receiving care in a medical facility under the Medi-Cal Act, the sum of twenty-five dollars ($25) per month.

(i) In the case of any individual or couple whose federal benefit received under Part A of Title XVI of the Social Security Act is reduced in accordance with Section 1612(a)(2)(A) of Public Law 92-603 because he lives in another person's household and receives support and maintenance-in-kind from such person, the appropriate grant level set forth in subdivision (a), (b), (c), or (d) of this section shall be reduced by the amount of the reduction in the federal benefit, subject to the provisions in Section 12204.

This subdivision shall be operative only during such time that such in-kind support and maintenance, under federal law, is treated as providing the basis for a lower payment standard rather than being treated as the receipt of unearned income.

SEC. 3. Section 12300 of the Welfare and Institutions Code is amended to read:

12300. The purpose of this article is to provide a range of supportive services for those current, former or potential recipients of public assistance who can remain in their own homes or an abode of their own choosing when such services are provided.

Supportive services include, but are not limited to, chore and housekeeping services, homemaker services, consultation and assistance of a protective service worker, volunteer visiting services and other nonmedical services which make it possible for the recipient to live in comfort and safety under an independent living arrangement.

SEC. 4. Section 12302 of the Welfare and Institutions Code is amended to read:

12302. Each county welfare department shall develop and submit a plan to the State Department of Health that provides for the

delivery services to meet the objectives and conditions of this article with regard to in-home supportive services.

In order to implement such a plan, an individual county may hire homemakers and other in-home supportive personnel in accordance with established county civil service requirements or merit system requirements for those counties not having civil service, or may contract with a city, county, or city and county agency, a local health district, a voluntary nonprofit agency, a proprietary agency, or an individual or make direct payment to a recipient for the purchase of services.

SEC. 5. Section 12303 of the Welfare and Institutions Code is amended to read:

12303. A contract pursuant to Section 12302 shall include the following provisions:

(a) The cost of the service shall not exceed by more than 10 percent the allowable cost of the service as determined by the State Department of Health.

(b) The provider agency shall agree to give preference to the training and employment of recipients of public assistance or other low-income persons who would qualify for public assistance in the absence of such employment.

(c) The cost of the purchase of such service will qualify, where possible, for the maximum federal reimbursement.

The provisions of this section shall not restrict the right of a chartered county from providing a civil service classification for in-home supportive service personnel.

SEC. 6. Section 12303.5 is added to the Welfare and Institutions Code, to read:

12303.5. Except as provided in Section 12304, no one individual recipient shall receive services under this article, the total cost of which exceeds three hundred fifty dollars ($350) in any one month.

SEC. 7. Section 12304 of the Welfare and Institutions Code is amended to read:

12304. (a) Any aged, blind, or disabled individual eligible for assistance under this chapter or Chapter 4 (commencing with Section 12500) who is severely impaired and in need of in-home supportive services, as determined by the county welfare department, shall be eligible to receive services under this article, the total cost of which does not exceed four hundred fifty dollars ($450) per month, plus adjustments reflecting cost-of-living changes subsequent to January 1, 1974, as determined under Section 12201.

(b) A severely impaired individual eligible for services under this article who is capable of handling his own financial and legal affairs shall be given the option of hiring and paying his own provider of in-home supportive services. For this purpose such individual shall be entitled to receive a monthly cash payment in advance not to exceed the maximum amount provided in subdivision (a) of this section, which is in addition to his grant, if any. A severely impaired individual who is not capable of handling his own financial and legal

affairs shall be entitled to receive such cash payment through his guardian, conservator or protective payee.

(c) In no event shall the total entitlement for services and advance cash payment under subdivisions (a) and (b) of this section exceed four hundred fifty dollars ($450) per month, as adjusted pursuant to subdivision (a) of this section.

(d) The county welfare department shall inform in writing any individual who is potentially eligible for services under this section of his right to such services.

(e) For purposes of this section, a "severely impaired" recipient is one who requires in-home supportive care of at least 20 hours per week to carry out the functions of daily living, including but not limited to, the following:

(1) Routine bodily functions, such as bowel and bladder care;

(2) Dressing;

(3) Preparation and consumption of food; or

(4) Moving into and out of bed.

(f) The county welfare department shall review the provisions of services under this section on a quarterly basis.

(g) Funding for the in-home supportive services under this section shall qualify, where possible, for the maximum federal reimbursement. In the event that such services are determined to be ineligible for federal financial participation, or to the extent that federal funds prove inadequate, the state shall provide funding for services under this section.

SEC. 8. Section 12304.5 is added to the Welfare and Institutions Code, to read:

12304.5. Any aged, blind, or disabled individual who would be eligible for assistance under this chapter or under Chapter 4 (commencing with Section 12500), except for his excess income, is eligible to receive a payment under this article to purchase in-home supportive services if his income is insufficient to provide for the cost of such care, and he is otherwise qualified under this article.

SEC. 9. Section 12351 of the Welfare and Institutions Code is amended to read:

12351. The ability of an adult child to contribute to the support of a parent shall be determined in accordance with this section.

The director may establish the amount an adult child shall be required to contribute toward the support of a parent in receipt of aid under this chapter which shall not exceed the amount specified by the Relatives' Contribution Scale. Regulations of the department shall prescribe the criteria, methods of investigation and test check procedures relating to the determination of the maximum amount any adult child may be held liable to contribute toward the support of a parent to the end that the required contribution does not impose an undue hardship upon the adult child and administrative time and effort are not expended on nonproductive investigative activities.

For purposes of this chapter, income of an adult child defined as the sum of the income constituting the separate property of the adult

child, the income (excluding earnings which is community property subject to the direction and control of the adult child, and the earnings of the adult child but not of his or her spouse.

In computing net income, a flat 25-percent allowance shall be permitted for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms.

A responsible relative who is self-employed shall also be allowed to deduct the expenses necessary for obtaining the income.

The department, in establishing criteria and regulations for the administration of this section, shall provide for consideration of contributions made in kind.

Relatives' Contribution Scale

A Net monthly income	B Number of persons dependent upon income					
	1	2	3	4	5	6 or more
	C. Maximum required monthly contributions					
$400 or under...	$0	$0	$0	$0	$0	$0
401– 450.....	5	0	0	0	0	0
451– 500.....	10	0	0	0	0	0
501– 550.....	15	0	0	0	0	0
551– 600.....	20	0	0	0	0	0
601– 650.....	25	5	0	0	0	0
651– 700.....	30	10	0	0	0	0
701– 750.....	35	15	0	0	0	0
751– 800.....	40	20	0	0	0	0
801– 850.....	45	25	5	0	0	0
851– 900.....	50	30	10	0	0	0
901– 950.....	55	35	15	0	0	0
951–1,000.....	60	40	20	0	0	0
1,001–1,025.....	65	45	25	5	0	0
1,026–1,050.....	70	50	30	10	0	0
1,051–1,075.....	75	55	35	15	0	0
1,076–1,100.....	80	60	40	20	0	0
1,101–1,125.....	85	65	45	25	5	0
1,126–1,150.....	90	70	50	30	10	0

The maximum required monthly contribution of responsible relatives in one family where the net monthly income is over one thousand one hundred fifty dollars ($1,150) shall be the amount computed by entering the column of maximum required monthly contribution appropriate to number of persons dependent upon income as shown in the relatives' contribution scale for a net monthly income of one thousand one hundred twenty-six dollars ($1,126) to

one thousand one hundred fifty dollars ($1,150) and then adding to the required monthly contribution thus ascertained an additional sum of five dollars ($5) contribution for each and every bracket of twenty-five dollars ($25) net income over and above one thousand one hundred fifty dollars ($1,150), the same as if the relatives' contribution scale were extended by brackets of twenty-five dollars ($25) net income in column A with corresponding step-by-step increases of five dollars ($5) monthly contribution in each column under B and C.

Notwithstanding any other provision of this code to the contrary, the provisions of this section and the regulations of the department adopted pursuant thereto shall be the basis for determining the extent of liability of an adult child to contribute to the support of, or defray the cost of any medical care or hospital care and other services rendered to a recipient pursuant to any provision of this code if he is a recipient of aid under this chapter at the time such medical care or hospital care or other services are rendered.

SEC. 10. Section 12361 is added to the Welfare and Institutions Code, to read:

12361. This article shall not apply to the relatives of any applicant or recipient qualifying for benefits under this chapter as blind or disabled. No relative shall be held legally liable to support or to contribute to the support of any such applicant or recipient or to defray in whole or in part the cost of any medical care or hospital care or other service rendered to such applicant or recipient pursuant to any provision of this code if he is an applicant or recipient under this chapter as blind or disabled at the time such medical care or hospital care or other service is rendered.

Notwithstanding the provisions of Section 206 of the Civil Code, or Section 270c of the Penal Code, or any other provision of this code, no demand shall be made upon any relative to support or contribute toward the support of any applicant or recipient qualifying for benefits under this chapter as blind or disabled and no officer or employee of the department shall threaten any such relative with any legal action against him by or in behalf of the department or with any penalty whatsoever.

SEC. 11. Section 12400 of the Welfare and Institutions Code is amended to read:

12400. (a) For the 1974–75 fiscal year, the county share toward the cost of state supplementary aid provided under this chapter shall be the amount specified for the particular county in the following table:

Alameda	7,025,338
Alpine	4,947
Amador	38,704
Butte	670,251
Calaveras	77,181
Colusa	49,813

Contra Costa	3,476,380
Del Norte	114,534
El Dorado	250,723
Fresno	2,904,906
Glenn	68,691
Humboldt	720,054
Imperial	470,331
Inyo	72,676
Kern	2,185,196
Kings	388,717
Lake	200,967
Lassen	74,308
Los Angeles	46,323,058
Madera	461,328
Marin	579,850
Mariposa	29,298
Mendocino	353,434
Merced	707,640
Modoc	43,587
Mono	12,975
Monterey	923,764
Napa	415,106
Nevada	179,187
Orange	3,060,075
Placer	367,389
Plumas	73,565
Riverside	2,669,507
Sacramento	4,872,097
San Benito	73,296
San Bernardino	3,090,547
San Diego	5,367,654
San Francisco	9,468,300
San Joaquin	2,617,685
San Luis Obispo	539,061
San Mateo	2,258,583
Santa Barbara	1,077,275
Santa Clara	4,656,892
Santa Cruz	755,346
Shasta	588,992
Sierra	9,556
Siskiyou	180,859
Solano	691,459
Sonoma	1,118,960
Stanislaus	1,523,171
Sutter	213,560
Tehama	179,320
Trinity	36,021
Tulare	1,606,935
Tuolumne	113,202

Ventura	1,188,797
Yolo	462,791
Yuba	316,161
	$118,000,000

For the fiscal year 1973–74, each county's share shall be 45 percent of the amount specified in the above table for the particular county. Beginning with the fiscal year 1975–76, the amount payable by each county in each subsequent year shall be determined by multiplying the 1974–75 base-year amount by the ratio of the county's modified assessed value in the subsequent year to the county's modified assessed value in the base year.

(b) The term "modified assessed value" means the total of (1) the taxable assessed value of state-assessed property and the exempt assessed value of partially or totally exempt state-assessed property on which tax losses are reimbursed by the state and (2) the product of the factor prescribed in Section 17261 of the Education Code times the sum of (i) the taxable assessed value of county-assessed property and (ii) the exempt assessed value of partially or totally exempt county-assessed property on which tax losses are reimbursed by the state.

The State Controller shall determine the amount payable by each particular county in subsequent fiscal years under this section.

(c) The counties' share toward the cost of care and administration provided under this chapter shall be paid to the state monthly.

SEC. 12. Chapter 4 (commencing with Section 12500) of Part 3 of Division 9 as added by Chapter 1784 of the Statutes of 1965 of the Welfare and Institutions Code is repealed.

SEC. 13. Section 13920 of the Welfare and Institutions Code is amended to read:

13920. For a person living in a nonmedical out-of-home care facility the department may establish varying allowances for room, board and care, provided that the minimum allowance shall not be less than two hundred twenty-five dollars ($225) per month and the amount so established shall be subject to increases in accordance with the cost-of-living increase formula set forth in Section 12201.

The room, board and care allowance established pursuant to this section does not include the personal and incidental needs established pursuant to Section 13921.

SEC. 14. Section 13922 of the Welfare and Institutions Code is amended to read:

13922. The sum of the allowances established in Sections 13920 and 13921 shall not be less than two hundred eighty-three dollars ($283) and shall be the sum for purposes of subdivision (g) of Section 12200. Should such sum result in individuals or members of couples becoming ineligible for categorically needy medical services under Section 14005.1, then the sum shall be reduced separately for individuals to the highest whole dollar amount which will allow all

individuals to retain eligibility under Section 14005.1 and for members of couples to the highest whole dollar amount which will allow all members of couples to retain such eligibility.

SEC. 15. Section 18910 of the Welfare and Institutions Code is amended to read:

18910. Whoever knowingly uses, transfers, acquires, or possesses food stamps or authorizations to purchase food stamps in any manner not authorized by this chapter or by the Food Stamp Act of 1964 (Public Law 88-525 and all amendments made thereto) is guilty of a misdemeanor if the face value of the food stamps or the authorizations to purchase food stamps is two hundred dollars ($200) or less; or exceeds his cost, if any, to purchase them by two hundred dollars ($200) or less; or is guilty of a felony if the face value of the food stamps or the authorizations to purchase food stamps exceeds by more than two hundred dollars ($200) his cost, if any, to purchase them.

Whoever knowingly uses, transfers, acquires, or possesses blank authorizations to purchase food stamps in any manner not authorized by this chapter with the intent to defraud is guilty of a felony.

Whoever counterfeits or alters or knowingly uses, transfers, acquires, or possesses counterfeited or altered authorizations to purchase food stamps or food stamps in any manner not authorized by the Food Stamp Act of 1964 (Public Law 88-525 and all amendments made thereto) or the federal regulations pursuant to the act is guilty of forgery.

Whoever fraudulently appropriates food stamps or authorizations to purchase food stamps with which he has been entrusted pursuant to his duties as a public employee is guilty of embezzlement of public funds.

In no event shall separate offenses, which by themselves would be punishable as misdemeanors, be accumulated for prosecution as a felony.

SEC. 16. Notwithstanding anything contained in Chapter 1216 of the Statutes of 1973, Butte County's share under Section 12400 of the Welfare and Institutions Code shall be 45 percent of six hundred seventy thousand two hundred fifty-one dollars ($670,251) for the fiscal year 1973–74.

SEC. 17. This act shall apply retroactively to January 1, 1974, to the extent that it may legally do so.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to make various technical, clarifying and other changes in the State Supplementary Program for the Aged, Blind and Disabled which became operative on January 1, 1974, it is necessary that this act take immediate effect.

SEC. 19. The amendments to Sections 12302, 12303 and 12304 of,

and the addition of Sections 12303.5 and 12304.5 to, the Welfare and Institutions Code made by this act do not constitute a change in, but are declaratory of, the preexisting law.

CHAPTER 76

An act to amend Section 18415 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 18415 of the Revenue and Taxation Code is amended to read:

18415. Except as provided in subdivision (c), for taxable years beginning on and after January 1, 1973, every individual shall make a declaration of estimated tax for the lesser of the amounts stated in subdivision (a) or (b), provided more than 20 percent of the estimated tax is not covered by withholding of tax on wages as provided by Section 18806.

(a) The tax imposed under Section 17041 or 17048 for the preceding taxable year, minus the sum of any credits against the tax provided by this part.

(b) A tax computed under Section 17041 or 17048 upon the estimated income for the taxable year minus the sum of any credits against the tax provided by this part.

(c) If the tax determined under subdivision (a) is less than one hundred dollars ($100) in the case of a return by a single person or a joint return filed by a married couple, or fifty dollars ($50) in the case of a separate return filed by a married person, no declaration is required

(d) The declaration provided by this section shall contain such pertinent information as the Franchise Tax Board may by forms or regulations prescribe.

(e) An individual may make amendments of a declaration filed during the taxable year under regulations prescribed by the Franchise Tax Board.

(f) If on or before January 31 (or March 1, in the case of an individual referred to in paragraph (2) of subdivision (b) of Section 18435, relating to income from farming or fishing) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Franchise Tax Board—

(1) If the declaration is not required to be filed during the

taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) If the tax shown on the return (reduced by the sum of the credits against tax provided by subdivision (b) of this section) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration permitted by subdivision (e) to be filed on or before January 15.

In the application of this subdivision, in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subdivision, the 15th or last day of the months which correspond thereto.

(g) An individual with a taxable year of less than 12 months shall make a declaration in accordance with regulations prescribed by the Franchise Tax Board.

(h) The provisions of this section shall not apply to an estate or trust.

(i) The provisions of this section shall apply to a nonresident individual.

(j) In the case of a husband and wife, a single declaration of estimated tax under Section 18414.5 or this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if either the husband or the wife is a nonresident, if they are separated under a decree of divorce or of separate maintenance or a final judgment of dissolution of marriage, or if they have different taxable years. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them.

SEC. 2. The provisions of this act shall apply to estimated tax declarations which are required after December 31, 1973.

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

In order to reduce administrative costs and to alleviate the burden of taxpayers in preparing personal income tax returns and associated statements for income tax years beginning after December 31, 1973, this act must go into effect immediately.

CHAPTER 77

An act to add Section 13257.5 to the Education Code, relating to school employees.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 13257.5 is added to the Education Code, to read:

13257.5. (a) When a school district or a county superintendent of schools wishes to employ a person in a position requiring certification qualifications and that person has not previously been employed in a position requiring certification qualifications in this state, the district or county superinterdent shall require a medical certificate in such form as shall be prescribed by the State Board of Education showing that the applicant is free from any disabling disease unfitting the applicant to instruct or associate with children. The medical certificate shall be submitted directly to the governing board or county superintendent by a physician and surgeon licensed under the Business and Professions Code. The medical examination shall have been conducted not more than six months before the submission of the certificate and shall be at the expense of the applicant. A governing board or county superintendent may offer a contract of employment to an applicant subject to the submission of the required medical certificate. Notwithstanding Section 13001.5, the medical certificate shall become a part of the personnel record of the employee and shall be open to the employee or his designee.

(b) The governing board of a school district or a county superintendent of schools may require certificated employees to undergo a periodic medical examination by a physician and surgeon licensed under the Business and Professions Code to determine that the employee is free from any communicable disease unfitting the applicant to instruct or associate with children. The periodic medical examination shall be at the expense of the school district or county superintendent. The medical certificate shall become a part of the personnel record of the employee and shall be open to the employee or his designee.

(c) The State Board of Education shall adopt rules and regulations relating to the implementation and administration of this section.

CHAPTER 78

An act to amend Section 40078 of the Public Utilities Code, relating to the Orange County Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1974 Filed with Secretary of State March 14, 1974]

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

SECTION 1. Section 40078 of the Public Utilities Code is amended to read:

40078. The auditor shall provide the board with an annual audit of all books and accounts of the district. The auditor may make, or may contract with a certified public accountant or public accountant to make, the annual audit. Any costs incurred by the auditor, including contracts with or employment of, a certified public accountant or public accountant, in making the audit pursuant to this section shall be borne by the district.

SEC. 2. All contracts of the Orange County Transit District for auditing services in connection with the annual audit of all books and accounts of the district pursuant to Section 40078 of the Public Utilities Code are hereby ratified, validated, confirmed, and declared legally effective for all purposes.

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

In order to clarify existing provisions of law with respect to the authority of the auditor of the Orange County Transit District to contract for auditing services, it is necessary that this act go into immediate effect.

CHAPTER 79

An act to amend Section 10432 of the Health and Safety Code, relating to vital statistics.

[Approved by Governor March 19, 1974 Filed with Secretary of State March 19, 1974]

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

SECTION 1 Section 10432 of the Health and Safety Code is amended to read:

10432. A new birth certificate shall be established by the State Registrar upon receipt of a report of adoption from any court of record which has jurisdiction of the child of this state, another state,

the District of Columbia, in any territory of the United States, or in any foreign country, for any child born in California and whose certificate of birth is on file in the office of the State Registrar.

CHAPTER 80

An act to amend and renumber Sections 1695, 1696, and 1697 of, and to add Sections 1697, 1698, 1698.1, 1698.2, 1698.3, and 1699 to, the Code of Civil Procedure, relating to foreign support orders.

[Approved by Governor March 19, 1974. Filed with Secretary of State March 19, 1974.]

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

SECTION 1. Section 1695 of the Code of Civil Procedure is amended and renumbered to read:

1694. In any hearing for the civil enforcement of this title, the court is governed by the rules of evidence applicable in a civil court action in the superior court. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses or modification available to a defendant in a proceeding to enforce a foreign support judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by any interference by another obligee with rights of custody or visitation granted by a court.

SEC. 2. Section 1696 of the Code of Civil Procedure is amended and renumbered to read:

1695. If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise, the court may adjourn the hearing until the paternity issue has been adjudicated.

SEC. 3. Section 1697 of the Code of Civil Procedure is amended and renumbered to read:

1696. If the Attorney General is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, he may:

(a) Perfect an appeal to the proper appellate court if the support order was issued by a court of this state, or

(b) If the support order was issued in another state, cause the appeal to be taken in the other state. In either case expenses of appeal may be paid on his order from funds appropriated for his office.

SEC. 4. Section 1697 is added to the Code of Civil Procedure, to

read:

1697. If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in Sections 1698 to 1699, inclusive.

SEC. 5. Section 1698 is added to the Code of Civil Procedure, to read:

1698. The obligee may register the foreign support order in a court of this state in the manner, with the effect, and for the purposes provided in this chapter.

SEC. 6. Section 1698.1 is added to the Code of Civil Procedure, to read:

1698.1. The clerk of the court shall maintain a registry of foreign support orders in which he shall file foreign support orders.

SEC 7. Section 1698.2 is added to the Code of Civil Procedure, to read:

1698.2. If this state is acting either as a rendering or a registering state the prosecuting attorney shall represent the obligee in proceedings under this part.

If the prosecuting attorney neglects or refuses to represent the obligee, the Attorney General may order him to represent the obligee or may undertake the representation.

SEC. 8. Section 1698.3 is added to the Code of Civil Procedure, to read:

1698.3. (a) An obligee seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court (1) three certified copies of the order with all modifications thereof, (2) one copy of the reciprocal enforcement of support act of the state in which the order was made, and (3) a statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents the clerk of the court, without payment of a filing fee or other cost to the obligee, shall file them in the registry of foreign support orders. The filing constitutes registration under this chapter.

(b) Promptly upon registration the clerk of the court shall send, by any form of mail requiring a return receipt from the addressee only, to the obligor at the address given a notice of the registration with a copy of the registered support order and the post office address of the obligee. Proof shall be made to the satisfaction of the court that the obligor personally received the notice of registration. A return receipt signed by the obligor shall be satisfactory evidence of such personal receipt. He shall also docket the case and notify the prosecuting attorney of his action The prosecuting attorney shall proceed diligently to enforce the order.

SEC 9. Section 1699 is added to the Code of Civil Procedure, to read

1699. (a) Upon registration the registered foreign support order

shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.

(b) The obligor has 20 days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If he does not so petition the registered support order is confirmed.

(c) At the hearing to enforce the registered support order the obligor may present only matters that would be available to him as defenses in an action to enforce a support judgment. If he shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering state. If he shows to the court any ground upon which enforcement of a support order of this state may be stayed the court shall stay enforcement of the order of an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of this state.

SEC. 10. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because there are minor savings as well as minor costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 81

An act to add Section 4704 to the Civil Code, relating to child support.

[Approved by Governor March 19, 1974 Filed with Secretary of State March 19, 1974]

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

SECTION 1. Section 4704 is added to the Civil Code, to read:

4704. (a) Any order issued prior to March 4, 1972, providing for support for a child may be amended or modified by the court having jurisdiction to increase or decrease the amount of such award without terminating such award at the age of majority based on 18 years of age.

(b) This section does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 82

An act to add Sections 9000.5 and 9007 to the Fish and Game Code, relating to commercial fishing.

[Approved by Governor March 19, 1974 Filed with Secretary of State March 19, 1974]

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

SECTION 1. Section 9000.5 is added to the Fish and Game Code, to read:

9000.5. Traps may not be used to take fish, mollusks, or crustaceans, except crab and lobster as authorized pursuant to Sections 9000 and 9002 and Articles 5 (commencing with Section 8250) and 6 (commencing with Section 8275) of Chapter 2 of this part, in the ocean waters of the state for commercial purposes, except under a revocable, nontransferable permit issued annually by the department.

Every person who takes fish, mollusks, or crustaceans with any trap or who possesses or transports fish, mollusks, or crustaceans on any boat, barge, or vessel when any trap is aboard, shall have in his possession a valid trap permit issued to him pursuant to this section while engaged in any such activity.

The trap permits issued pursuant to this section shall contain all applicable laws and regulations and shall be conditioned on compliance with such regulations and the applicable provisions of law.

The application for such a permit shall contain the statement, signed by the applicant, that he has read, understands, and agrees to be bound by all the terms of the permit.

Any trap used pursuant to this section shall be marked with a buoy, and such buoy may be distinctively marked or painted by the fisherman and shall include the use of the fisherman's trap permit number. The marking or painting of the buoy pursuant to this section shall be reported to the department.

Such buoy shall be constructed so that it is on the surface of the water.

It is unlawful to willfully disturb, move, or injure any trap belonging to another person, except that a person may pull or raise traps bearing a registration number other than his own if he has written permission in his possession from the party who holds the permit assigned to such traps.

Any traps used pursuant to this section or Sections 9000 and 9002 shall have at least one destruct device in accordance with specifications approved by the department.

Any trap used in violation of the provisions of this code or any regulations adopted pursuant thereto is a public nuisance and shall be seized pursuant to the provisions of Article 3 (commencing with Section 8630) of Chapter 3 of this part.

SEC. 2. Section 9007 is added to the Fish and Game Code, to read:

9007. Traps may be used to take fish in all ocean waters except those areas specified by the department. Those areas closed to the use of traps shall be specified by the department and shall become a part of any permit issued pursuant to Section 9000.5.

SEC. 3. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to such section nor shall there be any appropriation made by this act because changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 83

An act to amend Section 13147 of the Education Code, relating to teaching credentials.

[Approved by Governor March 19, 1974. Filed with Secretary of State March 19, 1974]

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

SECTION 1. Section 13147 of the Education Code is amended to read:

13147. Subject matter examinations authorizing single-subject instruction shall be required for all subjects taught in California public schools, such subjects to be subsumed, as directed by the commission, under the following categories: English, physical science, life science, mathematics, social science, history, government, industrial arts, physical education, business, music, art, home economics, agriculture, and languages, including, but not limited to, French, Spanish, Russian, German, and Chinese. The commission shall list subject matter degrees.

A general subject matter examination authorizing teaching multiple subjects shall include an examination of the candidate's knowledge of the following areas: English, social science, fine arts, general science, and mathematics.

CHAPTER 84

An act to amend Sections 19531 and 19540 of, and to add Section 19531.5 to the Revenue and Taxation Code, relating to senior citizens property tax assistance.

[Approved by Governor March 20, 1974 Filed with Secretary of State March 20, 1974]

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

SECTION 1. Section 19531 of the Revenue and Taxation Code is amended to read:

19531. Each claimant applying for assistance under Article 2 (commencing with Section 19521) of this part shall file a claim under penalty of perjury with the Franchise Tax Board on a form supplied by such board. The claim shall contain:

(a) Evidence acceptable to the Franchise Tax Board that the claimant was a resident of California and 62 years of age or older on or before the first day of January preceding the end of the fiscal year for which the claim is filed.

(b) A statement showing the household income for the period set forth in Section 19501.5.

(c) A statement describing the property on which the claim is based and showing at least the assessed value of the homestead; the size and nature of the homestead; together with the tax bill. No interest shall be allowed on any payment made to any claimant pursuant to this part.

If a claimant submits a statement containing the essential data set forth in this section under penalty of perjury within the period set forth in Section 19532, the Franchise Tax Board shall compute the amount of assistance and authorize payment. If payment of property taxes has been waived pursuant to Section 19531.5, such payment shall be made payable to the recipient and to the county tax collector. The amount of any assistance otherwise payable under this part may be applied by the Franchise Tax Board against any liability due from the claimant under any law administerd by the Franchise Tax Board.

SEC. 2. Section 19531.5 is added to the Revenue and Taxation Code, to read:

19531.5. For the purposes of this part, the requirement that property taxes be paid before assistance can be granted may be waived if the taxes were not paid for reasonable cause and the claimant declares under penalty of perjury that the assistance granted will be promptly applied to pay delinquent property taxes on the homestead.

SEC. 3. Section 19540 of the Revenue and Taxation Code is amended to read:

19540. Any person aggrieved by the denial in whole or in part of the assistance claimed (except when the denial is based upon a mathematical error) may appeal such denial to the Board of Equalization, or commence an action in the Superior Court of the County of Sacramento, in the County of Los Angeles or in the City and County of San Francisco, against the Franchise Tax Board, subject to the limitations and provisions of Chapter 20 (commencing with Section 19051) of Part 10 of this division.

SEC. 4. This act shall apply to claims for assistance for property taxes for the 1974–75 property tax fiscal year and property tax fiscal years thereafter.

CHAPTER 85

An act to add Section 21331.5 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor March 20, 1974 Filed with Secretary of State March 20, 1974]

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

SECTION 1. Section 21331.5 is added to the Government Code, to read:

21331.5. Notwithstanding Section 21331, an election of optional settlement No. 2 or 3 or optional settlement 4 involving life contingency in which a spouse is designated as the beneficiary may be modified as provided in this section in the event of a dissolution or annulment of the marriage or a legal separation in which the division of the community property awards the total interest in the retirement system to the retired member. Such modification shall provide that payment shall be continued during the retired person's lifetime in accordance with the optional settlement then in effect but that no monthly allowance shall be paid following the retired person's death, and in lieu thereof there shall be paid in a lump sum to the member's estate or a beneficiary designated by him the amount, if any, by which the member's accumulated contributions at retirement exceed the total payments made to the retired person to the date of his death.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency because the Legislature hereby determines and finds that the cost of implementing this legislation is minimal on a statewide basis in relation to the effect on local tax rates.

CHAPTER 86

An act to add Section 136 to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

[Approved by Governor March 20, 1974 Filed with Secretary of State March 20, 1974]

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

SECTION 1. Section 136 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

Sec. 136. A district which has a contract with the state for a water supply from the State Water Resources Development System and also has an additional source of water for supplying member public agencies, shall serve as large an area as is determined by the district to be reasonable and practical with water from such system, and where a blend of the waters from such different sources is to be served, it shall be the objective of the district that, to the extent determined by such district to be reasonable and practical, not less than 50 percent of such blended water shall be water from the State Water Resources Development System.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 87

An act to amend Section 5782.18 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor March 20, 1974 Filed with Secretary of State March 20, 1974]

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

SECTION 1. Section 5782.18 of the Public Resources Code is amended to read:

5782.18. Each member of the district board may receive such sum as may be fixed by the board, not exceeding fifty dollars ($50) for each meeting of the board attended by him, not exceeding two meetings in any calendar month.

CHAPTER 88

An act making an appropriation to pay the claims of Linda L. Dyer, Francis H. Dyer, Jonathan D. Dyer, Florence Mehan, and Susan M. Mehan, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 20, 1974 Filed with Secretary of State March 20, 1974]

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

SECTION 1. The sum of three hundred seventy-three thousand five hundred dollars ($373,500) is hereby appropriated from the General Fund to the Department of Justice for payment of the stipulated judgment against the State of California in the action brought by Linda L. Dyer and her sons, minors, Francis H. Dyer and Jonathan D. Dyer, and Florence Mehan and her daughter, a minor, Susan M. Mehan.

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

In order to settle an action against the state arising out of the wrongful death of Hayward Henry Dyer thereby terminating a lengthy court procedure and ending a hardship to the damaged persons as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 89

An act to amend Section 14005 of, and to add Sections 14004, 14004.1, and 14004.2 to, the Education Code, relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 21, 1974 Filed with Secretary of State March 21, 1974]

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

SECTION 1. Section 14004 is added to the Education Code, to read:

14004. A member shall be credited at his retirement with credit for each day of accumulated and unused leave of absence for illness or injury for which full salary is allowed to which the member was entitled on the final day he rendered service to the school district or other employing agency by which he was last employed in a position requiring membership in this system. The number of years of service credit to be granted shall be the product of a factor and the number of days of accumulated and unused leave of absence for illness or injury. The factor shall be determined by dividing the number 1 by the number of days of service required by the member's contract of employment during his final year of service in a position requiring membership in this system. When the member has made application for retirement pursuant to Section 14210, the school district or other employing agency shall certify to the Teachers' Retirement Board the number of days of accumulated and unused leave of absence for illness or injury to which the employee is entitled on his final day of employment.

SEC. 2. Section 14004.1 is added to the Education Code, to read:

14004.1. The employing school district or other employing agency shall pay the present value of the service credit awarded in Section 14004 to the Teachers' Retirement Fund. The present value shall be determined by the board, an approximate average figure based upon broad salary ranges and the experience in the prior school year, including any projected increases for the current year. The board shall determine the present value annually and publish same as a rule of the board.

This amount is due and payable to the Teachers' Retirement Fund within 30 days following the effective date of the member's retirement, and is delinquent thereafter. The board may assess a penalty on delinquent payments in accordance with the provisions affecting payment of employee and employer contributions.

SEC. 3. Section 14004.2 is added to the Education Code, to read:

14004.2. The benefits accorded pursuant to Section 14004 shall not be used in the calculation of final compensation under this system.

SEC. 4. Section 14005 of the Education Code is amended to read:

14005. Except as provided in Section 14004, no credit toward retirement shall be granted for any payment made for accumulated sick leave upon transfer from one district to another, upon termination of service, upon death, or retirement. No contributions shall be taken from such payments. Payments for accumulated sick leave shall not be included in any payroll warrant paid the teacher but shall be paid by separate warrant. Such payments shall not be included in the computation for the purposes of determining "final compensation". No continued leave of absence shall be granted a member solely for the purpose of allowing the member to receive compensation for accumulated sick leave for which the member could otherwise have elected to receive payment.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this act nor shall there be any appropriation made by this act because there are savings as well as costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

The Auditor General shall conduct a survey of school districts to determine the savings and the costs resulting from implementation of this act during the period between the effective date of this act and the conclusion of the 1976–77 school year and shall report his findings thereon to the Legislature on or before December 31, 1977.

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

This act must be operative prior to the beginning of the school year to facilitate orderly administration; therefore, this act must take effect immediately.

CHAPTER 90

An act relating to surplus state highway land, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 21, 197 Filed with Secretary of State March 21, 1974]

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

SECTION 1. (a) The Department of Transportation shall offer to sell, at a price equal to its cost of acquisition, parcels 12004-01-01, 12006-01-01, and 12006-02-01, as designated by the Division of Highways of the department, which parcels are adjacent to State Highway Route 39, to the County of Orange for park purposes.

(b) If the county has not accepted the offer prior to June 1, 1974, the department may dispose of the parcels in the normal manner.

(c) If the county accepts the offer prior to June 1, 1974, the department shall then deed the parcels to the county in perpetuity for park purposes.

(d) The parcels, except for such portions set aside for archaeological excavations, shall be developed for park purposes within five years of their acquisition by the county, and the title of any parcel not so developed shall revert to the department.

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

In order that the County of Orange may acquire parcels 12004-01-01, 12006-01-01, and 12006-02-01, which are surplus state highway land, as early as possible so that the county may proceed to develop those parcels as parks, which are urgently needed in the county, it is necessary that this act take effect immediately.

CHAPTER 91

An act to amend Section 1183.5 of the Civil Code, relating to notarial acts.

[Approved by Governor March 21, 1974 Filed with Secretary of State March 21, 1974]

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

SECTION 1. Section 1183.5 of the Civil Code is amended to read:

1183.5. Any officer on active duty in the armed forces having the general powers of a notary public pursuant to Section 936 of Title 10 of the United States Code (Public Law 90-632) may perform all notarial acts for any person serving in the armed forces of the United

States, wherever they may be, or for any spouse of a person serving in the armed forces, wherever they may be, and for any person serving with, employed by, or accompanying such armed forces outside the United States and outside the Canal Zone, Puerto Rico, Guam and the Virgin Islands.

Any instrument acknowledged by any such officer or any oath or affirmation made before such officer shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No seal or authentication of the officer's certificate of acknowledgment or of any jurat signed by him shall be required but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in a form authorized by the laws of this state or in the following form:

On this the _____ day of _____, 19__, before me _____, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be (a) serving in the armed forces of the United States, (b) a spouse of a person serving in the armed forces of the United States, or (c) a person serving with, employed by, or accompanying the armed forces of the United States outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands, and to be the person whose name is subscribed to the within instrument and acknowledged that __he__ executed the same. And the undersigned does further certify that he is at the date of this certificate a commissioned officer in the active service of the armed forces of the United States having the general powers of a notary public under the provisions of Section 936 of Title 10 of the United States Code (Public Law 90-632).

_____

_____

Signature of officer and serial number, rank, branch of service and capacity in which signed.

To any affidavit subscribed and sworn to before such officer there shall be attached a jurat substantially in the following form:

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

_____

_____

Signature of officer and serial number, rank, branch of service and capacity in which signed

The recitals contained in any such certificate or jurat shall be prima facie evidence of the truth thereof, and any certificate of acknowledgment, oath or affirmation purporting to have been made by any commissioned officer of the Army, Air Force, Navy, Marine Corps or Coast Guard shall, notwithstanding the omission of any specific recitals therein, constitute presumptive evidence of the existence of the facts necessary to authorize such acknowledgment, oath or affirmation to be taken by the certifying officer pursuant to this section.

CHAPTER 92

An act to amend Sections 21364, 21365.5, and 21382 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor March 23, 1974 Filed with Secretary of State March 23, 1974]

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

SECTION 1. Section 21364 of the Government Code is amended to read:

21364. The special death benefit consists of:

(a) An amount equal to and derived from the same source as the basic death benefit exclusive of the contributions from which the annuity provided under subdivision (c) of this section is paid; and

(b) An amount sufficient, when added to the amount provided under subdivision (a) of this section, to provide, when applied according to tables adopted by the board, a monthly death allowance, equal to one-half of his final compensation in the membership category applicable to him at the time of the injury or the onset of the disease causing death, payable to the surviving spouse to whom he was married prior to sustaining the injury or disease resulting in death, as long as such spouse lives or until her remarriage; or if there is no surviving spouse or if such spouse dies or remarries before all children of the deceased member attain age 18, to his children under 18 collectively until every child shall have died, married, or attained age 18; provided, that no child shall receive any part of the allowance after marrying or attaining age 18. During the lifetime of the surviving spouse or until such spouse remarries, an additional percentage of the death benefit allowed by this section, exclusive of the annuity under subdivision (c), shall be paid to such spouse of a member who is killed in the performance of his duty or who dies as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, for each of his children during the lifetime of the child, or until the child marries or reaches the age of 18, as follows: for one child, twenty-five percent (25%); for two children, forty percent (40%); and for three or more children, fifty percent (50%); and

(c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving spouse, of the deceased's accumulated additional contributions at the date of his death, plus his accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to him at the time of the injury or the onset of the disease causing death.

In the event the surviving spouse does not have custody of the member's children, the additional amount payable pursuant to this section shall be payable to the person having custody of the children

for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

The computation for time prior to entering the membership category applicable to the deceased at the time of the injury or the onset of the disease causing death shall be based on the compensation earnable by him in the position first held by him in that category.

"Spouse" for purposes of this section means a wife or husband.

(d) On and after October 1, 1965, the provisions of this section shall apply to all contracting agencies and to the employees of all contracting agencies whether or not such agencies have previously elected to be subject to the provisions of this section.

Any child whose eligibility for an allowance pursuant to this section, commenced on or after October 1, 1965, shall lose that eligibility effective on the date of his adoption.

SEC. 2. Section 21365.5 of the Government Code is amended to read:

21365.5. Upon the death of a member who has attained the minimum age for voluntary service retirement applicable to him in his last employment preceding death, and who is credited with five or more years of state service and in circumstances in which the basic death benefit is payable other than solely that of membership in a county retirement system, or a retirement system maintained by the university, a monthly allowance equal to one-half of and derived from the same source as the unmodified retirement allowance which the member would have been entitled to receive if he had retired for service on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a surviving husband of a female member as long as he lives or until remarriage; or

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit or a benefit under Section 21337 is payable.

The allowance provided by this section shall be paid in lieu of the basic death benefit but a person, or such person's guardian, qualifying for the allowance may elect before the first payment on account of it to receive such basic death benefit in lieu of the allowance.

Any person who is receiving the allowance under this section on October 1, 1959, shall have the right to elect, not later than ninety (90) days after the date upon which notice of such right is mailed to him by this system, to receive in lieu of further payments of the

allowance, a sum equal to the excess of the basic death benefit which was otherwise payable on account of the member's death over the sum of the monthly payments made prior to such election.

If the total of the payments made hereunder is less than the basic death benefit which was otherwise payable on account of the member's death, the amount of the basic death benefit less any payments made pursuant to this section shall be paid in a lump sum as follows:

(a) If the person last entitled to the allowance is the remarried spouse of such member, to such spouse;

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to the allowance.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the state so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at least one year prior to his death, a "surviving husband" means a husband that was married to the member for at least one year prior to the member's death, and "child" includes a posthumously born child of the member.

On and after the operative date of the amendment to this section at the 1971 Regular Session, this section shall apply to all contracting agencies and to the employees of such agencies with respect to deaths occurring after such operative date, whether or not such agencies have previously elected to be subject to this section.

SEC. 3. Section 21382 of the Government Code is amended to read:

21382. If the death benefit provided by Section 21361 is payable on account of a member's death which occurs under circumstances other than those described in subdivision (a) (5) of Section 21360, or if an allowance under Section 21365.5 is payable, (a) the surviving wife or surviving husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or (c) the surviving wife or surviving husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21365.5, the following applicable survivor allowance, under the conditions stated and from contributions of the state:

(1) A widow or a widower who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid three hundred sixty dollars ($360) if there is one such child, or four hundred thirty dollars ($430) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of one hundred eighty dollars ($180) per month, shall be divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member under 18 years of age, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid one hundred eighty dollars ($180) per month;

(b) If there are two such children, such children shall be paid three hundred sixty dollars ($360) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid four hundred thirty dollars ($430) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid one hundred eighty dollars ($180) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance under subdivision (1) of this section, or while an allowance is being paid under subdivision (2) (c) of this section. The allowance paid under this subdivision shall be seventy dollars ($70) per month while an allowance is being paid under subdivision (2) (b) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, each of the member's dependent mother and father who has attained or attains the age of 62 or 65 years respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid one hundred eighty dollars ($180) per month.

"Stepchildren", for purposes of this section, shall include only stepchildren of the member living with him in a regular parent-child relationship at the time of his death.

The amendments to this section enacted at the 1971 Regular Session shall apply only to survivor allowances payable for time commencing on the operative date of such amendments.

SEC. 4. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 93

An act to amend Sections 19286 and 26453c of, and to add Part 18 (commencing with Section 38001) to Division 2 of, the Revenue and Taxation Code, relating to the Multistate Tax Compact.

[Approved by Governor March 23, 1974 Filed with Secretary of State March 23, 1974]

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

SECTION 1. Section 19286 of the Revenue and Taxation Code is amended to read:

19286. The Franchise Tax Board may permit the Commissioner of Internal Revenue of the United States, or other tax officials of this state, or the Multistate Tax Commission, or the proper officer of any state imposing an income tax or a tax measured by income, or the authorized representative of any such officer, to inspect the income tax returns of any individual, estate, trust, or partnership, or may furnish to such commission, or the officer or the authorized representative thereof an abstract of the return of income of any taxpayer or supply thereto information concerning any item of income contained in any return or disclosed by the report of any investigation of the income or return of income of any taxpayer. Such information shall be furnished to the Multistate Tax Commission, such federal or state officer or his representative for tax purposes only.

SEC. 2. Section 26453c of the Revenue and Taxation Code is amended to read:

26453c. The Franchise Tax Board may permit the Commissioner of Internal Revenue of the United States, the Multistate Tax Commission, or other tax officials of this state, or the proper officer of any state, or the authorized representative of any such officer, to inspect the returns of any taxpayer, or may furnish to such commission, or officer or the authorized representative thereof an abstract of the return of income of any taxpayer or supply thereto information concerning any item of income contained in any return, or disclosed by the report of any investigation of the income or return of income of any taxpayer. Such information shall be furnished to the Multistate Tax Commission, such federal or state

officer or his representative, for tax purposes only.

SEC. 3. Part 18 (commencing with Section 38001) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 18. MULTISTATE TAX COMPACT

Article 1. Enactment of Compact

38001. The "Multistate Tax Compact" is hereby enacted into law and entered into with all jurisidictions legally joining therein, in the form substantially as set forth in Section 38006 of this part.

Article 2. Text of Compact

38006. The full text of the Multistate Tax Compact referred to in Section 38001 is as follows:

Article I. Purposes.

The purposes of this compact are to:

1. Facilitate proper determination of State and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes.
2. Promote uniformity or compatibility in significant components of tax systems.
3. Facilitate taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration.
4. Avoid duplicative taxation.

Article II. Definitions.

As used in this compact:

1. "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any Territory or Possession of the United States.
2. "Subdivision" means any governmental unit or special district of a State.
3. "Taxpayer" means any corporation, partnership, firm, association, governmental unit or agency or person acting as a business entity in more than one state.
4. "Income tax" means a tax imposed on or measured by net income including any tax imposed on or measured by an amount arrived at by deducting expenses from gross income, one or more forms of which expenses are not specifically and directly related to particular transactions.
5. "Capital stock tax" means a tax measured in any way by the capital of a corporation considered in its entirety.
6. "Gross receipts tax" means a tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms

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of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax an income tax.

7. "Sales tax" means a tax imposed with respect to the transfer for a consideration of ownership, possession or custody of tangible personal property or the rendering of services measured by the price of the tangible personal property transferred or services rendered and which is required by State or local law to be separately stated from the sales price by the seller, or which is customarily separately stated from the sales price, but does not include a tax imposed exclusively on the sale of a specifically identified commodity or article or class of commodities or articles.

8. "Use tax" means a nonrecurring tax, other than a sales tax, which (a) is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership, possession or custody of that property or the leasing of that property from another including any consumption, keeping, retention, or other use of tangible personal property and (b) is complementary to a sales tax.

9. "Tax" means an income tax, capital stock tax, gross receipts tax, sales tax, use tax, and any other tax which has a multistate impact, except that the provisions of Articles III, IV and V of this compact shall apply only to the taxes specifically designated therein and the provisions of Article IX of this compact shall apply only in respect to determinations pursuant to Article IV.

Article III. Elements of Income Tax Laws.

Taxpayer Option, State and Local Taxes.

1. Any taxpayer subject to an income tax whose income is subject to apportionment and allocation for tax purposes pursuant to the laws of a party State or pursuant to the laws of subdivisions in two or more party States may elect to apportion and allocate his income in the manner provided by the laws of such State or by the laws of such States and subdivisions without reference to this compact, or may elect to apportion and allocate in accordance with Article IV. This election for any tax year may be made in all party States or subdivisions thereof or in any one or more of the party States or subdivisions thereof without reference to the election made in the others. For the purposes of this paragraph, taxes imposed by subdivisions shall be considered separately from State taxes and the apportionment and allocation also may be applied to the entire tax base. In no instance wherein Article IV is employed for all subdivisions of a State may the sum of all apportionments and allocations to subdivisions within a State be greater than the apportionment and allocation that would be assignable to that State if the apportionment or allocation were being made with respect to a State income tax.

Taxpayer Option, Short Form.

2. Each party State or any subdivision thereof which imposes an income tax shall provide by law that any taxpayer required to file a return, whose only activities within the taxing jurisdiction consist of sales and do not include owning or renting real estate or tangible personal property, and whose dollar volume of gross sales made during the tax year within the State or subdivision, as the case may be, is not in excess of $100,000 may elect to report and pay any tax due on the basis of a percentage of such volume, and shall adopt rates which shall produce a tax which reasonably approximates the tax otherwise due. The Multistate Tax Commission, not more than once in five years, may adjust the $100,000 figure in order to reflect such changes as may occur in the real value of the dollar, and such adjusted figure, upon adoption by the Commission, shall replace the $100,000 figure specifically provided herein. Each party State and subdivision thereof may make the same election available to taxpayers additional to those specified in this paragraph.

Coverage.

3. Nothing in this Article relates to the reporting or payment of any tax other than an income tax.

Article IV. Division of Income.

1. As used in this Article, unless the context otherwise requires:

(a) "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

(b) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(c) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(d) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company.

(e) "Nonbusiness income" means all income other than business income.

(f) "Public utility" means any business entity (1) which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipe line, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and (2) whose rates of charges for goods or services have been established or approved by

a Federal, State or local government or governmental agency.

(g) "Sales" means all gross receipts of the taxpayer not allocated under paragraphs of this Article.

(h) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or Possession of the United States, and any foreign country or political subdivision thereof.

(i) "This State" means the State in which the relevant tax return is filed or, in the case of application of this Article to the apportionment and allocation of income for local tax purposes, the subdivision or local taxing district in which the relevant tax return is filed.

2. Any taxpayer having income from business activity which is taxable both within and without this State, other than activity as a financial organization or public utility or the rendering of purely personal services by an individual, shall allocate and apportion his net income as provided in this Article. If a taxpayer has income from business activity as a public utility but derives the greater percentage of his income from activities subject to this Article, the taxpayer may elect to allocate and apportion his entire net income as provided in this Article.

3. For purposes of allocation and apportionment of income under this Article, a taxpayer is taxable in another State if (1) in that State he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or (2) that State has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the State does or does not.

4. Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in paragraphs 5 through 8 of this Article.

5. (a) Net rents and royalties from real property located in this State are allocable to this State.

(b) Net rents and royalties from tangible personal property are allocable to this State: (1) if and to the extent that the property is utilized in this State, or (2) in their entirety if the taxpayer's commercial domicile is in this State and the taxpayer is not organized under the laws of or taxable in the State in which the property is utilized.

(c) The extent of utilization of tangible personal property in a State is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the State during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal

property is utilized in the State in which the property was located at the time the rental or royalty payer obtained possession.

6. (a) Capital gains and losses from sales of real property located in this State are allocable to this State.

(b) Capital gains and losses from sales of tangible personal property are allocable to this State if (1) the property had a situs in this State at the time of the sale, or (2) the taxpayer's commercial domicile is in this State and the taxpayer is not taxable in the State in which the property had a situs.

(c) Capital gains and losses from sales of intangible personal property are allocable to this State if the taxpayer's commercial domicile is in this State.

7. Interest and dividends are allocable to this State if the taxpayer's commercial domicile is in this State.

8. (a) Patent and copyright royalties are allocable to this State: (1) if and to the extent that the patent or copyright is utilized by the payer in this State, or (2) if and to the extent that the patent or copyright is utilized by the payer in a State in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this State.

(b) A patent is utilized in a State to the extent that it is employed in production, fabrication, manufacturing, or other processing in the State or to the extent that a patented product is produced in the State. If the basis of receipts from patent royalties does not permit allocation to States or if the accounting procedures do not reflect States of utilization, the patent is utilized in the State in which the taxpayer's commercial domicile is located.

(c) A copyright is utilized in a State to the extent that printing or other publication originates in the State. If the basis of receipts from copyright royalties does not permit allocation to States or if the accounting procedures do not reflect States of utilization, the copyright is utilized in the State in which the taxpayer's commercial domicile is located.

9. All business income shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

10. The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this State during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

11. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

12. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period

but the tax administrator may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

13. The payroll factor is a fraction, the numerator of which is the total amount paid in this State during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period.

14. Compensation is paid in this State if:

(a) the individual's service is performed entirely within the State;

(b) the individual's service is performed both within and without the State, but the service performed without the State is incidental to the individual's service within the State; or

(c) some of the service is performed in the State and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the State, or (2) the base of operations or the place from which the service is directed or controlled is not in any State in which some part of the service is performed, but the individual's residence is in this State.

15. The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this State during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

16. Sales of tangible personal property are in this State if:

(a) the property is delivered or shipped to a purchaser, other than the United States Government, within this State regardless of the f.o.b. point or other conditions of the sale; or

(b) the property is shipped from an office, store, warehouse, factory, or other place of storage in this State and (1) the purchaser is the United States Government or (2) the taxpayer is not taxable in the State of the purchaser.

17. Sales, other than sales of tangible personal property, are in this State if:

(a) the income-producing activity is performed in this State; or

(b) the income-producing activity is performed both in and outside this State and a greater proportion of the income-producing activity is performed in this State than in any other State, based on costs of performance.

18. If the allocation and apportionment provisions of this Article do not fairly represent the extent of the taxpayer's business activity in this State, the taxpayer may petition for or the tax administrator may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(a) separate accounting;

(b) the exclusion of any one or more of the factors;

(c) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this State; or

(d) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

Article V. Elements of Sales and Use Tax Laws.

Tax Credit.

1. Each purchaser liable for a use tax on tangible personal property shall be entitled to full credit for the combined amount or amounts of legally imposed sales or use taxes paid by him with respect to the same property to another State and any subdivision thereof. The credit shall be applied first against the amount of any use tax due the State, and any unused portion of the credit shall then be applied against the amount of any use tax due a subdivision.

Exemption Certificates, Vendors May Rely.

2. Whenever a vendor receives and accepts in good faith from a purchaser a resale or other exemption certificate or other written evidence of exemption authorized by the appropriate State or subdivision taxing authority, the vendor shall be relieved of liability for a sales or use tax with respect to the transaction.

Article VI. The Commission.

Organization and Management.

1. (a) The Multistate Tax Commission is hereby established. It shall be composed of one "member" from each party State who shall be the head of the State agency charged with the administration of the types of taxes to which this compact applies. If there is more than one such agency the State shall provide by law for the selection of the Commission member from the heads of the relevant agencies. State law may provide that a member of the Commission be represented by an alternate but only if there is on file with the Commission written notification of the designation and identity of the alternate. The Attorney General of each party State or his designee, or other counsel if the laws of the party State specifically provide, shall be entitled to attend the meetings of the Commission, but shall not vote. Such Attorneys General, designees, or other counsel shall receive all notices of meetings required under paragraph 1 (e) of this Article.

(b) Each party State shall provide by law for the selection of representatives from its subdivisions affected by this compact to consult with the Commission member from that State.

(c) Each member shall be entitled to one vote. The Commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the total number of members.

(d) The Commission shall adopt an official seal to be used as it may provide.

(e) The Commission shall hold an annual meeting and such other

regular meetings as its bylaws may provide and such special meetings as its Executive Committee may determine. The Commission bylaws shall specify the dates of the annual and any other regular meetings, and shall provide for the giving of notice of annual, regular and special meetings. Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

(f) The Commission shall elect annually, from among its members, a Chairman, a Vice Chairman and a Treasurer. The Commission shall appoint an Executive Director who shall serve at its pleasure, and it shall fix his duties and compensation. The Executive Director shall be Secretary of the Commission. The Commission shall make provision for the bonding of such of its officers and employees as it may deem appropriate.

(g) Irrespective of the civil service, personnel or other merit system laws of any party State, the Executive Director shall appoint or discharge such personnel as may be necessary for the performance of the functions of the Commission and shall fix their duties and compensation. The Commission bylaws shall provide for personnel policies and programs.

(h) The Commission may borrow, accept or contract for the services of personnel from any State, the United States, or any other governmental entity.

(i) The Commission may accept for any of its purposes and functions any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any governmental entity, and may utilize and dispose of the same.

(j) The Commission may establish one or more offices for the transacting of its business.

(k) The Commission shall adopt bylaws for the conduct of its business. The Commission shall publish its bylaws in convenient form, and shall file a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the party States.

(*l*) The Commission annually shall make to the Governor and legislature of each party State a report covering its activities for the preceding year. Any donation or grant accepted by the Commission or services borrowed shall be reported in the annual report of the Commission, and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The Commission may make additional reports as it may deem desirable.

Committees.

2. (a) To assist in the conduct of its business when the full Commission is not meeting, the Commission shall have an Executive Committee of seven members, including the Chairman, Vice Chairman, Treasurer and four other members elected annually by the Commission. The Executive Committee, subject to the

provisions of this compact and consistent with the policies of the Commission, shall function as provided in the bylaws of the Commission.

(b) The Commission may establish advisory and technical committees, membership on which may include private persons and public officials, in furthering any of its activities. Such committees may consider any matter of concern to the Commission, including problems of special interest to any party State and problems dealing with particular types of taxes.

(c) The Commission may establish such additional committees as its bylaws may provide.

Powers.

3. In addition to powers conferred elsewhere in this compact, the Commission shall have power to:

(a) Study State and local tax systems and particular types of State and local taxes.

(b) Develop and recommend proposals for an increase in uniformity or compatibility of State and local tax laws with a view toward encouraging the simplification and improvement of State and local tax law and administration.

(c) Compile and publish information as in its judgment would assist the party States in implementation of the compact and taxpayers in complying with State and local tax laws.

(d) Do all things necessary and incidental to the administration of its functions pursuant to this compact.

Finance.

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

(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the party States. The total amount of appropriations requested under any such budget shall be apportioned among the party States as follows: one-tenth in equal shares; and the remainder in proportion to the amount of revenue collected by each party State and its subdivisions from income taxes, capital stock taxes, gross receipts taxes, sales and use taxes. In determining such amounts, the Commission shall employ such available public sources of information as, in its judgment, present the most equitable and accurate comparisons among the party States. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the sources used in obtaining information employed in applying the formula contained in this paragraph.

(c) The Commission shall not pledge the credit of any party State. The Commission may meet any of its obligations in whole or in part with funds available to it under paragraph 1 (i) of this Article: provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under paragraph 1 (i), the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

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

(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

(f) Nothing contained in this Article shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

Article VII. Uniform Regulations and Forms.

1. Whenever any two or more party States, or subdivisions of party States, have uniform or similar provisions of law relating to an income tax, capital stock tax, gross receipts tax, sales or use tax, the Commission may adopt uniform regulations for any phase of the administration of such law, including assertion of jurisdiction to tax, or prescribing uniform tax forms. The Commission may also act with respect to the provisions of Article IV of this compact.

2. Prior to the adoption of any regulation, the Commission shall:

(a) As provided in its bylaws, hold at least one public hearing on due notice to all affected party States and subdivisions thereof and to all taxpayers and other persons who have made timely request of the Commission for advance notice of its regulation-making proceedings.

(b) Afford all affected party States and subdivisions and interested persons an opportunity to submit relevant written data and views, which shall be considered fully by the Commission.

3. The Commission shall submit any regulations adopted by it to the appropriate officials of all party States and subdivisions to which they might apply. Each such State and subdivision shall consider any such regulation for adoption in accordance with its own laws and procedures.

Article VIII. Interstate Audits.

1. This Article shall be in force only in those party States that specifically provide therefor by statute.

2. Any party State or subdivision thereof desiring to make or participate in an audit of any accounts, books, papers, records or other documents may request the Commission to perform the audit on its behalf. In responding to the request, the Commission shall have access to and may examine, at any reasonable time, such accounts, books, papers, records, and other documents and any relevant property or stock of merchandise. The Commission may enter into agreements with party States or their subdivisions for assistance in performance of the audit. The Commission shall make charges, to be paid by the State or local government or governments for which it performs the service, for any audits performed by it in order to reimburse itself for the actual costs incurred in making the audit.

3. The Commission may require the attendance of any person within the State where it is conducting an audit or part thereof at a time and place fixed by it within such State for the purpose of giving testimony with respect to any account, book, paper, document, other record, property or stock of merchandise being examined in connection with the audit. If the person is not within the jurisdiction, he may be required to attend for such purpose at any time and place fixed by the Commission within the State of which he is a resident: provided that such State has adopted this Article.

4. The Commission may apply to any court having power to issue compulsory process for orders in aid of its powers and responsibilities pursuant to this Article and any and all such courts shall have jurisdiction to issue such orders. Failure of any person to obey any such order shall be punishable as contempt of the issuing court. If the party or subject matter on account of which the Commission seeks an order is within the jurisdiction of the court to which application is made, such application may be to a court in the State or subdivision on behalf of which the audit is being made or a court in the State in which the object of the order being sought is situated. The provisions of this paragraph apply only to courts in a State that has adopted this Article.

5. The Commission may decline to perform any audit requested if it finds that its available personnel or other resources are insufficient for the purpose or that, in the terms requested, the audit is impractical of satisfactory performance. If the Commission, on the basis of its experience, has reason to believe that an audit of a particular taxpayer, either at a particular time or on a particular schedule, would be of interest to a number of party States or their subdivisions, it may offer to make the audit or audits, the offer to be contingent on sufficient participation therein as determined by the Commission.

6. Information obtained by any audit pursuant to this Article shall be confidential and available only for tax purposes to party States,

their subdivisions or the United States. Availability of information shall be in accordance with the laws of the States or subdivisions on whose account the Commission performs the audit, and only through the appropriate agencies or officers of such States or subdivisions. Nothing in this Article shall be construed to require any taxpayer to keep records for any period not otherwise required by law.

7. Other arrangements made or authorized pursuant to law for cooperative audit by or on behalf of the party States or any of their subdivisions are not superseded or invalidated by this Article.

8. In no event shall the Commission make any charge against a taxpayer for an audit.

9. As used in this Article, "tax," in addition to the meaning ascribed to it in Article II, means any tax or license fee imposed in whole or in part for revenue purposes.

Article IX. Arbitration.

1. Whenever the Commission finds a need for settling disputes concerning apportionments and allocations by arbitration, it may adopt a regulation placing this Article in effect, notwithstanding the provisions of Article VII.

2. The Commission shall select and maintain an Arbitration Panel composed of officers and employees of State and local governments and private persons who shall be knowledgeable and experienced in matters of tax law and administration.

3. Whenever a taxpayer who has elected to employ Article IV, or whenever the laws of the party State or subdivision thereof are substantially identical with the relevant provisions of Article IV, the taxpayer, by written notice to the Commission and to each party State or subdivision thereof that would be affected, may secure arbitration of an apportionment or allocation, if he is dissatisfied with the final administrative determination of the tax agency of the State or subdivision with respect thereto on the ground that it would subject him to double or multiple taxation by two or more party States or subdivisions thereof. Each party State and subdivision thereof hereby consents to the arbitration as provided herein, and agrees to be bound thereby.

4. The Arbitration Board shall be composed of one person selected by the taxpayer, one by the agency or agencies involved, and one member of the Commission's Arbitration Panel. If the agencies involved are unable to agree on the person to be selected by them, such person shall be selected by lot from the total membership of the Arbitration Panel. The two persons selected for the Board in the manner provided by the foregoing provisions of this paragraph shall jointly select the third member of the Board. If they are unable to agree on the selection, the third member shall be selected by lot from among the total membership of the Arbitration Panel. No member of a Board selected by lot shall be qualified to serve if he is an officer or employee or is otherwise affiliated with any party to the

arbitration proceeding. Residence within the jurisdiction of a party to the arbitration proceeding shall not constitute affiliation within the meaning of this paragraph.

5. The Board may sit in any State or subdivision party to the proceeding, in the State of the taxpayer's incorporation, residence or domicile, in any State where the taxpayer does business, or in any place that it finds most appropriate for gaining access to evidence relevant to the matter before it.

6. The Board shall give due notice of the times and places of its hearings. The parties shall be entitled to be heard, to present evidence, and to examine and cross-examine witnesses. The Board shall act by majority vote.

7. The Board shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts, books, papers, records, and other documents, and issue commissions to take testimony. Subpoenas may be signed by any member of the Board. In case of failure to obey a subpoena, and upon application by the Board, any judge of a court of competent jurisdiction of the State in which the Board is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt. The provisions of this paragraph apply only in States that have adopted this Article.

8. Unless the parties otherwise agree the expenses and other costs of the arbitration shall be assessed and allocated among the parties by the Board in such manner as it may determine. The Commission shall fix a schedule of compensation for members of Arbitration Boards and of other allowable expenses and costs. No officer or employee of a State or local government who serves as a member of a Board shall be entitled to compensation therefor unless he is required on account of his service to forego the regular compensation attaching to his public employment, but any such Board member shall be entitled to expenses.

9. The Board shall determine the disputed apportionment or allocation and any matters necessary thereto. The determinations of the Board shall be final for purposes of making the apportionment or allocation, but for no other purpose.

10. The Board shall file with the Commission and with each tax agency represented in the proceeding: the determination of the Board; the Board's written statement of its reasons therefor; the record of the Board's proceedings; and any other documents required by the arbitration rules of the Commission to be filed.

11. The Commission shall publish the determinations of Boards together with the statements of the reasons therefor.

12. The Commission shall adopt and publish rules of procedure and practice and shall file a copy of such rules and of any amendment thereto with the appropriate agency or officer in each of the party States.

13. Nothing contained herein shall prevent at any time a written

compromise of any matter or matters in dispute, if otherwise lawful, by the parties to the arbitration proceedings.

Article X. Entry Into Force and Withdrawal.

1. This compact shall enter into force when enacted into law by any seven States. Thereafter, this compact shall become effective as to any other State upon its enactment thereof. The Commission shall arrange for notification of all party States whenever there is a new enactment of the compact.

2. Any party State may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

3. No proceeding commenced before an Arbitration Board prior to the withdrawal of a State and to which the withdrawing State or any subdivision thereof is a party shall be discontinued or terminated by the withdrawal, nor shall the Board thereby lose jurisdiction over any of the parties to the proceeding necessary to make a binding determination therein.

Article XI. Effect on Other Laws and Jurisdiction.

Nothing in this compact shall be construed to:

(a) Affect the power of any State or subdivision thereof to fix rates of taxation, except that a party State shall be obligated to implement Article III 2 of this compact.

(b) Apply to any tax or fixed fee imposed for the registration of a motor vehicle or any tax on motor fuel, other than a sales tax: provided that the definition of "tax" in Article VIII 9 may apply for the purposes of that Article and the Commission's powers of study and recommendation pursuant to Article VI 3 may apply.

(c) Withdraw or limit the jurisdiction of any State or local court or administrative officer or body with respect to any person, corporation or other entity or subject matter, except to the extent that such jurisdiction is expressly conferred by or pursuant to this compact upon another agency or body.

(d) Supersede or limit the jurisdiction of any court of the United States

Article XII. Construction and Severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government,

agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.

Article 3. State Representation

38011. The Executive Officer of the Franchise Tax Board shall be the member of the Multistate Tax Commission to represent this state for the commission's fiscal year period beginning in even-numbered calendar years and the Secretary of the State Board of Equalization shall be such member for the commission's fiscal year period beginning in odd-numbered calendar years.

38012. The member of the Multistate Tax Commission representing this state may be represented at any time by an alternate designated by the member if there is on file with the commission written notification of the designation and identity of the alternate.

38013. The Attorney General, the Chairman of the Assembly Revenue and Taxation Committee, the Chairman of the Assembly Ways and Means Committee, the Chairman of the Senate Revenue and Taxation Committee, and the Chairman of the Senate Finance Committee of this state or their designees shall be entitled to attend the meetings of the Multistate Tax Commission.

38014. There shall be one representative from county government and one representative from city government to consult with the member of the Multistate Tax Commission. The county and city representatives shall be appointed by the Governor from candidates nominated from among the officials of county and city governments of this state. Candidates for the representative from county government shall be nominated by the County Supervisors Association and candidates for the representative from city government shall be nominated by the League of California Cities. The county and city representatives shall serve at the pleasure of the Governor.

Article 4. Interstate Audits

38021. Article VIII of the compact relating to interstate audits shall be in force in and with respect to this state.

SEC. 4. (a) This act shall be operative on January 1 following a 90-day period from the effective date of this act, but only if at that time the Multistate Tax Commission: (1) has not adopted any regulation placing in effect Article IX of the Multistate Tax Compact, or any part thereof, as set forth in Section 38006 of the Revenue and Taxation Code, and (2) has in effect published bylaws for the conduct of its business, copies of which are on file with the Secretary of State of California, and which provide that to be adopted all

matters voted upon must receive both a majority of the number of member states and a majority of the total population of all the member states according to the current United States Statistical Abstract.

(b) If on January 1 following a 90-day period after the effective date of this act the condition numbers (1) and (2) of paragraph (a) of this section have not been met, then this act shall be operative on the first day of the first calendar month thereafter when the conditions numbered (1) and (2) of paragraph (a) are met by the Multistate Tax Commission.

SEC. 5. This act is hereby repealed and shall have no further force or effect, and this state is withdrawn from the Multistate Tax Compact as set forth in Section 38006 of the Revenue and Taxation Code, on the 10th day after the occurrence of any of the following events after the operative date of this act:

(1) The Multistate Tax Commission adopts any regulation placing in effect Article IX of the Multistate Tax Compact, or any part thereof, as set forth in Section 38006 of the Revenue and Taxation Code, or

(2) The Multistate Tax Commission places in effect any bylaw or regulation or parliamentary ruling for the conduct of its business which permits any matter voted upon to be adopted other than by receiving a majority of the number of member states and a majority of the total population of all the member states according to the current United States Statistical Abstract, or

(3) The entry of a final judgment by any court of competent jurisdiction requiring the Multistate Tax Commission to place in effect Article IX of the Multistate Tax Compact as set forth in Section 38006 of the Revenue and Taxation Code, or requiring or approving any matter to be adopted by the Multistate Tax Commission by the employment of a different manner of voting than that set forth in subparagraph (2) of this section.

CHAPTER 94

An act to repeal Sections 54905, 54906, 54907, 54931.18, 54931.19, 54932.1, 54933.6, 54934, and 54938.6 of the Government Code, relating to cities and counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974]

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

SECTION 1. Section 54905 of the Government Code is repealed.

SEC. 2. Section 54906 of the Government Code is repealed.

SEC. 3. Section 54907 of the Government Code is repealed.

SEC. 3.5. Section 54931.18 of the Government Code is repealed.

SEC. 4. Section 54931.19 of the Government Code is repealed.

SEC. 5. Section 54932.1 of the Government Code is repealed.

SEC. 6. Section 54933.6 of the Government Code is repealed.

SEC. 7. Section 54934 of the Government Code is repealed.

SEC. 8. Section 54938.6 of the Government Code is repealed.

SEC. 9. Notwithstanding the provisions of Sections 54902 and 54903 of the Government Code, any formation of a county water district which was completed on February 20, 1974, shall be effective for assessment and taxation purposes for the 1974–75 fiscal year if the required statements and map or plat are filed on or before February 22, 1974.

SEC. 10. Any local agency electing to file documents pursuant to the provisions of Section 9 of this act shall reimburse any local agency for the costs incurred by such local agency by reason of the provisions of this act.

SEC. 11. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the mandate in this act will be funded by user charges collected locally, and jurisdictions paying user charges are voluntarily requesting the service.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit certain county water districts recently formed to operate and provide needed services in the 1974–75 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 95

An act to amend Section 70054.4 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974]

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

SECTION 1. Section 70054.4 of the Government Code is amended to read:

70054.4. Notwithstanding the provisions of Sections 70053 and 70054, in a county with a population of over 100,000 and under 103,000 as determined by the 1970 federal census:

(a) In order to help defray the costs of reporting services, in addition to any fees otherwise required by law, a fee of twelve dollars

($12) shall be paid to the county clerk by each party, or jointly by parties appearing jointly, in each of the following instances:

(1) Where Section 26821 requires such party or parties to pay the county clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(2) Where Sections 26822 to 26825, inclusive, require such party or parties to pay the county clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(3) Where Section 26826 requires the party or parties to pay the clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, corespondent, or adverse party, except in an appeal from an inferior court.

(4) Where Section 26827 requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate, guardianship, conservatorship, or other proceeding specified in that section.

(b) In addition to any fee otherwise required, in civil cases that last longer than five judicial days, a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to the parties for the services of an official reporter for the sixth and each successive day a reporter is required

(c) In addition to any fee otherwise required, in a civil case in which the court orders a daily transcript, necessitating the services of two phonographic reporters, the party requesting the daily transcript shall pay a fee per day equal to the per diem rate for official reporters pro tempore for the services of the second reporter for the first and each successive day.

(d) All fees paid under this section shall be taxed as costs.

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

Full-time court reporters are urgently needed by the Superior Court of the County of Butte. Such need has contributed to a serious problem of delay in the ability of the court to fulfill its duties and a large backlog of pending cases. It is necessary to help defray the costs of full-time reporters in order to alleviate these problems in such county as quickly as possible.

CHAPTER 96

An act to add Chapter 1.6 (commencing with Section 920) to Division 2 of the Business and Professions Code, relating to healing arts.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974]

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

SECTION 1. Chapter 1.6 (commencing with Section 920) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 1.6. HEALING ARTS LICENTIATES INFORMATION

920. The Legislature finds that there is a need for information concerning the numbers, distribution and activity of physicians and surgeons licensed in California. Such data is necessary to adequately perform health manpower planning, and is particularly relevant to the development of public policies relating to the training and utilization of health manpower, and the availability and costs of health services. It is the intention of the Legislature that the reports developed pursuant to this chapter are designed to enhance health manpower planning generally, and that information collected from individual licensees be used in aggregate form only, and that information provided by and identifying individuals be kept confidential at all times.

920.5. The term "board" as used in this chapter means the Board of Medical Examiners of the State of California.

921. The board shall prepare and issue a report, at least once every two years, which contains at least the following information concerning all of its licensees:

(a) The number licensed;

(b) The number of licensees who are inactive;

(c) The number of licensees on full-term and less than full-term practice or employment;

(d) The number of licensees actively practicing or employed in states other than California;

(e) The number of licensees and active licensees by field of specialty practice,

(f) The number of licensees and active licensees board-certified and board-eligible, by field of practice;

(g) The number of active licensees by organization and setting of practice;

(h) The number of licensees and active licensees who graduated from California medical schools, and when, the number who graduated from medical schools in other states, and when, and the number who graduated from foreign medical schools, by country, and when;

(i) The age and sex of licensees and active licensees;

(j) The number of persons who apply for licenses who fail to become licensed, and the name and location of the medical schools from which such individuals received their medical education;

(k) The number of new licensees each year, and the number of such individuals who were examined by the board, the number who

passed the national board examination, and the number who were licensed on the basis of reciprocity;

(*l*) The location of active licensees' place of business, by census tract.

(m) Such other information as the board may deem useful in achieving the purposes of this part.

The board shall collect the information required by this section in such a manner as to permit correlation of all the various types of information collected, where applicable.

922. Such information as is provided pursuant to Section 921 shall be reported in the aggregate for the entire state, and shall be identified in such geographical units as are useful for health planning purposes, as established in conjunction with the Department of Health.

923. The board shall include as part of its application which is sent to licensees for the renewal of their licenses such questions as are necessary to provide the information required by this part.

924. No application for renewal of a license shall be considered by the board unless the applicable questions included pursuant to Section 921 are substantially complete.

925. Information collected pursuant to this chapter shall not be made public in such form as will identify an individual licensee.

CHAPTER 97

An act to amend Section 12671 of the Food and Agricultural Code, relating to pesticides.

[Approved by Governor March 26, 1974. Filed with Secretary of State March 26, 1974.]

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

SECTION 1. Section 12671 of the Food and Agricultural Code is amended to read:

12671. It is unlawful for any person to pack, ship, or sell any produce that carries spray residue in excess of the permissible tolerance which is established by the director pursuant to this chapter. The director or commissioner may prohibit the harvest of any produce that carries spray residue in excess of the permissible tolerance which is established by the director pursuant to this chapter.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental

entities and school districts which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 98

An act to amend Section 27471 of the Government Code, relating to embalming fees.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974]

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

SECTION 1. Section 27471 of the Government Code is amended to read:

27471. Whenever the coroner takes custody of a dead body pursuant to law, he may embalm the body, and charge and collect up to one hundred dollars ($100) from the person entitled to its custody, except when the body is that of a child not more than 14 years of age or a person for whose burial there is available less than one hundred fifty dollars ($150), in which cases the expense of embalming is a county charge. In any county where the coroner is paid a salary, the fee shall be paid into the county treasury, except that the board of supervisors may order that the fee be paid to the coroner if he is the only funeral director in the county.

The board of supervisors shall by ordinance establish the fee to be charged pursuant to this section.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 99

An act to amend Section 7431 of the Business and Professions Code, relating to cosmetology.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974.]

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

SECTION 1. Section 7431 of the Business and Professions Code is amended to read:

7431. The grounds for disciplinary action are as follows:

(a) Failure of a person, firm or corporation operating a cosmetological establishment or school of cosmetology or engaged in

the practice of cosmetology or any of its branches to comply with the requirements of this chapter.

(b) Failure to comply with the rules governing sanitary conditions, adopted by the board and approved by the State Department of Public Health, for the regulation of cosmetological establishments, schools of cosmetology or the practice of cosmetology.

(c) Failure to comply with the rules adopted by the board for the regulation of cosmetological establishments, schools of cosmetology, or the practice of cosmetology.

(d) Obtaining practice in cosmetology, or any branch thereof, or money, or any other thing of value, by fraudulent misrepresentation.

(e) Gross malpractice.

(f) Continued practice by a person knowingly having an infectious or contagious disease.

(g) Habitual drunkenness, or habitual addiction to the use of morphine or any habit-forming drug.

(h) Advertisement by means of knowingly false or deceptive statements.

(i) Permitting a certificate of registration or license to be used where the holder is not personally, actively and continuously engaged in business.

(j) Failure to display the license.

(k) Conviction of any crime involving moral turpitude, in which case the record of conviction or a certified copy, shall be conclusive evidence thereof.

(*l*) Engaging, outside of a licensed school of cosmetology or cosmetological establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when such service is necessary because of the illness or other physical incapacity of the person with respect to whom it is performed, it may be performed by a licensee obtained for the purpose from a licensed cosmetological establishment.

CHAPTER 100

An act to amend Sections 31304, 36402.1, and 36407 of, and to add Section 36407.1 to, the Water Code, and to amend Section 17.5 of the Mojave Water Agency Law (Sec. 8, Ch. 166, Stats. 1967), relating to water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974]

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

SECTION 1. Section 31304 of the Water Code is amended to read:

31304. The district, or the district on behalf of an improvement district thereof, may issue negotiable promissory notes which shall be payable from general taxes, revenues, and other available funds of the district or the improvement district, as the case may be, other than taxes levied for the payment of principal and interest on any bonded indebtedness of the district or an improvement district therein. The notes shall bear interest at a rate not exceeding 7 percent per annum and shall mature and be payable not later than five years from the date of issue. The balance of such notes unpaid shall not at any one time exceed 2 percent of the assessed valuation of the taxable property in the district or the improvement district, as the case may be, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district, or the improvement district, as evidenced by his certificate.

No district shall borrow, pursuant to this section, for purposes other than flood control, in excess of one million dollars ($1,000,000); provided, however, that any district with an assessed valuation in excess of one hundred million dollars ($100,000,000) may borrow, pursuant to this section, for purposes other than flood control, an amount not exceeding 1 percent of the assessed valuation of all taxable property within the district.

SEC. 2. Section 36402.1 of the Water Code is amended to read:

36402.1. Except as provided in Section 36407.1, no warrants issued pursuant to this chapter shall be valid unless their issuance is authorized by a majority of the voters voting at an election called by the board for the purpose of determining whether or not the warrants shall be authorized.

SEC. 3. Section 36407 of the Water Code is amended to read:

36407. Warrants issued under this chapter and authorized by the voters pursuant to Section 36402.1 shall constitute general obligations of the district for the payment of both principal and interest of which all land in the district subject to assessment by the district shall be assessed without limitation of rate or amount. It shall be the duty of the board to include in its annual estimate filed with the board of supervisors all sums necessary to pay the principal of, and interest on, all warrants issued under this chapter coming due during the next year, and any sums that the board shall direct to be set aside in a special fund for the future payment of principal of and interest on any outstanding warrants issued under this chapter which will come due in any year following the next year. It shall be the duty of the board of supervisors, at the time and in the manner provided in this division for making the annual assessment, to fix an ad valorem rate of assessment sufficient to pay the principal of and interest on all warrants issued under this chapter as the same become due, and the sums required for the special fund established by the board. Such ad valorem assessment shall be in addition to all other assessments in this division provided for and when collected shall be used for no

purpose other than the payment of said warrants and the interest thereon.

SEC. 4. Section 36407.1 is added to the Water Code, to read:

36407.1. Warrants payable in five years or less from the date of issuance may be issued under this section without the approval of the voters pursuant to Section 36402.1 and shall constitute obligations of the district payable from annual assessments and other revenues of the district and subject to the maximum property tax rate contained in Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code.

SEC. 5. Section 17.5 of the Mojave Water Agency Law (Sec. 8, Ch. 166, Stats. 1967) is amended to read:

Sec. 17.5. Notwithstanding the limitations contained in Section 16 of this act the agency may issue negotiable promissory notes bearing interest at a rate not to exceed 7 percent per annum; provided, however, that said notes shall be obligations, payable out of available revenues, including taxes levied against all the taxable property (other than personal property) within the agency; and provided, further, that said indebtedness shall not exceed one million dollars ($1,000,000), and which indebtedness shall mature not later than five years from the date thereof, and any tax levied to repay the principal and interest of such indebtedness or any part thereof shall: (a) be a portion of and shall not exceed that tax levied under Section 16 of this act to accomplish the administration of the agency; and (b) be subject to the maximum property tax rate contained in Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code.

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

In order to permit water districts to issue short term obligations to provide financing for facilities at earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 101

An act to amend Sections 13953, 13954, 15552, and 15553 of the Revenue and Taxation Code, relating to inheritance and gift taxes.

[Approved by Governor March 26, 1974. Filed with Secretary of State March 26, 1974]

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

SECTION 1. Section 13953 of the Revenue and Taxation Code is amended to read:

13953. The value of a future, contingent, or limited estate,

income, or interest is determined in accordance with the standards of mortality and value set forth in the United States life tables: 1959–1961, published by the United States Department of Health, Education and Welfare, Public Health Service,, and the rate of interest used in computing the present value of the estate, income, or interest is 6 percent per annum compounded annually.

SEC. 2. Section 13954 of the Revenue and Taxation Code is amended to read:

13954. In determining the present value of a future, contingent, or limited estate, income, or interest, other than an annuity in a fixed amount, the yearly income, or the annual value of the use or income, of the estate, income, or interest, is considered equivalent to 6 percent of the appraised value of the property upon which the estate, income, or interest is based.

SEC. 3. Section 15552 of the Revenue and Taxation Code is amended to read:

15552. The value of a future, contingent, or limited estate, income, or interest is determined in accordance with the standards of mortality and value set forth in the United States life tables: 1959–1961, published by the United States Department of Health, Education and Welfare, Public Health Service,, and the rate of interest used in computing the present value of the estate, income, or interest is 6 percent per annum compounded annually.

SEC. 4. Section 15553 of the Revenue and Taxation Code is amended to read:

15553. In determining the present value of a future, contingent, or limited estate, income, or interest, other than an annuity in a fixed amount, the yearly income, or the annual value of the use or income, of the estate, income, or interest is considered equivalent to 6 percent of the appraised value of the property upon which the estate, income, or interest is based.

CHAPTER 102

An act to add Section 22358.4 to the Vehicle Code, relating to speed limits.

[Approved by Covernor March 26, 1974 Filed with Secretary of State March 26, 1974]

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

SECTION 1. Section 22358.4 is added to the Vehicle Code, to read:

22358.4. Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour established by paragraph (2) of subdivision (b) of Section 22352 is more than is reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie

speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by such survey. No such ordinance or resolution shall be effective until appropriate signs giving notice thereof are erected upon the highway nor, in the case of a state highway, until such ordinance is approved by the Department of Transportation and such signs are erected upon the highway.

CHAPTER 103

An act to add Section 626.10 to the Penal Code, relating to the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974. Filed with Secretary of State March 26, 1974]

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

SECTION 1. Section 626.10 is added to the Penal Code, to read:

626.10. (a) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting any such officer, or a member of the military forces of this state or the United States who is engaged in the performance of his duties, who brings or possesses any dirk, dagger, knife having a blade longer than 3½ inches, folding knife with a blade that locks into place, or razor with an unguarded blade upon the grounds of, or within, any public school providing instruction in kindergarten or any of grades 1 through 12, inclusive, is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any person who brings or possesses a knife having a blade longer than 3½ inches or razor with an unguarded blade upon the grounds of, or within, a public school providing instruction in kindergarten or any of grades 1 through 12, inclusive, at the direction of a certificated or classified employee of the school for use in a school-sponsored activity or class.

(c) Subdivision (a) shall not apply to any person who brings or possesses a knife having a blade longer than 3½ inches or razor with an unguarded blade upon the grounds of, or within, a public school providing instruction in kindergarten or any of grades 1 through 12, inclusive, for a lawful purpose within the scope of his employment.

(d) Any certificated or classified employee of a public school providing instruction in kindergarten or any of grades 1 through 12, inclusive, may seize any of the weapons described in subdivision (a) from the possession of any person upon the grounds of, or within, the school if he knows or has reasonable cause to know the person is

prohibited from bringing or possessing the weapon upon the grounds of, or within, the school.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes of law relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 3. This act shall become operative on July 1, 1974.

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

There is widespread violence and use of knives, razors, and similar devices upon the grounds of, and within, the public schools of this state providing instruction in kindergarten and grades 1 through 12, inclusive. In order that the protection afforded by this act to pupils and other persons on the grounds of, and within, such public schools may be provided at the commencement of the 1974–75 academic year and that sufficient time may be available prior thereto, for proper administrative preparation, it is necessary that this act take effect immediately.

CHAPTER 104

An act to add Section 71631.5 to the Water Code, relating to municipal water districts.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974.]

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

SECTION 1. Section 71631.5 is added to the Water Code, to read:

71631.5. Notwithstanding the provisions of Section 71631, in any improvement district situated within the Eastern Municipal Water District or within the Western Municipal Water District of Riverside County the standby assessment or availability charge shall not exceed twenty dollars ($20) per acre per year for land on which the charge is levied or twenty dollars ($20) per year for a parcel less than one acre. In any such improvement district the proceeds from any standby assessment or availability charge in excess of ten dollars ($10) per acre per year or ten dollars ($10) per year for a parcel less than one acre shall only be used for the purposes of such improvement district.

This section, applicable only to the Eastern Municipal Water

District and the Western Municipal Water District of Riverside County, is necessary because of the unique and special water management problems of those areas included within such districts.

CHAPTER 105

An act to amend Sections 13483.05 and 13483.30 of the Education Code, relating to public schools.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974.]

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

SECTION 1. Section 13483.05 of the Education Code is amended to read:

13483.05. The arbitrator shall conduct proceedings in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2, of the Government Code except that the right of discovery of the parties shall not be limited to those matters set forth in Section 11507.6 of the Government Code but shall include the rights and duties of any party in a civil action brought in a superior court. In all cases, discovery shall be completed prior to one week before the date set for hearing. He shall determine whether there is cause to dismiss or penalize the employee. If he finds cause, he shall determine whether the employee shall be dismissed and determine the precise penalty to be imposed, and he shall determine whether his decision should be imposed immediately or postponed pursuant to Section 13482.35.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters which occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

SEC. 2. Section 13483.30 of the Education Code is amended to read:

13483.30. The administrative hearing officer shall conduct proceedings in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2, of the Government Code except that the right of discovery of the parties shall not be limited to those matters set forth in Section 11507.6 of the Government Code but shall include the rights and duties of any party in a civil action brought in a superior court. In all cases, discovery shall be completed prior to one week before the date set for hearing.

The written notice delivered to the employee pursuant to Section 13482.35 shall be deemed an accusation. The written objection of the employee delivered pursuant to Section 13482.45 shall be deemed the notice of defense.

CHAPTER 106

An act to add Section 5955 to the Harbors and Navigation Code, relating to harbor improvement districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974.]

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

SECTION 1. Section 5955 is added to the Harbors and Navigation Code, to read:

5955. Notwithstanding the provisions of Sections 5940 to 5954, inclusive, the district may acquire, develop, operate, or maintain public beaches or inland parks and recreation areas without holding the hearings and making the findings required by such provisions if there is compliance with Section 21151 of the Public Resources Code and Section 65402 of the Government Code; provided, however, that the board of supervisors shall hold at least one public hearing prior to the approval of any such project.

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

Lands of unique environmental and recreational value are presently available for acquisition by a harbor improvement district as public beaches and as inland parks and recreational areas. In order that such lands may be acquired without undue delay, it is necessary that this act take immediate effect.

CHAPTER 107

An act relating to the transfer of state park system lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974. Filed with Secretary of State March 26, 1974.]

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

SECTION 1. The Department of Parks and Recreation may exchange any real property acquired by the state for Heart Bar State Park for real property owned by the United States which is of substantially equal value and which is needed for the Silverwood State Recreation Area.

SEC. 2. The Department of Parks and Recreation may transfer any real property acquired by the state for Heart Bar State Park to the Department of Water Resources for the purpose of an exchange for real property owned by the United States which is needed for Silverwood State Recreation Area or for water conservation, flood control, or power features at, or near, Silverwood State Recreation Area.

SEC. 3. Real property of the United States which is necessary for proper operation and maintenance of the water conservation, flood control, and power features at, or near, Silverwood State Recreation Area may be acquired pursuant to this act, if the Department of Water Resources agrees to pay the Department of Parks and Recreation the value of such real property agreed upon in the exchange with the United States.

SEC. 4. Any land transferred to the Department of Water Resources pursuant to this act may be exchanged by it for any property that may be exchanged under Section 11915.5 of the Water Code.

SEC. 5. No property shall be exchanged pursuant to this act, unless such an exchange is approved by the State Public Works Board.

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

The Department of Parks and Recreation is currently operating under a temporary use permit from the United States Forest Service at Silverwood State Recreation Area. In order to effect consolidation of federal and state ownerships in San Bernardino County for necessary fiscal and management efficiencies at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 108

An act to amend Section 54.1 of the Civil Code, relating to discrimination.

[Approved by Governor March 26, 1974. Filed with Secretary of State March 26, 1974.]

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

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SECTION 1. Section 54.1 of the Civil Code is amended to read:

54.1. (a) Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

(b) Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

"Housing accommodations" means any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any accommodations included within subdivision (a) or any single-family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

Nothing in this subdivision shall require any person renting, leasing or providing for compensation real property to modify his property in any way or provide a higher degree of care for a blind person, visually handicapped person, or other physically disabled person than for a person who is not physically disabled.

Nothing in this part shall require any person renting, leasing, or providing for compensation real property, if such person refuses to accept tenants who have dogs, to accept as a tenant a blind person, visually handicapped person, or other physically disabled person who has a dog, including a guide dog.

It shall be deemed a denial of equal access to housing accommodations within the meaning of this subdivision for any person, firm, or corporation to refuse to lease or rent housing accommodations to a blind person, visually handicapped person, or other physically disabled person on the basis that such physically disabled person is partially or wholly dependent upon the income of his spouse, if the spouse is a party to the lease or rental agreement. Nothing in this subdivision shall, however, prohibit a lessor or landlord from considering the aggregate financial status of a physically disabled person and his spouse.

(c) Persons licensed to train guide dogs for the blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code, may take dogs, for the purpose of training them as guide dogs, in any of the places specified in paragraphs (a) and (b), above. Such persons shall carry and display,

upon request, identification in such form as shall be prescribed by the State Board of Guide Dogs for the Blind.

SEC. 2. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 109

An act to amend Sections 10020, 10219, and 10301 of the Elections Code, relating to elections and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974.]

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

SECTION 1. Section 10020 of the Elections Code is amended to read:

10020. (a) The officer charged with the duty of providing sample ballots for any election at which absent voter ballots may be cast shall cause to be printed on the envelope containing the sample ballot in heavy-faced gothic type, not smaller than 10-point, the following:

Notice: If you find that for any reason you will be unable to vote in person on election day, contact the office of the _____ (county clerk or equivalent official, address, and phone number) for information regarding your right to vote by absent voter's ballot, no later than _____ (date).

(b) In counties in which an application for absent voter's ballot is provided within the sample ballot envelope, such notice shall state, instead, the following:

Notice: If you find that for any reason you will be unable to vote in person on election day, promptly complete and sign the enclosed application for absent voter's ballot and return to _____ (county clerk or equivalent official, address and phone number). Your application may be submitted not more than _____ days before the day of election but must reach the office of the _____ (county clerk or equivalent official) not less than _____ days before the day of election.

SEC. 2. Section 10219 of the Elections Code is amended to read:

10219. Except in cases provided for by subdivision (d) of Section 16, of Article VI of the Constitution, immediately under the name of each candidate and not separated from the name by any line, may

appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, if his term of office expires 59 days or more prior to the general election, and he is not reelected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature," or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) No more than three words designating the principal professions, vocations or occupations of the candidate.

No candidate shall assume a designation which would mislead the voters.

The Secretary of State shall not permit a designation which would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 3. Section 10301 of the Elections Code is amended to read:

10301 Immediately under the name of each candidate and not separated from the name by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, if his term of office expires 59 days or more prior to the general election, and he is not reelected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate

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designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) No more than three words designating the principal professions, vocations or occupations of the candidate.

The Secretary of State shall not permit a designation which would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

No candidate shall assume a designation which would mislead the voters. The designation shall remain the same for all purposes of both primary and general elections unless the candidate, at least 59 days prior to the general election, requests in writing a different designation which he then has the option to use under Section 10219.

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use any appropriate designation as set forth in Section 10219 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 3.5. Section 1 of this act shall become operative July 1, 1974.

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

A primary election is scheduled for June 4, 1974, and a general election is scheduled for November 5, 1974. The provisions of this act are necessary to assure the orderly conduct of both elections. To be effective in time for both elections, the act must take effect immediately.

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CHAPTER 110

An act to add Section 14006 to the Education Code, relating to the State Teachers' Retirement System and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974]

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

SECTION 1. Section 14006 is added to the Education Code, to read:

14006. A member shall receive credit for time on and after February 2, 1974, during which he serves as an elected officer of any local, state or national educational organization provided that:

(a) The member is excused by his employing agency from performing the duties requiring membership in this system.

(b) The member pays monthly to the employing agency for transmission to the Teachers' Retirement Fund an amount equivalent to 16 percent of the salary that he would have earned, including any increases and other adjustments, had he not been excused from performance of his duties and pays regular interest on any contributions paid for time prior to the effective date of this section.

(c) The member is actively engaged as a full-time elected and compensated officer of the educational organization during the period of absence.

(d) The member was employed in a position requiring membership in this system in the month prior to commencement of the absence from regular duties and returns to a position requiring membership in this system or retires at the conclusion of the term of office.

(e) The maximum amount of service credit pursuant to this section does not exceed four years.

(f) In the event that service pursuant to this section is included in computing final compensation for purposes of retirement, such final compensation shall be based upon the salary that the member would have received had he remained in the full-time position requiring membership in this system.

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

In order that members of the State Teachers' Retirement System who are serving as officers of educational organizations not have their retirement benefits reduced, this act must take effect immediately.

CHAPTER 111

An act to add Section 554.1 to the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974]

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

SECTION 1. Section 554.1 is added to the Education Code, to read:

554.1. The governing board of a school district and the governing board of a community college district, on behalf of any school or community college maintained by the district, and any county superintendent of schools, is vested with all necessary power and authority to perform all acts necessary, provided such acts are consistent with other provisions contained in this code, to implement nutrition programs for the elderly, so long as there is available funding for such programs. Nutrition programs for the elderly shall include, but shall not be limited to, programs authorized pursuant to the McCarthy-Kennick Nutrition Program for the Elderly Act of 1972 as provided by Chapter 5.5 (commencing with Section 18325) of Part 6 of Division 9 of the Welfare and Institutions Code.

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

Questions have arisen as to the powers of governing boards of school districts and community college districts and county superintendents of schools to participate in nutrition programs for the elderly, including programs authorized by the McCarthy-Kennick Nutrition Program for the Elderly Act of 1972 (Ch. 5.5 (commencing with Sec. 18325), Part 6, Div. 9, W. & I.C.). In order that the existence of such powers may be clarified and that the implementation of such vitally needed programs may be expedited through participation by such entities at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 112

An act relating to development centers for handicapped pupils, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1974 Filed with Secretary of State March 26, 1974]

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

SECTION 1. There is hereby appropriated from the General Fund to the Superintendent of Public Instruction the sum of two million seven hundred fifty thousand dollars ($2,750,000) for the support of development centers for handicapped pupils pursuant to Chapter 8.7 (commencing with Section 6880) of Division 6 of the Education Code, for the 1973–74 fiscal year and the 1974–75 fiscal year, to be allocated in accordance with the following schedule:

(a) For the 1973–74 fiscal year $440,000

(b) For the 1974–75 fiscal year and in augmentation of the amount contained in schedule (b) of Item 341 of the Budget Act of 1974 ..... $2,310,000.

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

This act provides funds to serve at least 400 persons in the 1973–74 fiscal year and an additional 600 persons in the 1974–75 fiscal year, who are in need of, and are eligible for, enrollment in a development center for handicapped pupils but who are not now receiving such services because of an unanticipated loss of federal funds. In order for these persons to be served at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 113

An act to add Section 19576.3 to the Education Code, relating to State School Building Aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 28, 1974 Filed with Secretary of State March 28, 1974]

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

SECTION 1. Section 19576.3 is added to the Education Code, to read:

19576.3. Notwithstanding the provisions of Section 19576, if the board has approved an application for a construction project and has made an apportionment therefor, the board may make an additional apportionment or apportionments for a period of time in excess of two years after the original approval without requiring a district to issue additional bonds; provided that: (1) the approved project provides for the structural rehabilitation of an unsafe school building, and (2) the apportionment is necessary to cover costs resulting from additional items of work necessary for compliance with structural safety requirements, and the need for such additional work was not

foreseen at the time of the original apportionment.

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

One or more school districts have contracted for the structural rehabilitation of structurally unsafe school buildings. Additional items of work beyond those originally contemplated in the construction plans may be necessary in order for the building to meet existing earthquake safety requirements. It is imperative that the work be done. The two-year period in which additional apportionments may be made without requiring district rebonding has expired, and meeting such requirement would cause undue hardship and delay. In order that such requirement may be dispensed with in certain unique situations, as is herein provided, and the needed rehabilitation work proceed without delay, it is necessary that this act go into effect immediately.

CHAPTER 114

An act to amend Section 11050.5 of the Penal Code, relating to laboratory and technical assistance.

[Approved by Governor March 28, 1974. Filed with Secretary of State March 28, 1974.]

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

SECTION 1. Section 11050.5 of the Penal Code is amended to read:

11050.5. (a) The Attorney General may, upon the request of any district attorney, sheriff, chief of police, or other local, state or federal law enforcement official, make available to such official so requesting, the department's laboratory facilities and personnel and the department's technical experts, including but not limited to such personnel as fingerprint examiners, criminalists, document examiners and intelligence specialists for the purpose of assisting in the investigation of criminal matters, the detection of crimes and the apprehension or prosecution of criminals.

(b) The Attorney General may, upon the request of any public defender, make available to such public defender, the department's laboratory facilities and personnel and the department's technical experts, including but not limited to such personnel as fingerprint examiners, criminalists, document examiners and intelligence specialists for the purpose of assisting in the representation by such public defender of persons in criminal proceedings. The Attorney General may contract with each county whose public defender makes requests pursuant to this subdivision for the payment of the

reasonable costs of time and material in making available information, services or facilities pursuant to this subdivision. No information, services or facilities shall be made available to such public defender unless the county so contracts with the Attorney General.

(c) A copy of any information, including the results of any analysis, furnished by the Attorney General to a public defender pursuant to subdivision (b) shall be sent to the district attorney of the county in which the public defender is located. If this subdivision or its application to any person or circumstance is invalid, subdivision (b) shall not be operative.

CHAPTER 115

An act to add Section 14302.5 to the Welfare and Institutions Code, relating to health plans.

[Approved by Governor March 28, 1974 Filed with Secretary of State March 28, 1974]

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

SECTION 1. Section 14302.5 is added to the Welfare and Institutions Code, to read:

14302.5. Each prepaid health plan shall provide the services of an optometrist and ophthalmologist when the prepaid health plan contract requires the provision of vision care services.

Vision care services shall be provided so that an enrollee may be seen initially by either a physician or an optometrist.

CHAPTER 116

An act to amend Section 27601 of, and to amend the heading of Article 3 (commencing with Section 27601) of Chapter 4 of Division 20 of, the Education Code, and to amend Section 23509 of the Elections Code, relating to district elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1974 Filed with Secretary of State April 1, 1974]

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

SECTION 1. The heading of Article 3 (commencing with Section 27601) of Chapter 4 of Division 20 of the Education Code is amended to read:

Article 3. Biennial Election of Trustees

SEC. 2. Section 27601 of the Education Code is amended to read:

27601. (a) Except as otherwise provided in this article, the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 12 of the Elections Code) shall govern and control the conduct of elections pursuant to this chapter. Elections shall be held biennially in the district on the same day as the school district election as specified in Section 1111 in the odd-numbered years.

(b) The trustees shall hold office for the term of four years beginning on the first day of July next succeeding their appointment or election. In any existing district the term of office of the trustees expiring prior to the first election to be held in an odd-numbered year shall continue until their successors in office are duly elected in such election and enter upon their offices.

For purposes of implementing the changes in the dates of election and in the dates of the commencement and termination of the terms of office of the trustees effected by the Legislature at the 1973–74 Regular Session, no election for trustees shall be held in conjunction with the 1974 general election. For such purposes trustees whose terms are expiring in January 1975, shall continue to serve in the offices involved until June 30, 1975. For such purposes, also, the term of office of any trustee otherwise expiring under the prior law after June 30, 1975, shall expire on June 30, 1975. All of the offices shall be filled by election conducted pursuant to subdivision (a) of this section in 1975. Thereafter, the newly elected trustees shall classify themselves, in the manner specified in subdivision (c).

(c) The members of the first board of library trustees appointed or elected in a district shall, at their first meeting, so classify themselves by lot that their terms shall expire: two on the 30th day of June of the first odd-numbered calendar year next succeeding their appointment or election, and three on the 30th day of June of the second succeeding odd-numbered calendar year.

SEC. 3. Section 23509 of the Elections Code is amended to read:

23509. Unless the principal act of a district provides that an election shall be held on one of the other dates specified in Section 2504, a general district election shall be held in each district on the first Tuesday after the first Monday in November in each odd-numbered year to choose a successor for each elective officer the term of whose office will expire on the following last Friday in November.

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

In order to facilitate the efficient administration of library district elections in unincorporated towns and villages as soon as is practicable, and in order to authorize districts to consolidate their general district elections with all available regular election dates, it

is necessary that this act go into effect immediately.

CHAPTER 117

An act to add Sections 70045.75 and 70054.3 to, and to repeal Sections 70045.3 and 70054.7 of, the Government Code, relating to court reporters, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1974 Filed with Secretary of State April 1, 1974]

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

SECTION 1. Section 70045.3 of the Government Code is repealed.

SEC. 2. Section 70045.75 is added to the Government Code, to read:

70045.75. Notwithstanding any other provision of law including, but not limited to, Sections 70040, 70041, 70042, and 70045, the following provisions shall be applicable to the full-time official court reporters, if any, in any county having a population of over 42,000 and not over 44,000 or a population of over 23,000 and not over 28,000, as determined by the 1970 federal census:

(a) The regular full-time official court reporters shall perform the following duties:

(1) Report all criminal proceedings.

(2) Report all civil commitment proceedings and all contempt proceedings.

(3) Report all juvenile proceedings, other than those heard by a juvenile court referee or traffic hearing officer.

(4) Report all family law proceedings.

(5) Report all civil jury trials.

(6) Report all hearings on petitions for extraordinary relief, including but not limited to, proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and coram nobis.

(7) Report all proceedings of the grand jury when requested by the foreman, or by the district attorney or by the county counsel.

(8) Report any other court proceedings when a party requests a court reporter in accordance with rules of the court.

(9) Report the preliminary examination of those accused of crimes before magistrates within El Dorado County.

(10) Report coroner's inquests when requested by the coroner.

(11) Report proceedings for the El Dorado County Board of Equalization when requested by the board.

(b) Each regular full-time court reporter shall be paid at a monthly salary rate established according to the following salary schedule:

(Range)	(Month)	(Annual)
Step A	$1,155	$13,860
Step B	1,213	14,556
Step C	1,273	15,276
Step D	1,337	16,044
Step E	1,405	16,860

Each such reporter shall receive a monthly salary under the schedule corresponding to the length of time that as an official court reporter he has been included within either directly or indirectly by contract the Public Employees' Retirement System of the State of California. Except as provided herein, the initial hiring rate for each position shall be step A; provided further, however, the judges of the superior court may appoint any such court reporter at a higher initial step if in the opinion of the judges of the superior court an individual to be appointed has such experience and qualification as to entitle that individual to such higher initial step. A step advancement from step A to step B may be granted on the first day of the month following the completion of six full months of service in the position. A person may advance to steps C, D, and E upon completion of successive 12-month periods of service. All merit increases as provided herein shall be made at the determination of the judges of the superior court

The foregoing salary is for compensation for reporting services in the superior court under subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter.

The regular full-time official court reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave, and group insurance, which either now or hereafter may be provided by ordinance to other employees of the county.

(c) When the regular full-time official court reporters are occupied in the performance of their duties and services pursuant to the provisions of subdivision (a), the judge or judges of the superior court may appoint as many additional official court reporters, who shall be known as official reporters pro tempore, as the business of the courts may require in order that the judicial business of the court in such county may be carried on without delay. They shall be paid in accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing with Section 69941) of this chapter. Such per diem, traveling and other expenses, and the fees chargeable to the county under the terms of these provisions shall be a proper county charge.

SEC. 3. Section 70054.3 is added to the Government Code, to read:

70054.3. Notwithstanding the provisions of Sections 70053 and 70054, in a county with a population of over 42,000 and under 44,000 or a population of over 23,000 and not over 28,000, as determined by

the 1970 federal census:

(a) In order to help defray the costs of reporting services, in addition to any fees otherwise required by law, a fee of ten dollars ($10) shall be paid to the county clerk by each party, or jointly by parties appearing jointly, in each of the following instances:

(1) Where Section 26821 requires such party or parties to pay the county clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(2) Where Sections 26822 to 26825, inclusive, require such party or parties to pay the county clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(3) Where Section 26826 requires the party or parties to pay the clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, corespondent, or adverse party, except in an appeal from an inferior court.

(4) Where Section 26827 requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate, guardianship, conservatorship, or other proceeding specified in that section.

(b) All fees paid under this section shall be taxed as costs.

SEC. 4. Section 70054.7 of the Government Code is repealed.

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

Full-time court reporters are urgently needed by the Superior Courts of the Counties of El Dorado and Nevada. Such need has contributed to a serious problem of delay in the ability of the courts to fulfill its duties and a large backlog of pending cases. It is necessary to help defray the costs of full-time reporters in order to alleviate these problems in such counties as quickly as possible.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse any local agency for any costs incurred by it under this act, because the affected local agencies requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

CHAPTER 118

An act to amend Section 13131 of, to amend Section 13143.6, as added by Chapter 1428 of the Statutes of 1971, of, and to repeal Section 13143.6, as added by Chapter 1407 of the Statutes of 1971, of, the Health and Safety Code, relating to fire protection.

[Approved by Governor April 1, 1974 Filed with Secretary of State April 1, 1974]

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

SECTION 1. Section 13131 of the Health and Safety Code is amended to read:

13131. "Nonambulatory persons" means persons unable to leave a building unassisted under emergency conditions. It includes, but is not limited to, persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs, profoundly or severely mentally retarded persons, and shall include totally deaf persons.

SEC. 2. Section 13143.6 of the Health and Safety Code, as added by Chapter 1428 of the Statutes of 1971, is amended to read:

13143.6. (a) The State Fire Marshal, with the advice of the State Board of Fire Services, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency. Occupancies within the meaning of this subdivision shall be those not otherwise specified in Sections 13113 and 13143 and shall include, but are not limited to, those commonly referred to as "certified family care homes," "out-of-home placement facilities," "and halfway houses." Regulations adopted pursuant to this subdivision shall establish minimum standards relating to the means of egress and the adequacy of exits, the installation and maintenance of fire extinguishing and fire alarm systems, the storage, handling, or use of combustible or flammable materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that may present a fire, explosion, or panic hazard. Such minimum standards shall be predicated on the height, area, and fire-resistive qualities of the building or structure used or intended to be used.

Any building or structure within the scope of this subdivision used or intended to be used for the housing of more than six nonambulatory persons shall have installed and maintained in proper operating condition an automatic sprinkler system approved by the State Fire Marshal. "Nonambulatory person," as used in this section shall include, but is not limited to, any profoundly or severely mentally retarded, or totally deaf person.

The ambulatory or nonambulatory status of any mentally retarded person within the scope of this subdivision shall be determined by the Director of Health.

Any building or structure within the scope of this subdivision used or intended to be used for the housing of more than six ambulatory persons shall have installed or maintained in proper operating condition an automatic fire alarm system approved and listed by the State Fire Marshal which will respond to products of combustion

other than heat.

In adopting regulations pursuant to this subdivision, the State Fire Marshal shall give reasonable consideration to the continued use of existing buildings' housing occupancies established prior to March 4, 1972.

In preparing and adopting regulations pursuant to this subdivision the State Fire Marshal shall also secure the advice of the appropriate governmental agencies involved in the affected protective social care programs in order to provide compatibility and maintenance of operating programs in this state.

Any governmental agency that refers any person to, or causes their placement in, any home or institution subject to this section shall, within seven days after the referral or placement, request verification of conformance to the fire safety standards adopted by the State Fire Marshal pursuant to this section from the fire authority having jurisdiction pursuant to Sections 13145 and 13146. Any referral or placement in homes or institutions subject to this section shall be subject to rescission if the fire authority having jurisdiction subsequently informs the governmental agency that it is unable to give the requested verification.

When a building or structure within the scope of this subdivision is used to house either ambulatory or nonambulatory persons, or both, and an automatic fire sprinkler system, approved by the State Fire Marshal, is installed, this subdivision shall not be construed to also require the installation of an automatic fire alarm system.

(b) Notwithstanding any other provision of law, facilities which are subject to the provisions of subdivision (a) and which are used for the housing of persons, none of whom are physically or mentally handicapped or nonambulatory persons within the meaning of Section 13131, shall not be required to have installed an automatic sprinkler system or an automatic fire alarm system. In adopting regulations affecting facilities specified in this subdivision, the State Fire Marshal shall take into consideration the ambulatory and nonhandicapped status of persons housed in such facilities.

SEC. 3. Section 13143.6 of the Health and Safety Code, as added by Chapter 1407 of the Statutes of 1971, is repealed.

CHAPTER 119

An act to amend Sections 73562, 73563, 73563.1, 73563.2, 74222, 74223, 74223.1, 74223.2 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1974 Filed with Secretary of State April 1, 1974]

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

SECTION 1. Section 73562 of the Government Code is amended to read:

73562. There shall be one chief municipal court clerk who shall receive a monthly salary at the rate specified in range 42 of the salary schedule provided in Section 73563.1.

SEC. 2. Section 73563 of the Government Code is amended to read:

73563. The chief municipal court clerk may appoint:

One senior municipal court clerk who shall receive a monthly salary at the rate specified in range 33A of the salary schedule provided in Section 73563.1.

Six municipal court clerks who shall receive a monthly salary at the rate specified in range 31A of the salary schedule provided in Section 73563.1.

Three legal process clerks who shall receive a monthly salary at the rate specified in range 27A of the salary schedule provided in Section 73563.1.

One account clerk who shall receive a monthly salary at the rate specified in range 27A of the salary schedule provided in Section 73563.1.

Ten typist-clerks II who shall receive a monthly salary at the rate specified in range 26A of the salary schedule provided in Section 73563.1.

SEC. 3. Section 73563.1 of the Government Code is amended to read:

73563.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range No	Step 1	Step 2	Step 3	Step 4	Step 5	Hourly conversion Step 1
25A	456	480	504	529	557	2.631
26	467	491	516	543	571	2.694
26A	480	504	529	557	586	2.769
27	491	516	543	571	601	2.833
27A	504	529	557	586	617	2.908
28	516	543	571	601	633	2.977
28A	529	557	586	617	649	3.052
29	543	571	601	633	666	3.133
29A	557	586	617	649	683	3.214
30	571	601	633	666	701	3.294
30A	586	617	649	683	719	3.381
31	601	633	666	701	738	3.467
31A	617	649	683	719	757	3.560
32	633	666	701	738	777	3.652
32A	649	683	719	757	798	3.744
33	666	701	738	777	818	3.842

33A	683	719	757	798	841	3.940
34	701	738	777	818	863	4.044
34A	719	757	798	841	885	4.148
35	738	777	818	863	909	4.258
35A	757	798	841	885	934	4.367
36	777	818	863	909	959	4.483
36A	798	841	885	934	985	4.604
37	818	863	909	959	1,010	4.719
37A	841	885	934	985	1,038	4.852
38	863	909	959	1,010	1,065	4.979
38A	885	934	985	1,038	1,094	5.106
39	909	959	1,010	1,065	1,123	5.244
39A	934	985	1,038	1,094	1,154	5.389
40	959	1,010	1,065	1,123	1,184	5.533
40A	985	1,038	1,094	1,154	1,216	5.683
41	1,010	1,065	1,123	1,184	1,248	5.827
41A	1,038	1,094	1,154	1,216	1,282	5.989
42	1,065	1,123	1,184	1,248	1,316	6.144
42A	1,094	1,154	1,216	1,282	1,352	6.312
43	1,123	1,184	1,248	1,316	1,388	6.479
43A	1,154	1,216	1,282	1,352	1,427	6.658
44	1,194	1,248	1,316	1,388	1,465	6.831

SEC. 4. Section 73563.2 of the Government Code is amended to read:

73563.2. Certain classes of positions prescribed in Article 7 (commencing with Section 73560) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Resolution of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Monterey-Carmel Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Monterey-Carmel Municipal Court District in Monterey County.

On the effective date of any amendment to said resolution adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Chief municipal court clerk	Chief municipal court clerk
Senior municipal court clerk	Senior municipal court clerk
Municipal court clerk	Municipal court clerk
Legal process clerk	Legal process clerk
Account clerk	Account clerk
Typist-clerk II	Typist-clerk II

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Monterey-Carmel Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification, including anniversary dates and changes thereto, and step advancements.

SEC. 5. Section 74222 of the Government Code is amended to read:

74222. There shall be one chief municipal court clerk who shall receive a monthly salary at the rate specified in range 42 of the salary schedule provided in Section 74223.1

SEC. 6. Section 74223 of the Government Code is amended to read:

74223. The chief municipal court clerk may appoint:

One senior municipal court clerk who shall receive a monthly salary at the rate specified in range 33A of the salary schedule provided in Section 74223.1

Six municipal court clerks who shall receive a monthly salary at the rate specified in range 31A of the salary schedule provided in Section 74223.1.

One senior typist-clerk who shall receive a monthly salary at the rate specified in range 28A of the salary schedule provided in Section 74223.1.

Four legal process clerks who shall receive a monthly salary at the rate specified in range 27A of the salary schedule provided in Section 74223.1.

Ten typist-clerks II who shall receive a monthly salary at the rate specified in range 26A of the salary schedule provided in Section 74223.1.

SEC. 7. Section 74223.1 of the Government Code is amended to read:

74223.1. Whenever reference to numbered salary range is made in any section of this article, the following schedule of monthly

salaries shall apply:

Range No	Step 1	Step 2	Step 3	Step 4	Step 5	Hourly conversion Step 1
25A	456	480	504	529	557	2.631
26	467	491	516	543	571	2.694
26A	480	504	529	557	586	2.769
27	491	516	543	571	601	2.833
27A	504	529	557	586	617	2.908
28	516	543	571	601	633	2.977
28A	529	557	586	617	649	3.052
29	543	571	601	633	666	3.133
29A	557	586	617	649	683	3.214
30	571	601	633	666	701	3.294
30A	586	617	649	683	719	3.381
31	601	633	666	701	738	3.467
31A	617	649	683	719	757	3.560
32	633	666	701	738	777	3.652
32A	649	683	719	757	798	3.744
33	666	701	738	777	818	3.842
33A	683	719	757	798	841	3.940
34	701	738	777	818	863	4.044
34A	719	757	798	841	885	4.148
35	738	777	818	863	909	4.258
35A	757	798	841	885	934	4.367
36	777	818	863	909	959	4.483
36A	798	841	885	934	985	4.604
37	818	863	909	959	1,010	4.719
37A	841	885	934	985	1,038	4.852
38	863	909	959	1,010	1,065	4.979
38A	885	934	985	1,038	1,094	5.106
39	909	959	1,010	1,065	1,123	5.244
39A	934	985	1,038	1,094	1,154	5.389
40	959	1,010	1,065	1,123	1,184	5.533
40A	985	1,038	1,094	1,154	1,216	5.683
41	1,010	1,065	1,123	1,184	1,248	5.827
41A	1,038	1,094	1,154	1,216	1,282	5.989
42	1,065	1,123	1,184	1,248	1,316	6.144
42A	1,094	1,154	1,216	1,282	1,352	6.312
43	1,123	1,184	1,248	1,316	1,388	6.479
43A	1,154	1,216	1,282	1,352	1,427	6.658
44	1,194	1,248	1,316	1,388	1,465	6.831

SEC. 8 Section 74223.2 of the Government Code is amended to read:

74223.2. Certain classes of positions prescribed in Article 22 (commencing with Section 74220) of Chapter 10, Title 8 of the

Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Resolution of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Salinas Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Salinas Municipal Court District in Monterey County.

On the effective date of any amendment to said resolution adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Chief municipal court clerk	Chief municipal court clerk
Senior municipal court clerk	Senior municipal court clerk
Municipal court clerk	Municipal court clerk
Senior typist-clerk	Senior typist-clerk
Legal process clerk	Legal process clerk
Typist-clerk II	Typist-clerk II

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Salinas Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification, including anniversary dates and changes thereto, and step advancements.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there by any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

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

The employees whose salaries and employment positions are affected by this act have reached an agreement with the Board of Supervisors of the County of Monterey. In order to avoid unnecessary delay, reduce inconvenience to those employees and citizens affected by the provisions of this act, and to avoid the risk of unnecessary and costly litigation, it is necessary that this act take effect at the earliest possible time.

CHAPTER 120

An act to amend Section 117g of the Code of Civil Procedure, relating to small claims courts.

[Approved by Governor April 1, 1974 Filed with Secretary of State April 1, 1974]

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

SECTION 1. Section 117g of the Code of Civil Procedure is amended to read:

117g. No attorney at law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court. A person as a trustee in bankruptcy or a holder of a conditional sales contract described in Section 117f may file or prosecute a claim in a small claims court in the same manner as any other claimant or plaintiff. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or, with the permission of the court, at any other time. If the defendant fails to appear at the hearing, the court shall still require the plaintiff to present evidence to prove his claim. The presence of the plaintiff or defendant, whether individual or corporate, at the hearing shall not be required to permit the proof of the items of an account but such proof shall be in accordance with the provisions of Sections 1270 and 1271 of the Evidence Code. The judge or justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just. The provisions of Section 579 of the Code of Civil Procedure are hereby made applicable to small claims court actions.

CHAPTER 121

An act to amend Section 71140.3 of the Government Code, relating to courts.

[Approved by Governor April 1, 1974 Filed with Secretary of State April 1, 1974.]

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

SECTION 1. Section 71140.3 of the Government Code is amended to read:

71140.3. Notwithstanding any provisions of Section 71140 to the contrary, in the Counties of Humboldt, Stanislaus, San Mateo, Santa Clara, San Diego, Los Angeles, and Orange a person is eligible to be elected or appointed to the office of judge of a municipal court of a judicial district if he is a resident eligible to vote in the county in which the judicial district is situated for a period of at least 54 days prior to the date of his election or appointment.

CHAPTER 122

An act to add Chapter 17 (commencing with Section 7280) to Division 7 of Title 1 of the Government Code, relating to the employment of veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1974. Filed with Secretary of State April 2, 1974.]

I am reducing the appropriation contained in Section 2 of Assembly Bill No. 276 from $5,000,000 to $1,000,000

The reduced appropriation of $1,000,000 should be adequate to demonstrate the effectiveness of the employment training program proposed by this bill

Additional funding can be made available in future budgets if there is a showing that this program promotes meaningful job training opportunities for California's Vietnam veterans.

With this reduction, I approve Assembly Bill No. 276.

RONALD REAGAN, *Governor*

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

SECTION 1. Chapter 17 (commencing with Section 7280) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17. EMPLOYMENT OF VETERANS

7280. This act shall be known and may be cited as the "Burton-Stull Vietnam Veterans Employment Act."

7280.1. The Legislature hereby finds and declares that the employment of veterans of the Vietnam conflict after their

separation from the armed forces is of prime public concern, and that to encourage employers in the private sector to hire such veterans, this chapter has been enacted.

7280.2. For the purposes of this chapter "veteran" means any person (1) who served in the active military, naval, or air service of the United States for a period not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after August 5, 1964, and prior to a future date to be established by Proclamation of the Governor, (2) who was honorably discharged from the military service, and (3) who was, at the time of his entry into active duty, a native of or a bona fide resident of this state, or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty.

7280.3. Each employer in private employment who hires an unemployed veteran of the Vietnam conflict at not less than the then-current federal minimum wage, or not less than the prevailing wage rate for the industry and occupation at that time, whichever is higher, shall be reimbursed by the state, pursuant to this chapter, in an amount equal to 50 percent of the cost to the employer for any salary or wages paid to such veteran. The maximum duration of the reimbursements to employers provided for by this section shall be 18 months for each veteran employed.

7280.4. Such payments for reimbursement pursuant to Section 7280.3 shall be made to an employer who hires such a veteran as soon as possible after the veteran commences work, or training therefor, as the case may be.

7280.6. The provisions of this chapter shall be administered by, and payments shall be disbursed through, the Division of Job Training, Development and Placement of the Department of Employment Development, in addition to any other functions or duties which are imposed upon it by law.

7280.8. The Director of the Department of Employment Development, or his designee, shall certify to employers such veterans as certified trainees under this chapter as he or his designee shall deem to be qualified for training in employment by such employer. The director or his designee, when certifying trainees to employees, shall make every effort to insure that at least 50 percent of the certified trainees reside in economically disadvantaged areas, as such term is defined in Section 9111 of the Unemployment Insurance Code.

7280.9. (a) For the purposes of this chapter, "certified trainee" means a person who both (1) meets the criteria of Section 7280.2 and (2) has entered into a written agreement called an "apprentice agreement" or a "trainee agreement" with a program sponsor to train under the provisions of such apprenticeship or training standards as are approved under Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code.

(b) Training standards shall be developed in accordance with Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code and Chapter 2 (commencing with Section 200) of Title 8 of the California Administrative Code.

7281. No veteran shall be certified under Section 7280.8 if any of the following occur:

(a) The director or his designee finds that the employer does not have a reasonable expectation of at least six months continuous full-time employment for each certified trainee certified to him.

(b) The director or his designee finds that there is reasonable cause to believe that the employer will demote, discharge, or lay off persons now employed by him and replace such persons with certified trainees.

(c) The employer is engaged in a labor dispute.

(d) The employment of certified trainees by the employer would constitute a breach of a collective bargaining agreement entered into by the employer.

(e) The director or his designee finds that there is no substantial likelihood that the employment offered by the employer to the certified trainee will result in either substantially permanent full-time employment or an upgrading of the certified trainee's job skills to a level at which reasonably permanent full-time employment may be expected to be available to him in the community.

(f) The director or his designee finds that, as to any person or class of persons or employer or class of employers to whom eligible veterans may otherwise be certified as certified trainees, such certification would result in any of the following:

(1) Employment involving any condition of wages, hours, conditions of employment, or safety prohibited by law or by a collective bargaining agreement entered into by the employer.

(2) A surplus of persons who will be unemployed as a result of such certification.

(3) The unlawful employment of minors or the violation of any laws relating to compulsory school attendance.

(4) Detriment to the health or welfare of any person.

(5) When it is found that the existing prevailing conditions in the area and industry would in any way be lowered or adversely affected.

(g) The employer is a party to any contract or agreement to receive federal reimbursement for training purposes.

The director may, pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of this code, make all necessary and reasonable regulations to prevent any abuses of the reimbursement program established under this chapter and for the administration of this section and Section 7280.8, and may obtain the assistance of any public or private agencies in finding and encouraging suitable employers to offer employment pursuant to this chapter.

7281.2. No employer may receive any reimbursement for costs specified in this chapter if the veteran whom he hires as an employee

or trainee is a person whom the employer had previously employed, or a member of the employer's immediate family or related within the first degree.

7281.4. Such portion of the funds appropriated each year by the Legislature for the purposes of this chapter as the Director of the Department of Employment Development shall determine may be used for advertising and mailing costs to inform employers in the state of the provisions of this chapter and any other programs for unemployed Vietnam veterans.

SEC. 2. There is hereby appropriated from the General Fund to the Department of Employment Development for the purposes of Chapter 17 (commencing with Section 7280) of Division 7 of Title 1 of the Government Code, the sum of five million dollars ($5,000,000). The department may utilize up to 25 percent of such sum to administer the employer reimbursement program created thereunder, including services rendered by the Department of Industrial Relations related to this program.

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

This act will provide needed training to assist Vietnam veterans to adjust to civilian life and to become more productive citizens. In order to make this training available at the earliest possible time, it is necessary for this act to take effect immediately.

CHAPTER 123

An act to amend Section 303 of the Streets and Highways Code, relating to state highways.

[Approved by Governor April 2, 1974. Filed with Secretary of State April 2, 1974.]

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

SECTION 1. Section 303 of the Streets and Highways Code is amended to read:

303. Route 3 is from:

(a) Route 36 near Peanut to Route 299 near Douglas City.

(b) Route 299 near Weaverville to Montague via Main Street in Yreka.

CHAPTER 124

An act to amend Section 11552 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor April 2, 1974. Filed with Secretary of State April 2, 1974.]

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

SECTION 1. Section 11552 of the Business and Professions Code is amended to read:

11552. (a) If there is no advisory agency, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting, which shall act thereon within 40 days thereafter.

If there is an advisory agency, it shall report, in writing, on the map or maps of any subdivision submitted to it within 50 days after the tentative map has been filed and the report shall approve, conditionally approve or disapprove the map or maps of the subdivision.

The governing body may authorize the advisory agency to report its action direct to the subdivider. If the governing body does not so authorize the advisory agency, the advisory agency shall make its report to the governing body, which body shall act upon the report within 10 days or at its next succeeding regular meeting after receipt of the report.

The governing body, when there is no advisory agency or the advisory agency is required by Section 11550.1 of the Business and Professions Code to submit the tentative map to the Office of Intergovernmental Management, may extend the time permitted for action on such map if it is required to allow consideration of the evaluation received from the Office of Intergovernmental Management, but such extension shall not exceed 15 days.

Any reports or recommendations on the map or maps of any subdivision submitted to the advisory agency or governing body shall be submitted in writing to the subdivider prior to final action on the map or maps by the advisory agency or governing body. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail directed to the subdivider at his designated address and bearing the proper postage.

(b) If the subdivider is dissatisfied with any action of the advisory agency with respect to the tentative map, or the kinds, nature and extent of the improvements recommended by the advisory agency to be required, he may, within 15 days after such action, appeal to the governing body, unless an appeal board has been designated in which event such appeal must be to the appeal board, for a public hearing thereon. The governing body or appeal board as the case may be shall hear the appeal, upon notice to the subdivider and the

advisory agency, unless the subdivider consents to a continuance, within 15 days or at its next succeeding regular meeting. At the time fixed for the hearing the governing body or appeal board shall proceed to hear the testimony of the subdivider or any witnesses in his behalf and the testimony of the representatives of the advisory agency or any witnesses in its behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the governing body or appeal board shall within seven days declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the advisory agency and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

If the subdivider or advisory agency is dissatisfied with any action of the appeal board with respect to the tentative map, or the kinds, nature and extent of the improvements required by the appeal board, either may, within 15 days after such action, appeal to the governing body. The governing body shall hear the appeal within 15 days or at its next succeeding regular meeting, unless the subdivider consents to a continuance, and shall give notice of such hearing to the subdivider, the appeal board and the advisory agency. The governing body shall hear the argument of the subdivider, the appeal board and the advisory agency or of their representatives based upon the testimony and the documents before the appeal board, and may receive documents from or hear the testimony of any competent person respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality of kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into. Upon conclusion of the hearing the governing body shall, within seven days, declare its findings based upon the testimony and documents produced before it or before the appeal board. It may sustain, modify, reject or overrule any recommendations or rulings of the appeal board and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

(c) Where local ordinance so provides, any interested person adversely affected by a decision of the advisory agency or appeal board may file a complaint with the governing body concerning any decision of the advisory agency or appeal board. Any such complaint shall be filed with the clerk of the legislative body within 15 days after the action of the advisory agency or appeal board which is the subject of the complaint. Upon the filing of the complaint the governing body may set the matter for hearing. Such hearing shall be held

within 30 days after the filing of the complaint. Such hearing may be a public hearing for which notice shall be given in the time and manner provided.

Upon conclusion of the hearing the governing body shall, within seven days, declare its findings based upon the testimony and documents produced before it or before the advisory board or the appeal board. It may sustain, modify, reject or overrule any recommendations or rulings of the advisory board or the appeal board and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

SEC. 2. It is the intent of the Legislature, if this bill and Senate Bill No. 977 are both chaptered and become effective on or before January 1, 1975, both bills affect Section 11552 of the Business and Professions Code, and this bill is chaptered after Senate Bill No. 977, that Section 1 of this bill shall not become operative.

CHAPTER 125

An act to amend Section 2181 of the Food and Agricultural Code, relating to county agricultural commissioners.

[Approved by Governor April 2, 1974 Filed with Secretary of State April 2, 1974]

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

SECTION 1. Section 2181 of the Food and Agricultural Code is amended to read:

2181. Upon satisfactory evidence presented to the director that the commissioner of any county is guilty of neglect of duty, incompetence, or misconduct in office, the trial board which is selected, pursuant to this article, shall hold a hearing at such time and place as it shall specify.

CHAPTER 126

An act to amend Sections 54791, 54793, 54794.1, 54797, and 54799.1 of, the Government Code, relating to local agency formation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1974 Filed with Secretary of State April 2, 1974]

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

SECTION 1. Section 54791 of the Government Code is amended to read:

54791. Proceedings shall not be initiated until application is made to, and accepted for filing by, the executive officer, and approval is given by the commission of the principal county. Any proponent, any legislative body, or any members of any legislative body, desiring to initiate proceedings shall submit an application to the executive officer of the principal county. An executive officer shall accept for filing, and file, any application submitted to him which is in the form prescribed by the commission and which contains all the information and data required pursuant to Section 54792. When an executive officer accepts an application for filing, he shall issue a "certificate of filing" to the proponent, legislative body or members of a legislative body submitting the application. A "certificate of filing" shall be in the form prescribed by the executive officer. From the date of issuance of a certificate of filing, an application shall be deemed filed pursuant to this chapter.

If a special district is, or as a result of a proposed formation or annexation will be, located in more than one county, the executive officer of the principal county shall immediately furnish a copy of any application accepted for filing by him to the executive officer of each such other county.

SEC. 2. Section 54793 of the Government Code is amended to read:

54793. When an application is filed in the manner prescribed in Section 54791, the executive officer shall set a date, time, and place for a hearing by the commission on said application. The date of the hearing shall not be more than 90 days following the date of such filing. At least 15 days prior to any hearing, the executive officer shall give mailed notice of the hearing to each affected county, city, or district, to any interested party or local agency who has filed a written request for such notice with the executive officer, and to any officers or persons designated in the application for the purpose of receiving mailed notice. In addition, at least 15 days prior to the hearing upon a proposal for the annexation of territory to a city, the incorporation of a new city or for the formation of a district, notice of hearing shall be published by the executive officer, in accordance with Section 6061, in a newspaper of general circulation which is circulated within the affected territory.

SEC. 3. Section 54794.1 of the Government Code is amended to read:

54794.1. (a) Whenever the executive officer is required by law to prepare an impartial analysis of a ballot proposition for approval by the commission, the commission may, by rule, provide a procedure for approval or modification of the executive officer's analysis.

(b) Notwithstanding any other provision of law, whenever the executive officer is required by law to prepare an impartial analysis of a ballot proposition, the analysis shall be prepared and submitted to the commission in sufficient time for the commission to consider

and approve or modify the analysis, and submit it to the officials conducting the election within the time prescribed. The commission shall approve or modify the analysis and submit it to the official in charge of conducting the election not less than 54 days prior to the date of the election. The impartial analysis submitted by the commission shall not exceed 500 words in length and shall include a general description of the affected territory.

SEC. 4. Section 54797 of the Government Code is amended to read:

54797. The commission may continue the hearing from time to time, not to exceed 70 days from the date specified in the notice of hearing. Within 35 days after the conclusion of the hearing, the commission shall adopt a resolution making its determination upon the proposal. The resolution making determinations may include a short-term designation of the affected territory and a description thereof. The short-term designation and description contained in any commission resolution making determination shall be used to refer to or describe the affected territory in any proceedings on the proposal.

If the commission approves a proposal, proceedings shall thereafter be initiated, conducted and completed pursuant to those provisions of law which are applicable to the proposal as it has been approved by the commission. If the commission approves the proposal with modifications or conditions, proceedings may be initiated, conducted and completed only in compliance with such modifications or conditions. If the commission disapproves of the proposal, further proceedings shall terminate.

Upon the filing with the Secretary of State of any notice or other document which is authorized or required by law to be filed with him upon completion of any proceedings, said Secretary of State shall give written notice of such filing to the executive officer of each county within which any of the territory affected by such proceedings shall be located.

SEC. 5. Section 54799.1 of the Government Code is amended to read:

54799.1. If any legislative body, landowner, voter, or other interested person shall desire any addition, deletion, amendment or revision of any commission resolution making determinations or any term, condition or other provision contained therein, including minor or major changes in boundaries of proposed new cities or annexations to existing cities, such legislative body, landowner, voter, or other interested person, shall prior to the completion of proceedings, file written application therefor with the executive officer who shall present the same to the commission at its next meeting. The commission, in its discretion, may either (i) without further notice and hearing, deny or approve such application in whole or in part, or (ii) provide for notice and hearing upon said application, in the same manner as for the original proposal, prior to denying or approving the same. Any determination made by a

commission pursuant to this section shall be final and conclusive and no further application shall be made pursuant to this section requesting the same or substantially the same addition, deletion, amendment or revision of the commission's resolution making determinations.

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

In order that the changes made by this act will be effective for the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 127

An act to amend Sections 56003.1, 56028, 56039, 56119, 56262, and 56263 of the Government Code, relating to districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1974 Filed with Secretary of State April 2, 1974]

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

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

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

(a) The initiation, conduct or completion of proceedings for the incorporation of any city, the annexation or detachment of territory

to or from any city, the consolidation of any cities or the disincorporation of any city or for the formation of any district, and

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

If a commission shall so condition its approval, the commission may order that any further action pursuant to this division shall be continued and held in abeyance for such period of time as the commission may designate, not to exceed six months from the date of such conditional approval.

Any such commission order may also provide that any election called upon the question of confirming a change of organization or a reorganization pursuant to the provisions of this division shall be called, held and conducted before, upon the same date as, or after the date of any election to be called, held and conducted upon the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or upon the formation of any district.

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

56028. "Change of organization" means an annexation or detachment of territory to or from a district, a minor boundary change, the dissolution or consolidation of any district or districts, a merger or the establishment of a subsidiary district, and, in the case of a reorganization, also includes district formations, annexations to, detachments from, and disincorporations of, cities when the affected cities do not object to such annexations, detachments, or disincorporations, and the incorporation of new cities when the board of supervisors does not object to such incorporations.

SEC. 3. Section 56039 of the Government Code is amended to read:

56039. "District" means an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. "District" shall include a county service area but shall exclude the following:

(a) The state;

(b) A county;

(c) A city, except for the provisions of this division relating to a merger, the establishment of a subsidiary district, or a reorganization which includes an annexation to, a detachment from, or disincorporation of, a city when the affected city does not object to such annexation, detachment or disincorporation, or the incorporation of a new city when the board of supervisors does not object to such incorporation;

(d) A school district;

(e) A unified or union high school library district;

(f) A special assessment district;
(g) An improvement district;
(i) An air pollution control district;
(j) A bridge and highway district or a joint highway district;
(k) A transit or rapid transit district or authority;
(*l*) A metropolitan water district;
(m) A flood control district, a flood control and floodwater conservation district, a flood control and water conservation district, a conservation district, a water conservation district, a water replenishment district, the Orange County Water District, a California water storage district, a water agency, a county water authority or a water authority, provided, that the commission of the principal county shall determine, in accordance with Sections 56015 and 56016 inclusive, that any district, agency or authority enumerated in this subdivision (m) is not a "district" within the meaning of this division.

SEC. 4. Section 56119 of the Government Code is amended to read:

56119. Within five days after an election is called pursuant to this division, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the district is located. Such written notice shall include a description of the territory affected by the election and may be made in the form of a certified copy of the resolution adopted by the legislative body calling the election.

The executive officer shall prepare an impartial analysis of each question submitted at the election and submit it to the commission in sufficient time for the commission to consider the analysis, approve or modify it, and submit it to the officials conducting the election in the time prescribed.

The impartial analysis shall not exceed 500 words in length and shall include a general description of the affected territory which the question to be voted on involves.

The local agency formation commission, shall approve or modify the executive officer's analysis and submit it to the officials in charge of conducting the election not less than 54 days prior to the date of the election.

SEC. 5. Section 56262 of the Government Code is amended to read:

56262. Upon the filing with the executive officer of any sufficient petition or resolution of application or any report and recommendation of a reorganization committee, the executive officer shall set the matter for public hearing by the commission and fix a date, time and place for such hearing. The date of the hearing shall not be more than 90 days after such filing.

SEC. 6. Section 56263 of the Government Code is amended to read:

56263. Where the commission desires to provide for notice and

hearing prior to making a determination on a matter which the commission is authorized, but not required, to determine without notice and hearing, the commission shall order a public hearing thereon and set a date, time and place for such hearing. The date of hearing shall not be more than 90 days after the date of said order.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential that this act go into effect immediately in order that implementation and availability of its provisions will not be delayed and to facilitate their effective and efficient application for the 1974–75 fiscal year.

CHAPTER 128

An act to amend Sections 1621.4 and 1725 of, and to repeal and add Article 7 (commencing with Section 1740) to Chapter 4 of Division 2 of, the Business and Professions Code, relating to the dental auxiliaries.

[Approved by Governor April 2, 1974. Filed with Secretary of State April 2, 1974.]

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

SECTION 1. Section 1621.4 of the Business and Professions Code is amended to read:

1621.4. (a) The examining committee shall assist the board in the examination of applicants for a dental license and a dental hygiene license at least once a year, at the time and place designated by the board.

(b) As directed by the board, the examining committee may investigate each applicant applying for a license to practice dentistry and a license to practice dental hygiene and recommend to the board whether an applicant shall be admitted to the examination, and whether a license or certificate shall be issued, pursuant to the requirements of this chapter.

(c) As directed by the board, the examining committee, or subcommittees thereof appointed by the board, may receive and investigate complaints and obtain information and evidence relating to any matter involving the conduct of dentists or dental hygienists or any violation or alleged violation of any of the provisions of this chapter by dentists or dental hygienists.

(d) The examining committee shall advise the board regarding the establishment, implementation, and operation of the continuing education requirements authorized by Section 1647 of this chapter.

SEC. 1.5. Section 1725 of the Business and Professions Code is

amended to read:

1725. The amount of charges and fees for dental auxiliaries certified pursuant to this chapter shall be fixed by the board as is necessary for the purpose of carrying out the responsibilities required by this chapter as it relates to dental auxiliaries, subject to the following limitations:

(a) The fee for applicants for a certificate or license shall not exceed twenty dollars ($20).

(b) The fee for examination shall not exceed thirty dollars ($30).

(c) The renewal fee shall not exceed seven dollars ($7).

(d) The delinquency fee shall not exceed ten dollars ($10).

(e) The restoration fee for a certificate or license forfeited for nonregistration shall not exceed ten dollars ($10).

(f) No fees or charges other than those listed in subdivisions (a) through (e) above shall be levied by the board in connection with the certification or licensure of dental auxiliaries pursuant to this chapter.

SEC. 2. Article 7 (commencing with Section 1740) of Chapter 4 of Division 2 of the Business and Professions Code is repealed.

SEC. 3. Article 7 (commencing with Section 1740) is added to Chapter 4 of Division 2 of the Business and Professions Code, to read:

Article 7. Dental Auxiliaries

1740. It is the intention of the Legislature by enactment of this article to permit the full utilization of dental auxiliaries in order to meet the dental care needs of all the state's citizens. The Legislature further intends that the classifications of dental auxiliaries established pursuant to this article constitute a career ladder, permitting the continual advancement of persons to successively higher levels of certification or licensure with additional training, and without repeating training for skills already acquired. The Legislature further intends that the Board of Dental Examiners of the State of California and its Committee on Dental Auxiliaries, in implementing this article, give specific consideration to the recommendations of the Advisory Committee on Utilization and Education of Dental Auxiliaries, established pursuant to Chapter 645 of the Statutes of 1972, and contained in its report to the Legislature dated March 20, 1973.

1741. As used in this article:

(a) "Board" means the Board of Dental Examiners of the State of California.

(b) "Committee" means the Committee on Dental Auxiliaries.

(c) "Direct supervision" means supervision of dental procedures based on instructions given by a licensed dentist, who must be physically present in the treatment facility during the performance of those procedures.

(d) "General supervision" means supervision of dental procedures based on instructions given by a licensed dentist but not

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requiring the physical presence of the supervising dentist during the performance of those procedures

(e) "Dental auxiliary" means a person certified or licensed by the board pursuant to the provisions of this article.

1742. There is hereby created within the jurisdiction of the board, a Committee on Dental Auxiliaries.

1743. The committee shall consist of the following nine members:

One member who is a member of the board; one member who is a licensed dentist and a member of the board's examining committee; one member who is a licensed dentist who is neither a board nor examining committee member; three members who are licensed as registered dental hygienists, at least one of whom is actively employed in a private dental office; and three members who shall have become certified as registered dental assistants within 12 months of the effective date of this section. Upon the first expiration of term of one of the members who is licensed as a registered dental hygienist, that member shall be replaced by an individual licensed as a registered dental hygienist in extended functions. Upon the first expiration of term of one of the members who is certified as a registered dental assistant, that member shall be replaced by an individual certified as a registered dental assistant in extended functions

1744. (a) The members of the committee shall be appointed by the Governor. The terms of the member who is a board member and the member who is an examining committee member shall expire December 31, 1976. The terms of the member who is a licensed dentist and one member who is a dental assistant and one member who is licensed as a registered dental hygienist shall expire on December 31, 1977. The terms of all other members shall expire on December 31, 1978. Thereafter, appointments shall be for a term of four years.

(b) No member shall serve as a member of the committee for more than two consecutive terms. Vacancies shall be filled by appointment for the unexpired terms. The committee shall annually elect one of its members as chairman.

(c) The Governor shall have the power to remove any member of the committee from office for neglect of any duty required by law or for incompetence or unprofessional or dishonorable conduct.

1745. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

1746. The committee may employ such employees as it may deem necessary, subject to approval by the board, to carry out the functions and responsibilities prescribed by this article.

1747. The procedure on all matters relating to the denial, suspension, or revocation of certificates or licenses granted under this article shall be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

1748. Recommendations by the committee pursuant to this

article shall be subject to modification or revocation by the board and shall be acted upon within 60 days of adoption by the committee.

1749. (a) The committee shall meet at least four times annually, at least once in the City of Sacramento, and at least once in the City of Los Angeles. The committee shall conduct such additional meetings as are necessary in appropriate locations to conclude its business. Special meetings may be held at such time and place as the committee may designate.

(b) Notice of each meeting of the committee shall be given at least two weeks in advance to those persons and organizations who express an interest in receiving such notification.

(c) The committee shall obtain permission of the director to meet more than six times annually. The director shall approve such meetings that are necessary for the committee to fulfill its legal responsibilities.

1750. A dental assistant is a person who may perform basic supportive dental procedures as authorized by this article under the supervision of a licensed dentist.

1751. Within one year of the date this article takes effect, the board, upon recommendation of the committee, consistent with standards of good dental practice and the health and welfare of patients, shall prescribe by regulation the functions which may be performed by dental assistants, whether such functions require direct or general supervision, and the settings within which dental assistants may work. The board shall periodically review and update the list of functions performable by dental assistants.

1752. The supervising licensed dentist shall be responsible for determining the competency of the dental assistant to perform allowable functions.

1753. The board shall certify as a registered dental assistant a person who satisfies either of the following requirements:

(a) Graduation from an educational program in dental assisting approved by the board, and satisfactory performance on an examination required by the board.

(b) Satisfactory work experience of more than 18 months as a dental assistant and satisfactory performance on an examination required by the board.

1754. Within one year of the date this article takes effect, the board, upon recommendation by the committee and consistent with standards of good dental practice and the health and welfare of patients, shall prescribe by regulation the functions which may be performed by registered dental assistants, whether such functions require direct or general supervision, and the settings within which registered dental assistants may work. Such functions shall include all functions which may be performed by a dental assistant pursuant to Section 1751.

1755. The board, upon recommendation by the committee, shall by regulation establish requirements of continuing education which shall be met by any person certified pursuant to the provisions of this

article prior to renewal of his certificate.

1756. The board shall certify as a registered dental assistant in extended functions a person who satisfies all of the following requirements:

(a) Status as a registered dental assistant.

(b) Completion of clinical training approved by the board in a facility affiliated with a dental school under the direct supervision of the dental school faculty.

(c) Satisfactory performance on an examination required by the board.

1757. Within one year of the date this article takes effect, the board, upon recommendation of the committee, consistent with standards of good dental practice and the health and welfare of patients, shall prescribe by regulation the functions which may be performed by registered dental assistants in extended functions, whether such functions require direct or general supervision, and the settings within which registered dental assistants in extended functions may work.

1758. The board shall license as a registered dental hygienist a person who satisfies all of the following requirements:

(a) Completion of an educational program for registered dental hygienists, approved by the board.

(b) Satisfactory performance on an examination required by the board.

1759. Within one year of the date this article takes effect, the board, upon recommendation of the committee, consistent with standards of good dental practice and the health and welfare of patients, shall prescribe by regulation the functions which may be performed by a registered dental hygienist, whether such functions require direct or general supervision, and the settings within which registered dental hygienists may work.

1760. The following functions may be performed by a registered dental hygienist in addition to those authorized pursuant to Section 1759:

(a) All functions which may be performed by a dental assistant or a registered dental assistant, under the degree of supervision required for such functions.

(b) Removal of lime deposits, accretions and stains from the unattached surface of the teeth, and application of topical agents essential to complete prophylaxis.

1761. The board shall license as a registered dental hygienist in extended functions a person who meets all of the following requirements:

(a) Status as registered dental hygienist.

(b) Completion of clinical training approved by the board in a facility affiliated with a dental school under the direct supervision of the dental school faculty.

(c) Satisfactory performance on an examination required by the board.

1762. Within one year of the date this article takes effect, the board, upon recommendation of the committee, consistent with standards of good dental practice and the health and welfare of patients, shall prescribe by regulation the functions which may be performed by registered dental hygienists in extended functions, whether such functions require direct or general supervision, and the settings within which registered dental hygienists in extended functions may work.

1763. (a) A licensed dentist may utilize in his practice no more than two dental auxiliaries in extended functions licensed pursuant to Sections 1756 and 1761.

(b) The board shall require a dentist who utilizes dental auxiliaries licensed in extended functions to satisfy requirements of continuing education in management and utilization of such an auxiliary.

1764. Any person other than one who has been issued a certificate or license by the board who holds himself out as a registered dental assistant, or a registered dental assistant in extended functions, or a registered dental hygienist, or a registered dental hygienist in extended functions, or uses any other term indicating or implying he is certified or licensed by the board in the aforementioned categories, is guilty of a misdemeanor.

1765. The certificate or license granted by the board to any registered dental assistant, registered dental assistant in extended functions, registered dental hygienist, or registered dental hygienist in extended functions, shall be subject to probation, suspension, revocation, or such other disciplinary actions as determined by the board for any of the following causes:

(a) Conviction of illegal use or possession of narcotics.

(b) Habitual intemperance.

(c) Incompetent performance, as determined by the board.

(d) Excessive use of any habit-forming drug.

(e) Conviction of any felony or crime involving moral turpitude, dishonesty, or corruption.

(f) Use of fraud in the procurement of any certificate or license issued pursuant to this chapter.

(g) Gross negligence, as determined by the board.

(h) Any action or conduct which would have warranted the denial of the certificate.

(i) Violation of any provision of this article.

1766. The provisions of Sections 1715, 1718, 1718.1, 1718.2, and 1718.3 shall govern the removal, restoration, reinstatement, and reissuance of certificates or licenses issued under this article.

The certificate or license shall continue in effect through the date provided in Section 1715 which next occurs after its issuance, when it shall expire if not renewed.

1767. The board shall report to the Legislature by July 1, 1975, and each six months thereafter for a period of two years, as to their progress in implementing this article.

SEC. 4. A person who, on the effective date of this act, was licensed as a dental hygienist pursuant to the provisions of Article 7 (commencing with Section 1740) of Chapter 4 of Division 2 of the Business and Professions Code, as repealed by this act, shall be licensed by the board as a registered dental hygienist without fee or examination.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act, because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 129

An act to amend Sections 19971, 19980, 19981, 19985, 19990, 19991, 19992, and 19993 of, to add Sections 19967, 19967.1, 19975.1, 19976.1, 19991.1 and 19991.2 to, and to repeal Sections 19967 and 19994 of, the Health and Safety Code, relating to factory-built housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1974 Filed with Secretary of State April 2, 1974]

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

SECTION 1. Section 19967 of the Health and Safety Code is repealed.

SEC. 2. Section 19967 is added to the Health and Safety Code, to read:

19967. "Building component" means any subsystem, subassembly, or other system designed for use in, or as part of, a structure, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety. However, "building component" does not include appliances or equipment, such as heaters, stoves, refrigerators, or air conditioners, which have been listed and labeled by an approved testing and listing agency.

SEC. 3. Section 19967.1 is added to the Health and Safety Code, to read:

19967.1. "Building system" means plans, specifications, and documentation for a system of manufactured building, or for a type or a system of building components, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of the building system.

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SEC. 4. Section 19971 of the Health and Safety Code is amended to read:

19971. "Factory-built housing" means a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as part of an institution for resident or patient care, which is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with regulations adopted by the commission pursuant to Section 19990. Factory-built housing shall not be deemed to include a mobilehome, as defined in Section 18008, mobile accessory building or structure, as defined in Section 18010, a recreational vehicle, as defined in Section 18010.5, or a commercial coach, as defined in Section 18012.

SEC. 5. Section 19975.1 is added to the Health and Safety Code, to read:

19975.1. "Local inspection agency" means the building department of a city, county, or city and county, which has been certified by the department, and which has assumed responsibility for inspection of in-plant construction as provided by Section 19991.1.

SEC. 6. Section 19976.1 is added to the Health and Safety Code, to read:

19976.1. "Residential building" means any structure designed for dwelling occupancy, containing one or more dwelling units and structures accessory thereto.

SEC. 7. Section 19980 of the Health and Safety Code is amended to read:

19980. All factory-built housing manufactured after the effective date of the regulations adopted pursuant to Chapter 4 (commencing with Section 19990) of this part, which is sold or offered for sale to first users within this state, shall bear insignia of approval issued by the department.

SEC. 8. Section 19981 of the Health and Safety Code is amended to read:

19981. (a) All factory-built housing bearing an insignia of approval pursuant to Section 19980 shall be deemed to comply with the requirements of all ordinances or regulations enacted by any city, city and county, county, or district which may be applicable to the manufacture of such housing.

(b) No factory-built housing bearing a department insignia of approval pursuant to Section 19980 shall be in any way modified prior to installation unless approval is first obtained from the department.

(c) No factory-built housing shall be in any way modified during installation unless approval for such modification is first obtained from the local enforcement agency.

SEC. 9. Section 19985 of the Health and Safety Code is amended

to read:

19985. If the department determines that standards for the manufacture of factory-built housing, which have been prescribed by the statutes or rules and regulations of other states, are at least equal to the standards prescribed by the commission, the commission may so provide by regulation. Any factory-built housing which a state has approved as meeting its standards for manufacture shall be deemed to meet the standards of the department, if the department determines that the standards of such other state are actually being enforced.

SEC. 10. Section 19990 of the Health and Safety Code is amended to read:

19990. (a) The commission shall promulgate rules and regulations to interpret and make specific the provisions of this part. Such rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall include provisions imposing requirements reasonably consistent with recognized and accepted standards contained in the most recent editions of the following uniform industry codes as adopted or amended from time to time by the organizations specified:

(1) The Uniform Housing Code of the International Conference of Building Officials.

(2) The Uniform Building Code of the International Conference of Building Officials.

(3) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

(4) The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

(5) The National Electrical Code of the National Fire Protection Association.

(b) The commission shall require every city and county to file with the department all wind pressure and snow load requirements in effect within their respective jurisdictions on or before January 1 of each year. The department shall notify every manufacturer of factory-built housing of these requirements on or before March 1 of each year.

(c) The commission shall adopt such other rules and regulations as it deems necessary to carry out the provisions of this part. In promulgating rules and regulations the commission shall consider any amendments to the uniform codes referred to in this section. In the event of any conflict with respect to factory-built houses between the provisions of Part 1.5 (commencing with Section 17910) and this part, the requirements of this part shall control.

SEC. 11. Section 19991 of the Health and Safety Code is amended to read:

19991. The department shall enforce every provision of this part and the regulations adopted pursuant thereto, except as provided in Sections 19991.1 and 19992.

SEC. 12. Section 19991.1 is added to the Health and Safety Code, to read:

19991.1. The governing body of any city, county, or city and county may by ordinance elect to have its building department assume responsibility, for in-plant inspections of all factory-built housing in all places of manufacture within the political limits of the jurisdiction of such city, county, or city and county. If certified by the department as qualified to perform such inspections, the building department shall be the local inspection agency within the city, county, or city and county. The governing body of any city, county, or city and county having a local inspection agency may, by ordinance, establish a reasonable inspection fee for in-plant inspections to defray the actual cost of inspections.

SEC. 13. Section 19991.2 is added to the Health and Safety Code, to read:

19991.2. Where there is no certified local inspection agency, the department shall make in-plant inspection of all factory-built housing in all places of manufacture located within the political limits of the jurisdiction in which such manufacturing plants are located.

SEC. 14. Section 19992 of the Health and Safety Code is amended to read:

19992. Local enforcement agencies shall enforce and inspect the installation of factory-built housing. The installation of factory-built housing shall be conducted in accordance with the requirements of Part 1.5 (commencing with Section 17910), subject to the provisions of Section 19990. The local enforcement agency may, by ordinance, establish an inspection fee for the inspection of the installation of factory-built housing.

SEC. 15. Section 19993 of the Health and Safety Code is amended to read:

19993. Local use zone requirements, local snow load requirements, local wind pressure requirements, local fire zones, building setback, side and rear yard requirements, site development and property line requirements, as well as the review and regulation of architectural and aesthetic requirements are hereby specifically and entirely reserved to local jurisdictions notwithstanding any requirement of this part.

SEC. 16. Section 19994 of the Health and Safety Code is repealed.

SEC. 17. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because self-financing authority is provided in this act to cover such costs.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act effects the safety of factory-built housing and should take effect at the earliest possible time. Thus, it is necessary that it go into effect immediately.

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CHAPTER 130

An act to add Section 20896 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor April 2, 1974 Filed with Secretary of State April 2, 1974]

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

SECTION 1. Section 20896 is added to the Government Code, to read:

20896. Any person who was employed by the State of California on or after September 16, 1940, and prior to eligibility for membership in this system and before December 31, 1945, entered the armed forces of the United States directly from state service without intervening private employment, shall be eligible to receive the benefits of this article upon payment of contributions pursuant to Section 20892.5 and receive credit for such service if he reentered state employment within six months of discharge. Such credit shall be limited to the period of the original term of enlistment or induction and shall not include any period of voluntary extension of enlistment, service, or tour of duty.

CHAPTER 131

An act to amend Section 31558 of, and to add Section 31558.2 to, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor April 2, 1974 Filed with Secretary of State April 2, 1974.]

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

SECTION 1. Section 31558 of the Government Code is amended to read:

31558. All existing members of a pension system established pursuant to either Chapter 4 (commencing with Section 31900) or Chapter 5 (commencing with Section 32200) of this part and all employees eligible as safety members who at the time of entering service elected to become safety members, or who subsequently became members, shall become safety members and thereafter each person not over 35 years of age when employed in a position, the principal duties of which consist of active law enforcement or active fire suppression or juvenile hall group counseling and group supervision, as defined in Sections 31469.3, 31469.4, 31470.2 and 31470.4, shall become a safety member on the first day of the calendar month following his entrance into the service The sheriff and

undersheriff shall become safety members on the first day of the calendar month following their entrance into the service, regardless of age. The marshal and assistant marshal shall become safety members on the first day of the calendar month following their appointment, regardless of age.

SEC. 2. Section 31558.2 is added to the Government Code, to read:

31558.2. Notwithstanding any of the provisions of Section 31558 to the contrary, each person over 35 years of age who, prior to the effective date of this section was employed in positions the principal duties of which consist of active law enforcement for not less than 10 years and who is employed by a county in a position which would make such person eligible to become a safety member if he had not been over the age of 35 years at the time of his employment, may, if he so elects, become a safety member as of the first day of the calendar month following his entrance into county service regardless of age.

A member may receive credit for such service, as a safety member, when he has contributed, with interest to the date paid, the difference between contributions made and those which would have been made by the member if he had been a safety member. Such additional contributions shall be made prior to retirement.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this act nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 132

An act to amend Section 541.5 of the Probate Code, relating to administration of estates.

[Approved by Governor April 2, 1974 Filed with Secretary of State April 2, 1974]

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

SECTION 1. Section 541.5 of the Probate Code is amended to read:

541.5. Every executor or administrator furnishing a surety bond shall be allowed the cost of such bond for every year it remains in force, not exceeding twenty dollars ($20) for a bond in the amount of four thousand dollars ($4,000) or fraction thereof and not

exceeding one-half of .. percent of the amount of the bond in excess of the sum of four thousand dollars ($4,000).

CHAPTER 133

An act making an appropriation in augmentation of Item 82 of the Budget Act of 1973, relating to personal property tax relief, to take effect immediately.

[Approved by Governor April 2, 1974. Filed with Secretary of State April 2, 1974]

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

SECTION 1. The sum of thirteen million seven hundred thousand dollars ($13,700,000) is hereby appropriated from the General Fund to the State Controller for reimbursement to local taxing authorities in augmentation of Item 82 of the Budget Act of 1973.

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

CHAPTER 134

An act to amend Section 14105.5 of the Welfare and Institutions Code, and to amend Section 15 of Chapter 1451 of the Statutes of 1969, relating to health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 14105.5 of the Welfare and Institutions Code is amended to read:

14105.5. The director or prepaid health plans shall make no payment for services to any hospital facility which secures a license under the provisions of Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code after July 1, 1970, covering a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, unless such licensee received a favorable final decision by the voluntary area health planning agency in the area, the consumer members of a voluntary area health planning agency acting as an appeals body or the Advisory Health Council pursuant to Sections 437.7 to 438.5, inclusive, of the Health and Safety Code; or unless the licensee had

filed an application for a license prior to January 1, 1970, and the application met all then-existing requirements and regulations of the appropriate state agency at the time of application including, at least, preliminary submission of plans, and if such licensee commences construction of his project prior to July 1, 1971, and if such licensee has on file with the State Department of Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1973, and such licensee has on file with the county recorder and State Department of Health a valid notice of construction completion indicating January 1, 1974, as the completion date; except that the State Department of Health shall extend the foregoing dates by no more than a total of two years in the case of projects where delay has resulted from the death of the original applicant, and shall extend the foregoing dates by no more than a total of one year in the case of projects where other good cause has been shown why such extension should be granted. The exception provided for in the preceding sentence with respect to applications filed prior to January 1, 1970, except for transfers executed before November 30, 1970 or after July 1, 1971, shall not apply to transferees of the applications of the original applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying under the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located. Applicants receiving extension of the construction commencement date shall have on file with the State Department of Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1974, and have on file with the county recorder and State Department of Health a valid notice of construction completion indicating January 1, 1975, as the completion date; except that the State Department of Health shall extend each of the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted.

(a) For the purposes of this section, "substantial progress" is defined and evidenced as follows:

(1) For structures of three or fewer stories, completion of the foundations and footings; the structural frame; the mechanical, electrical, and plumbing rough-in; the rough flooring; the exterior walls and windows; and the finished roof.

(2) For structures of more than three stories, a contractor's schedule of work shall be filed with the State Department of Health by January 1, 1973. Every three months thereafter, until completion, evidence shall be submitted to the department that construction is

progressing on that schedule

(b) For the purposes of this section, construction of a project is deemed commenced on the date the applicant was so notified by the State Department of Health, if so notified, or on the date the applicant has completed not less than all of the following:

(1) Submission to the appropriate state agency of a written agreement executed between the applicant and a licensed general contractor to construct and complete the facility within a designated time schedule in accordance with final architectural plans and specifications approved by such agency.

(2) Obtaining such initial permits or approval for commencing work on the project as is customarily issued for projects of the scope of applicant by the governmental agency having jurisdiction over the construction.

(3) Completion of construction work on the project to such a degree as to justify and require a progress payment by the applicant to the general contractor under terms of the construction agreement.

SEC. 2. Section 15 of Chapter 1451 of the Statutes of 1969 is amended to read:

Sec. 15. Within 90 days of the effective date of this act, the Advisory Health Council shall adopt guidelines pursuant to Section 437.7 of the Health and Safety Code. By July 1, 1970, all voluntary area health planning agencies shall adopt guidelines pursuant to Section 437.7 of such code. This act shall not apply to applicants who have filed applications for licenses, prior to January 1, 1970, which meet all requirements and regulations of the appropriate state agency existing at the time of application, including at least preliminary submission of plans, but only if such applicants commence construction of their projects prior to July 1, 1971, and have on file with the State Department of Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1973, and have on file with the county recorder and State Department of Health a valid notice of construction completion indicating January 1, 1974, as the completion date; except that the State Department of Health shall extend the foregoing dates by no more than a total of two years in the case of projects where delay has resulted from the death of the original applicant, and shall extend the foregoing dates by no more than a total of one year in the case of projects where other good cause has been shown why such extension should be granted. Except for those transfers executed before November 30, 1970, or after July 1, 1971, the exception provided for in the preceding sentence shall not apply to transferees of the applications of such applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying under the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown

why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located. Applicants receiving extensions of the construction commencement date shall have on file with the State Department of Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1974, and have on file with the county recorder and State Department of Health a valid notice of construction completion indicating January 1, 1975, as the completion date; except that the State Department of Health shall extend each of the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted.

For purposes of this section, "substantial progress" is defined and evidenced as follows:

(a) For structures of three or fewer stories, completion of the foundations and footings; the structural frame; the mechanical, electrical, and plumbing rough-in; the rough flooring; the exterior walls and windows; and the finished roof.

(b) For structures of more than three stories, a contractor's schedule of work shall be filed with the State Department of Health by January 1, 1973. Every three months thereafter, until completion, evidence shall be submitted to the department that construction is progressing on that schedule.

For purposes of this section, construction of a project is deemed commenced on the date the applicant was so notified by the State Department of Health, if so notified, or on the date the applicant has completed not less than all of the following:

(a) Submission to the appropriate state agency of a written agreement executed between the applicant and a licensed general contractor to construct and complete the project within a designated time schedule in accordance with final architectural plans and specifications approved by such agency.

(b) Obtaining such initial permits or approval for commencing work on the project as is customarily issued for projects of the scope of applicant by the governmental agency having jurisdiction over the construction.

(c) Completion of construction work on the project to such a degree as to justify and require a progress payment by the applicant to the general contractor under terms of the construction agreement.

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

In order that certain significantly needed hospitals may be constructed in compliance with state law, it is necessary that they be allowed an additional extension period of one year to achieve

substantial progress in construction and construction completion. In order that construction delays may be minimized, it it necessary that this act take effect immediately.

CHAPTER 135

An act to amend Section 605 of, and to add Section 27459.5 to, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 605 of the Vehicle Code is amended to read:

605. "Tire chains" are devices which are designed for use on tires to improve stopping, traction, and cornering ability upon snow or ice-covered surfaces and are a type which comply with regulations adopted by the Commissioner of the California Highway Patrol.

SEC. 2. Section 27459.5 is added to the Vehicle Code, to read:

27459.5. No person shall sell, offer for sale, lease, install, or replace on a vehicle for use on a highway, any tire chains which are not in compliance with regulations for tire chains adopted by the commissioner.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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

Advanced types of highly effective skid-prevention devices are now available; and in order for them to be utilized during the present season of heavy snows, it is necessary for this act to take effect immediately.

CHAPTER 136

An act to repeal Sections 1650, 7612, 7613, 7614, and 11211 of, and add Sections 1650, 7612, and 11211 to, the Financial Code, relating to banks and savings and loan associations.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 1650 of the Financial Code is repealed.

SEC. 2. Section 1650 is added to the Financial Code, to read:

1650. Notice to a bank operating a safety deposit department or to a company conducting a safety deposit business of an adverse claim (the person making the adverse claim being hereinafter in this section called "adverse claimant") to any personal property in a safety deposit box maintained by a bank or company and rented to any person, or to any personal property held by the bank or company in safekeeping or storage for any person shall be disregarded, and the bank or company, notwithstanding such notice, shall permit access to the box to the person to whom it is rented or shall deliver the contents thereof to or on the order of the person or shall deliver the property held in storage or safekeeping to or on the order of the person for whom it is held, without any liability on the part of the bank or company; subject, however, to the exceptions provided in subdivisions (a) and (b) of this section:

(a) If an adverse claimant delivers to the bank at the office at which the safety deposit is maintained or the property is held his affidavit stating that of his own knowledge the person in whose name the box stands or for whom the property is held is a fiduciary for the adverse claimant and that he has reason to believe such fiduciary is about to misappropriate the contents of the box or the property, and stating the facts upon which such claim of fiduciary relationship and such belief are founded, the bank or company shall refuse access to the safety deposit box or refuse to deliver the personal property for a period of not more than three (3) court days (including the day of delivery) from the date that the bank or company received the adverse claimant's affidavit, without liability on its part and without liability for the sufficiency or truth of the facts alleged in the affidavit.

(b) If at any time, either before, after, or in the absence of the filing of an affidavit by the adverse claimant, the adverse claimant procures and serves upon the bank or company at the office at which the safety deposit box is maintained or the property is held a restraining order, injunction, or other appropriate order against the bank or company from a court of competent jurisdiction in an action in which the adverse claimant and all persons in whose names said box stands or for whom the property is held are parties, the bank or company shall comply with such order or injunction, without liability on its part.

(c) The provisions of this section shall be applicable even though the name of the person appearing on the bank's or company's books as the renter of the box or as the depositor of the property held in storage or safekeeping is modified by a qualifying or descriptive term such as "agent", "trustee", or other word or phrase indicating that the person may not be the owner in his own right of the contents of the box or of the property held in storage or safekeeping.

SEC 3. Section 7612 of the Financial Code is repealed.

SEC. 4. Section 7612 is added to the Financial Code, to read:

7612. Notice to any association of an adverse claim (the person making the adverse claim being hereinafter called "adverse claimant") to shares or investment certificates standing on its books to the credit of, or to personal property held for the account of, any person shall be disregarded, and the association, notwithstanding such notice, shall honor notices of intent to withdraw, and shall pay withdrawals, dividends and interest to the person or persons to whose credit the account stands or shall deliver such property to or upon the order of the person for whose account such property is held, without any liability on the part of the association; subject, however, to the exceptions provided in subdivisions (a) and (b) of this section:

(a) If an adverse claimant delivers to the association at the office at which the account is carried or the property held his affidavit stating that of his own knowledge the person to whose credit the deposit stands or for whose account the property is held is a fiduciary for the adverse claimant and that he has reason to believe such fiduciary is about to misappropriate the account or the property, and stating the facts upon which such claim of fiduciary relationship and such belief are founded, the association shall refuse to pay withdrawals, dividends or interest on the account and shall refuse to deliver such property for a period of not more than three (3) court days (including the day of delivery) from the date that the association received the adverse claimant's affidavit, without liability on its part and without liability for the sufficiency or truth of the facts alleged in the affidavit.

(b) If at any time, either before, after, or in the absence of the filing of an affidavit by the adverse claimant, the adverse claimant procures and serves upon the association at the office at which the account is carried or the property held a restraining order, injunction or other appropriate order against the association from a court of competent jurisdiction in an action in which the adverse claimant and all persons in whose names such account stands or for whose account such property is held are parties, the association shall comply with such order or injunction, without liability on its part.

(c) The provisions of this section shall be applicable even though the name of the person appearing on the association's books to whose credit the account stands or for whose account the property is held is modified by a qualifying or descriptive term such as "agent", "trustee", or other word or phrase indicating that such a person may not be the owner in his own right of the account or property.

SEC. 5. Section 7613 of the Financial Code is repealed.

SEC. 6. Section 7614 of the Financial Code is repealed.

SEC. 7. Section 11211 of the Financial Code is repealed.

SEC. 8. Section 11211 is added to the Financial Code, to read:

11211. Notice to any federal savings and loan association of an adverse claim (the person making the adverse claim being hereinafter in this section called the "adverse claimant") to shares or share accounts standing on its books to the credit of, or to personal

property held for the account of, any person shall be disregarded, and the association, notwithstanding such notice, shall honor notices of intention to withdraw and shall pay withdrawals and dividends to the person or persons to whose credit the account stands or shall deliver such property to or upon the order of the person for whose account such property is held, without any liability on the part of the bank; subject, however, to the exceptions provided in subdivisions (a) and (b) of this section:

(a) If an adverse claimant delivers to the association at the office at which the account is carried or the property held his affidavit stating that of his own knowledge the person to whose credit the account stands or for whose account the property is held is a fiduciary for the adverse claimant and that he has reason to believe such fiduciary is about to misappropriate the account of the property, and stating the facts upon which such claim of fiduciary relationship and such belief are founded, the association shall refuse to pay withdrawals or dividends on the account and shall refuse to deliver such property for a period of not more than three (3) court days (including the day of delivery) from the date that the association received the adverse claimant's affidavit, without liability for the sufficiency or truth of the facts alleged in the affidavit.

(b) If at any time, either before, after, or in the absence of the filing of an affidavit by the adverse claimant, the adverse claimant procures and serves upon the association at the office at which the account is carried or the property is held a restraining order, injunction or other appropriate order against the association from a court of competent jurisdiction in an action in which the adverse claimant and all persons in whose names such account stands or for whose account such property is held are parties, the association shall comply with such order or injunction, without liability on its part.

(c) The provisions of this section shall be applicable even though the name of the person appearing on the association's books to whose credit the account stands or for whose account the property is held is modified by a qualifying or descriptive term such as "agent", "trustee", or other word or phrase indicating that such person may not be the owner in his own right of the account or property.

CHAPTER 137

An act to amend Section 3 of Chapter 52 of the Statutes of 1941, relating to the Monterey Peninsula Airport District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974. Filed with Secretary of State April 4, 1974.]

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

SECTION 1. Section 3 of Chapter 52 of the Statutes of 1941 is amended to read:

Sec. 3. Corporate Powers. Said Monterey Peninsula Airport District is hereby declared to be, and established as, a body corporate and politic, and, in addition to other powers herein granted, shall have and is hereby granted the following powers, namely:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

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

4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of, real or personal property of every kind within or without the district necessary to the full exercise of its power.

5. To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve, any works or improvements acquired by it as herein authorized.

6. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district, or other public corporation or agency, or otherwise, and to condemn any existing works or improvements in said district now used for airport purposes.

7. To incur indebtedness, and to issue bonds in the manner herein provided.

7a. Borrowing Money From Federal Agencies, Etc. In addition to the powers given in the next preceding subsection, to borrow money from the United States of America, or any agency or department thereof, or from any person, or from any corporation organized under the laws of this state, or elsewhere, for the acquisition of lands and improvement thereof for airport district purposes authorized under this act, and to repay the same in annual installments over a period of not to exceed twenty (20) years, with interest 7 percent, payable semiannually; and without the necessity of an election, when authorized so to do by resolution of the board of directors of said district, and as evidences of such indebtedness, said district is hereby authorized to execute and deliver a note, or a series of notes or bonds, or other evidences of indebtedness, signed by the chairman of said board of directors, and the secretary thereof, which notes, bonds or other evidences of indebtedness, shall be negotiable instruments if so declared in said resolution providing for their issuance, and said notes, bonds or other evidences of indebtedness may have interest coupons attached to evidence interest payments, signed by the facsimile signature of the chairman

of said board. All applications for such loans shall specify the particular airport district work or project or projects for which the funds will be expended, and when received, the money shall be deposited in a special fund, and expended for those purposes only which are described and referred to in the application, or applications. If a surplus remains after the completion of said work, said surplus shall be applied to the payment of the note, notes, bonds, or other evidences of indebtedness executed, as aforesaid, for the loan, including interest coupons. The board of supervisors, on demand of the board of directors of the district, shall annually levy a tax upon the taxable property therein sufficient to pay the interest and installments of principal, as the same shall become due and payable, under any loan made pursuant to the authority of this section, and to create and maintain a reserve fund to assure the prompt payment thereof, as may be provided by resolution of said board of supervisors; provided, however, that the amount of taxes levied in any fiscal year, pursuant to the provisions of this subsection, shall pro tanto, reduce to the extent of such special taxes the authority of said board of directors to demand, and of the board of supervisors, during any such year, to levy taxes under Sections 19 and 23 of this act, but this proviso shall not be a limitation upon the power and duty to levy and collect taxes under this subsection.

Limitation on Amount Borrowed. Notwithstanding anything in this subsection to the contrary, the total amount which said district may borrow under the authority of any and all the provisions of this subsection is limited to and shall not exceed in the aggregate one million dollars ($1,000,000).

7b. Such Bonds as Legal Investments. Such bonds or notes, when declared negotiable instruments, as in subsection 7a hereinabove provided, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, trust companies, and for the State Department of Finance, and state school funds, and whenever any money or funds may by law, now in effect or hereafter enacted, be invested in bonds of cities, cities and counties, counties, or school districts, in the State of California, such money or funds may be invested in the said negotiable bonds or notes of said Monterey Peninsula Airport District; provided, however, no bank shall invest or loan more than 5 percentum of its assets on any one such bond or note issue.

8. Taxes. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner herein provided.

9. Exercise of Powers—Contracts. To make contracts, and to employ persons and labor, and to do all acts necessary for the full exercise of all powers vested in said district, or in any of the officers thereof, by this act.

10. Disposal of Property. To lease, sell or dispose of any property (or any interest therein) acquired in fee, or otherwise, whenever in the judgment of said board of directors said property, or any interest

therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act.

11. Operation and Concession Agreements. To make contracts for the operation, or operation maintenance, of any airport of said district, or for any concession thereupon necessary or convenient thereto.

12. Police Powers of District. To equip and maintain a police department; to adopt ordinances and resolutions and make regulations for the protection of the public peace, health, or safety, in or upon any airport of the district, or in or upon any approach thereto, owned or controlled by the district and to prescribe penalties for the violation thereof; provided, that the police powers of said district, hereby granted, shall be limited strictly to the provisions of this subsection.

Violation of any such ordinance, resolution or regulation shall constitute a misdemeanor.

13. General Powers. To possess and exercise all powers necessary or appropriate to a public airport district which are not prohibited by the Constitution, including all powers granted by, or which may be hereafter granted by, any general law of the state to any public airport district therein, and all powers incidental to, and necessary or convenient in connection with, the exercise of the powers generally or specifically granted to the district by the provisions of this act.

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

The Monterey Peninsula Airport District, in conjunction with its tenant air carriers, is about to complete a major expansion of airport facilities that serve northern Monterey County, Santa Cruz County, and San Benito County. It is necessary for the district to borrow funds to finance a portion of the capital improvements, but no lending institution will make a loan carrying a 5 percent rate of interest. In order that this expansion not be further delayed, it is necessary that the district be empowered to obtain a loan immediately, and at a realistic interest rate.

CHAPTER 138

An act to amend Section 13926 of the Government Code, relating to merit awards.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974.]

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

SECTION 1. Section 13926 of the Government Code is amended to read:

13926. The State Board of Control may make awards to state employees who:

(a) Propose procedures or ideas which hereafter have been adopted and which will result in eliminating or reducing state expenditures or improving operations; provided, such proposals are placed in effect; or

(b) Perform special acts or special services in the public interest; or

(c) By their superior accomplishments, make exceptional contributions to the efficiency, economy or other improvement in the operations of the state government.

Awards for superior accomplishments shall be made in accordance with procedures and standards established by the State Personnel Board.

Any award made by the State Board of Control under the provisions of this section may be paid from the appropriation available to the state agency affected by the award.

The board may adopt rules and regulations to carry out the provisions of this section, and may appoint merit award boards made up of state officers, employees or citizens to consider employee proposals, special acts, special services, or superior accomplishments, and to make recommendations to the board as to the merits of the proposals, special acts, special services, or superior accomplishments, and whether or not the proposals, special acts, special services or superior accomplishments, justify an award.

Any award granted under the provisions of this section shall be limited to one thousand dollars ($1,000) unless a larger award is approved by concurrent resolution of the Legislature.

Any expenditures made or costs incurred heretofore or hereafter by the State Board of Control for the purposes of this section may be paid from funds available for the support of the State Board of Control.

CHAPTER 139

An act to amend Section 18551.1 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 18551.1 of the Revenue and Taxation Code is amended to read:

18551.1. (a) For purposes of this part, the amount withheld under Sections 18805 and 18806 during any calendar year shall be allowed to the recipient of the income as a credit against the tax imposed by this part as a credit for the taxable year with respect to which such amount was withheld.

(b) For purposes of Section 19053, any tax actually deducted and withheld during any calendar year under Sections 18805 and 18806 shall, in respect of the recipient of the income, be deemed to have been paid by him on the 15th day of the fourth month following the close of the taxable year with respect to which such tax is allowable as a credit under subdivision (a). For purposes of Sections 19053 and 19062, any amount paid as estimated income tax under Sections 18414, 18414.5, and 18415 for any taxable year shall be deemed to have been paid on the last day prescribed for filing the return under Section 18401 for such taxable year (determined without regard to any extension of time for filing such return).

(c) Notwithstanding subdivision (b), for purposes of Section 19053 with respect to any tax deducted and withheld under Sections 18805 and 18806—

(1) If a return for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be considered filed on April 15 of such succeeding calendar year; and

(2) If a tax with respect to an amount paid during any period ending with or within a calendar year is paid before April 15 of the succeeding calendar year, such tax shall be considered paid on April 15 of such succeeding calendar year.

(d) If any overpayment of income tax is, in accordance with Section 19051.1, claimed as a credit against estimated tax for the succeeding taxable year, such amount shall be considered as a payment of the income tax for the succeeding taxable year (whether or not claimed as a credit in the return of estimated tax for such succeeding taxable year), and no claim for credit or refund of such overpayment shall be allowed for the taxable year in which the overpayment arises.

SEC. 2. In order to properly match income with amounts withheld with respect to fiscal year taxpayers, it is necessary that the amendments to Section 18551.1 made by this act shall apply to taxable years ending after December 31, 1971. However, to relieve fiscal year taxpayers from filing amended returns for 1972 and 1973, and to reduce administrative burdens and costs, any adjustment required by this act with respect to credits for the 1972 fiscal year and the 1973 fiscal year shall be made on the 1974 fiscal year return.

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

When California adopted a system of income tax withholding, the law provided that income tax withheld during a calendar year is allowable as a credit against the tax for the taxable year beginning in such calendar year. This law causes no problem with respect to taxpayers who file their return on a calendar year basis since the credit for the amount of tax withheld corresponds with their reporting period. For fiscal year taxpayers, however, they must wait until their succeeding fiscal year to claim a credit for withheld tax.

In order to permit fiscal year taxpayers to claim a credit consistent with the amendments made by this act on their 1974 fiscal year return, it is, therefore, necessary that the provisions of this act become effective immediately.

CHAPTER 140

An act to amend Sections 1225 and 5101 of, and to add Article 2.5 (commencing with Section 1226) to Chapter 1 of Part 2 of Division 2 of, the Water Code, relating to water rights, and making an appropriation therefor.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 1225 of the Water Code is amended to read:

1225. Except as provided in Article 2.5 (commencing with Section 1226) of this chapter, no right to appropriate or use water subject to appropriation shall be initiated or acquired except upon compliance with the provisions of this division.

SEC. 2. Article 2.5 (commencing with Section 1226) is added to Chapter 1 of Part 2 of Division 2 of the Water Code, to read:

Article 2.5. Stockponds

1226. The Legislature finds and declares that it is necessary and beneficial to the state to clear up many heretofore uncertain conditions of water rights which are the result of a large number of dams and other water impoundment structures which have been constructed for livestock watering use, including domestic and recreational use which is incidental to livestock use; that these structures have been constructed, many at the urging of local, state and federal government, as a matter of practical necessity by the owners or users of the land on which they exist; that these structures have been built without clearly defined water rights as a result of the uncertainty of the state law and the lack of information by the owners as to proper procedures by which to obtain a water right; and that it is in the interest of the state to clarify the right to the water

impounded by these structures.

1226.1. The owner of any dam or other water impoundment structure constructed prior to January 1, 1969, the capacity of which is not in excess of 10 acre-feet on January 1, 1975, and concerning which water rights litigation between private parties was not a matter of record prior to January 1, 1974, is declared to have a valid water right with a priority as of the date of construction of the dam and to be eligible for such evidence of validity as the board may provide, for the use of such water for purposes as specified in Section 1226. All permits or licenses issued by the board prior to the effective date of this article shall have priority over any water right claimed pursuant to this article.

1226.2. Any person claiming a water right pursuant to this article who fails to file a claim of water right on or before December 31, 1977, shall have a water right priority as of the date of filing.

1226.3. Each claim for evidence of water right shall be accompanied by a fee which shall be in an amount determined by the board to cover the reasonable administrative costs of processing such claim. The board shall issue such evidence of the validity of the water right to the claimant as expeditiously as practicable.

1226.4. The board may, after notice and hearing, revoke any evidence of a water right granted pursuant to the provisions of this article upon a finding that the water has ceased to be used for the purposes specified in Section 1226.

SEC. 3. Section 5101 of the Water Code is amended to read:

5101. Each person who, after December 31, 1965, diverts water shall file with the board, prior to July 1 of the succeeding year, a statement of his diversion and use; provided, however, that no statement need be filed if the diversion is any of the following:

(a) From a spring which does not flow off the property on which it is located.

(b) Covered by an application, permit or license to appropriate water on file with the board.

(c) Included in a notice filed pursuant to Part 5 (commencing with Section 4999) of this division.

(d) Regulated by a watermaster appointed by the department.

(e) Reported by the department in its hydrologic data bulletins.

(f) Included in the consumptive use data for the delta lowlands published by the department in its hydrologic data bulletins.

(g) Included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water, which reports identify the persons who have diverted water and give the general place of use and the quantity of water which has been diverted from each source.

(h) For use in compliance with the provisions of Article 2.5 (commencing with Section 1226) of Chapter 1 of Part 2 of this division.

CHAPTER 141

An act to amend Sections 12020 and 12029 of the Penal Code, relating to weapons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 12020 of the Penal Code is amended to read:

12020. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, nunchaku, sandclub, sandbag, sawed-off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

(b) Subdivision (a) shall not apply to any of the following:

(1) The manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production when such is authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and is not in violation of federal law.

(2) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense.

(3) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(c) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

(d) (1) As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall

length of less than 26 inches.

(2) As used in this section, a "nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, in the design of a weapon used in connection with the practice of a system of self-defense such as karate.

SEC. 1.5. Section 12029 of the Penal Code is amended to read:

12029. Except as provided in Section 12020, blackjacks, slungshots, billies, nunchakus, sandclubs, sandbags, metal knuckles, any instrument described in subdivision (c) of Section 12020, and sawed-off shotguns as defined in Section 12020 are nuisances. Such weapons shall be subject to confiscation and summary destruction whenever found within the state. Such weapons shall be destroyed in the same manner as other weapons described in Section 12028, except that upon the certification of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

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

The current availability of substantial numbers of the weapons which would be specified as prohibited by this act constitutes an immediate danger of serious injury to members of the public which should be alleviated without undue delay in order to protect the public safety.

CHAPTER 142

An act to amend Sections 11380, 11409, and 11423 of, and to add Sections 11409.7 and 11424.5 to, the Government Code, relating to administrative regulations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

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SECTION 1. Section 11380 of the Government Code is amended to read:

11380. Every state agency shall:

(a) Transmit to the department for filing with the Secretary of State and with the Rules Committee of each house of the Legislature a certified copy of every regulation adopted by it except one which:

(1) Establishes or fixes rates, prices or tariffs.

(2) Relates to the use of public works, including streets and highways, under the jurisdiction of any state agency when the effect of such order is indicated to the public by means of signs or signals.

(3) Is directed to a specifically named person or to a group of persons and does not apply generally throughout the state.

(b) Transmit to the department for filing with the Secretary of State and with the Rules Committee of each house of the Legislature a certified copy of every order of repeal of a regulation required to be filed under subdivision (a) of this section.

(c) Deliver to the department at the time of transmittal for filing a regulation or order of repeal four duplicate copies of the regulation or order of repeal together with a citation of the authority pursuant to which it or any part thereof was adopted.

(d) Deliver to the department a copy of the notice of proposed action required by Section 11423.

SEC. 2. Section 11409 of the Government Code is amended to read:

11409. The department shall:

(a) Provide for the continuing compilation, codification and publication, with periodic supplements, of notices of proposed action pursuant to Section 11423, and all regulations required to be filed with the Secretary of State, or of appropriate references to any regulations the printing of which the department finds to be impractical, such as detailed schedules or forms otherwise available to the public, or which are of limited or particular application.

The publication of compiled regulations shall be known as the "California Administrative Code," and the periodic supplements thereto, including notices of proposed action, shall be known as the "California Administrative Register."

(b) Prescribe regulations for carrying out the provisions of Articles 2 and 3 of this chapter. Among other things the regulations shall provide for the manner and form in which regulations, notice of the repeal of regulations, compilations, and codifications shall be prepared, printed, and indexed, to the end that all regulations, compilations, and codifications shall be prepared and published in a uniform manner and at the earliest practicable date and that each regulation published shall be accompanied by a reference to the statutory authority pursuant to which it was enacted.

SEC. 3. Section 11409.7 is added to the Government Code, to read:

11409.7. The department shall supply to each standing committee of both houses of the Legislature, a copy of each issue of

the California Administrative Register, and any supplement thereto, published on or after the effective date of this section.

SEC. 4. Section 11423 of the Government Code is amended to read:

11423. At least 30 days prior to the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be:

(a) Published in such newspaper of general circulation, trade or industry publication, as the state agency shall prescribe.

(b) Filed with the Rules Committee of each house of the Legislature.

(c) Mailed to every person who has filed a request for notice thereof with the state agency.

(d) In cases in which the state agency is within a state department, mailed or delivered to the director of such department.

(e) When appropriate in the judgment of the state agency, (1) mailed to any person or group of persons whom the agency believes to be interested in the proposed action and, (2) published in such additional form and manner as the state agency shall prescribe.

(f) Delivered to the Office of Administrative Hearings for publication in the next issue of the California Administrative Register as prepared by that office.

(g) Accompanied by a cost estimate prepared as prescribed by the Department of Finance.

Where the form or manner of notice is prescribed by statute in any particular case, in addition to filing and mailing notice as required herein, the notice shall be published, posted, mailed, filed or otherwise publicized as prescribed by that statute.

The failure to mail notice to any person as provided in this section shall not invalidate any action taken by a state agency pursuant to this article. The provisions of Article 5 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the publication of newspaper notices under this section.

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

At the present time there is no single publication which sets forth all proposed actions with respect to administrative regulations of the various state agencies together with notice of hearings to be held concerning such proposed action. This bill provides for unified publication of such information and requires transmittal of the publication to the committees of the Legislature concerned with matters dealt with in such regulations. In order that this important information may be made readily available to the public and the Legislature at the earliest possible time, it is therefore necessary that this act take effect immediately.

CHAPTER 143

An act to amend Section 2181 of, and to repeal and add Section 2182 of, the Food and Agricultural Code, relating to county agricultural commissioners.

[Approved by Governor April 4, 1974. Filed with Secretary of State April 4, 1974.]

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

SECTION 1. Section 2181 of the Food and Agricultural Code is amended to read:

2181. Upon satisfactory evidence presented to the director that the commissioner of any county is guilty of neglect of duty, incompetence, or misconduct in office, the trial board which is selected, pursuant to this article, shall hold a hearing at such time and place as it shall specify.

SEC. 2. Section 2182 of the Food and Agricultural Code is repealed.

SEC. 3. Section 2182 is added to the Food and Agricultural Code, to read:

2182. The county agricultural commissioner's trial board shall be composed of the director, a person who has knowledge of, or experience in, agriculture, selected by the board of supervisors of the county of the charged commissioner, and a hearing officer from the Office of Administrative Hearings, who shall be chairman and a voting member of such board.

The department is responsible, under Section 11370.4 of the Government Code, for the cost of the services provided for by the Office of Administrative Hearings in carrying out the provisions of this section.

CHAPTER 144

An act relating to in-home supportive services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974. Filed with Secretary of State April 4, 1974]

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

SECTION 1. Notwithstanding the provisions of Item 278 of Section 2 of the Budget Act of 1973 (Chapter 129, Statutes 1973), as amended by Chapter 1005 of the Statutes of 1973, the funds appropriated by such item shall be available for expenditure for the cost of the state share of costs incurred by counties for in-home supportive services

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as provided by Sections 12300 et seq. of the Welfare and Institutions Code and the transfer of any unencumbered portion of Item 278 shall not exceed three million eight hundred thousand dollars ($3,800,000) and shall be transferred to Item 280 after June 1, 1974, rather than Item 276, of such act to augment the state's share of the nonfederal administrative costs of administering the payment of aid grants.

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

In order that any loss of federal funds does not curtail essential social service, educational and administrative programs and that local public and private agencies receive the level of support necessary to continue such essential programs, it is essential that this act take immediate effect.

CHAPTER 145

An act to amend Section 6952.5 of, and to add Sections 6880.19, 6880.195, 6952.6, and 19683.8 to, the Education Code, relating to special schools and classes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 6880.19 is added to the Education Code, to read:

6880.19. In addition to any other payments required by this chapter, where the education of handicapped pupils is provided in development center buildings or facilities owned by the school district or county superintendent of schools, the county or city and county of the pupil's residence shall pay to the school district or county superintendent of schools, for the pupil's use of the buildings and facilities and appurtenant equipment, an amount per unit of average daily attendance of such pupils during the school year prescribed by whichever of the following subdivisions is applicable:

(a) Thirty-five dollars ($35) if an elementary school district.

(b) Fifty-five dollars ($55) if a high school district.

(c) Forty-two dollars ($42) if a unified school district.

(d) Forty-four dollars ($44) if a county superintendent of schools.

The moneys so received by the school district shall be deposited to the credit of its bond interest and redemption fund or its building fund. The moneys so received by the county superintendent of schools shall be deposited to the credit of the county school service fund of the county for use in providing school buildings and facilities

for the use of the county superintendent of schools in establishing and maintaining development centers.

SEC. 2. Section 6880.195 is added to the Education Code, to read:

6880.195. Notwithstanding any other provisions of this chapter or of Article 3 (commencing with Section 19681) of Chapter 10 of Division 14, whenever the school district wherein the development center is located does not have adequate facilities to provide for the education of physically handicapped or mentally retarded pupils in development centers, such school district shall apply pursuant to Section 19683.8 for such funds as may be necessary to construct needed facilities for the education of such pupils. The applicant school district shall accept such funds as are disbursed pursuant to the application whether or not the funds constitute the maximum amount applied for, and shall repay such funds in accordance with the provisions of Article 3.

In addition to the payments required by Section 6880.19 when the district is providing education to any physically handicapped or mentally retarded pupils in a development center, facilities constructed pursuant to an application and apportionments under Section 19683.8, the county or city and county of the pupil's residence shall pay to the school district maintaining such facilities a pro rata share of the repayment required pursuant to Section 19683.8. The pro rata share shall be based upon the ratio in the previous fiscal year of units of average daily attendance of physically handicapped or mentally retarded pupils being educated in development centers from the county or city and county of residence to the total number of such units of average daily attendance. Payments so received by the school district maintaining the facilities shall be deposited in the general fund of the district to offset amounts withheld by the State Controller pursuant to Section 19683.8.

SEC. 3. Section 6952.5 of the Education Code is amended to read:

6952.5. In addition to any other payments required by this chapter, where the education of children described in Section 6950 or Section 6951 is provided in buildings or facilities owned by the school district or county superintendent of schools, the county or city and county of the pupil's residence shall pay to the school district or county superintendent of schools, for the pupil's use of the buildings and facilities and appurtenant equipment, an amount per unit of average daily attendance of such children during the school year prescribed by whichever of the following subdivisions is applicable:

(a) Thirty-five dollars ($35) if an elementary school district.

(b) Fifty-five dollars ($55) if a high school district.

(c) Forty-two dollars ($42) if a unified school district.

(d) Forty-four dollars ($44) if a county superintendent of schools.

The moneys so received by the school district shall be deposited to the credit of its bond interest and redemption fund or its building fund. The moneys so received by the county superintendent of schools shall be deposited to the credit of the county school service fund of the county for use in providing school buildings and facilities

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for the use of the county superintendent of schools in educating mentally retarded pupils, physically handicapped pupils, and nonimmigrant children, as the case may be.

Except for mentally retarded pupils, physically handicapped pupils, and educationally handicapped pupils, no payment shall be made to a district under this section for children described in Section 6951 unless the district educates in kindergarten or grades 1 through 12, inclusive, at least 30 children described in Section 6951 in buildings or facilities owned by the district. No payment shall be made to a district under this section for children described in Section 6950 unless the district educates in kindergarten or grades 1 through 12, inclusive, at least 30 children described in Section 6950 in buildings or facilities owned by the district.

SEC. 4. Section 6952.6 is added to the Education Code, to read:

6952.6. Notwithstanding any other provisions of this chapter or of Article 3 (commencing with Section 19681) of Chapter 10 of Division 14, whenever the school district wherein the institution or family home is located does not have adequate special education facilities to provide for the education of physically handicapped or mentally retarded pupils, or educationally handicapped pupils described in Section 6951 if a program for such pupils is in operation, such school district shall apply pursuant to Section 19683.8 for such funds as may be necessary to construct needed facilities for the education of such pupils. The applicant school district shall accept such funds as are disbursed pursuant to the application whether or not the funds constitute the maximum amount applied for, and shall repay such funds in accordance with the provisions of Article 3.

In addition to the payments required by Section 6952.5, when the district is providing education to any physically handicapped, mentally retarded, or educationally handicapped children described in Section 6951 in facilities constructed pursuant to an application and apportionments under Section 19683.8, the county or city and county of the pupil's residence shall pay to the school district maintaining such facilities a pro rata share of the repayment required pursuant to Section 19683.8. The pro rata share shall be based upon the ratio in the previous fiscal year of units of average daily attendance of physically handicapped, mentally retarded, and educationally handicapped pupils subject to Section 6951 from the county or city and county of residence to the total number of such units of average daily attendance. Payments so received by the school district maintaining the facilities shall be deposited in the general fund of the district to offset amounts withheld by the State Controller pursuant to Section 19683.8.

SEC. 5. Section 19683.8 is added to the Education Code, to read:

19683.8. Notwithstanding any provisions of this article to the contrary, the board may make apportionments to school districts not otherwise eligible to receive apportionments under Article 1 (commencing with Section 19551) and Article 2 (commencing with Section 19651) of this chapter for the construction of special

education facilities and the purchase of essential furniture and equipment for the purpose of either or both (1) educating those physically handicapped, mentally retarded, and educationally handicapped pupils who regularly reside in an established, licensed children's institution or family home and are being educated pursuant to Section 6951, and (2) educating handicapped pupils in development centers for handicapped pupils pursuant to Chapter 8.7 (commencing with Section 6880) of Division 6.

Only 50 percent of any amounts allocated and disbursed to a district under this section shall be repaid by the district. Each disbursement shall be repaid in 20 equal annual installments, including interest as determined by the board, and shall be computed and withheld by the State Controller. The first computation of repayment of any disbursement shall be made in the fiscal year following such disbursement and shall during the next fiscal year be deducted in equal amounts from the February, March, April, and May installments of the apportionment made to the district from the State School Fund under Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect.

SEC. 6. Notwithstanding subdivision (a) of Section 15356 of the Education Code, the governing board of Chaffey Community College District may enter into a contract to lease a building to be used exclusively for voluntary adult vocational education programs if the building would otherwise qualify for the exemptions under Section 15356 of the Education Code. Such lease shall be for a term of not more than three years, but may be made renewable at the option of the lessee. A building leased pursuant to this section shall be considered exempt from provisions of law that require school buildings to meet earthquake safety standards to the same extent as provided in Section 15356 of the Education Code. At the time of entering into such a lease, the governing board shall, by resolution, declare its intention to utilize for voluntary adult education programs, a leased building which was not constructed in accordance with legally prescribed earthquake safety standards for school buildings. There shall be posted near the entrance to such building a conspicuous notice stating that such building was not constructed in accordance with legally prescribed earthquake safety standards for school buildings.

SEC. 7. The state shall not be liable for injury to persons or damage to property resulting from the fact that a building leased pursuant to Section 6 of this act was not constructed in accordance with the earthquake safety standards prescribed pursuant to Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 of the Education Code or any other provision of law.

SEC. 8. The Legislature finds and declares that a unique situation exists in the Chaffey Community College District in that the district, in an effort to locate a vocational education program in an area experiencing a high rate of unemployment, has leased a large

industrial-type building to enable the district to offer welding, sheet metal, auto body, power sewing, and related vocational courses to persons desirous of entering the work force. However, Section 15356 of the Education Code, as amended by Chapter 9 of the Statutes of 1973, prohibits a governing board from leasing buildings in order to qualify for the exemptions from the "Field Act." To alleviate the difficulty into which the district has been placed, as a result of the 1973 amendments to Section 15356, it is necessary to enact this special statute.

SEC. 9. It is the intention of the Legislature that the present concept of funding facilities for the education of nonimmigrant children and children residing in children's institutions, through reimbursement by the county or city and county of residence of such children, shall continue, and that this act represents a necessary extension of state participation in the funding of such facilities. Further, it is the intent of the Legislature to provide for the construction of needed facilities for development centers for handicapped pupils and to assist local entites in providing such facilities. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because financing authority is provided by Section 20453 of the Education Code.

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

(a) Some school districts have an inordinate number of physically handicapped, mentally retarded, and educationally handicapped children in the district living in regularly established licensed children's institutions or family homes and otherwise lack adequate special education facilities. In order that the governing boards of such school districts may provide for adequate special education facilities at the earliest possible date, it is necessary that this act take effect immediately.

(b) In order that the governing board of Chaffey Community College may continue to lease an existing building which is used for vocational education courses without being subject to the Field Act requirements, it is necessary that this act take effect immediately.

CHAPTER 146

An act to amend Section 36.17 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), relating to the San Luis Obispo County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 36.17 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

Sec. 36.17. Notwithstanding any other provision of this act, the district may authorize, issue and sell revenue bonds pursuant to the provisions of the Revenue Bond Law of 1941 (Chapter 6 (commencing at Section 54300), Part 1, Division 2, Title 5 of the Government Code) to provide funds for the acquisition, construction, improving, or financing any one or more revenue-producing enterprises for the benefit of the district, or of any zone or zones thereof, for any one or more of the purposes for which the district has been formed. "Enterprise" as used in this section means a revenue-producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes of the district. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in said Chapter 6 (commencing at Section 54300), Part 1, Division 2, Title 5 of the Government Code.

Any election to authorize the issuance of revenue bonds pursuant to this section shall be held in the district, if the enterprise benefits the entire district, or, if the enterprise is for the benefit of a particular zone or zones of the district, in the zone or zones benefited by the enterprise.

Except as set forth in this section, in the case of any conflict between the provisions of this act and the provisions of the Revenue Bond Law of 1941, the provisions of the Revenue Bond Law of 1941 shall control.

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

This act will permit the use of revenue bonds to finance the construction of certain urgently needed water projects. In order to permit the construction of such projects at the earliest possible time, and in particular to permit an election to authorize the issue of such revenue bonds to be held during the 1974 general election, it is necessary that this act go into immediate effect.

CHAPTER 147

An act to amend, repeal, and add Section 3251 of the Civil Code, relating to payment bonds for public works, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974.]

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

SECTION 1. Section 3251 of the Civil Code is amended to read:

3251. Unless a payment bond is filed and approved as provided in this chapter, or unless the failure to file it is the result of inadvertence or excusable neglect, no claim in favor of the original contractor arising under the contract shall be audited, allowed or paid by the public entity awarding the contract or any officer thereof. Claimants shall receive payment of their respective claims in the manner provided by Chapter 4 (commencing with Section 3179) upon complying with provisions thereof.

This section shall remain in effect only until the 181st day after the effective date of the amendments to this section enacted at the 1973–74 Regular Session of the Legislature, and as of such date it is repealed.

SEC. 2. Section 3251 is added to the Civil Code, to read:

3251. Unless a payment bond is filed and approved as provided in this chapter, no claim in favor of the original contractor arising under the contract shall be audited, allowed or paid by the public entity awarding the contract or any officer thereof. Claimants shall receive payment of their respective claims in the manner provided by Chapter 4 (commencing with Section 3179) upon complying with the provisions thereof.

This section shall become operative on the 181st day after it becomes effective.

SEC. 3. It is the intent of the Legislature that the amendments to Section 3251 of the Civil Code which are made by Section 1 of this act shall remain in effect only until the 181st day after the effective date of this act, and as of that date Section 2 of this act shall become operative to restore Section 3251 to the form in which it read immediately prior to the effective date of this act.

SEC. 4. The amendments made to Section 3251 of the Civil Code by Section 1 of this act shall apply only to any airport contract performed and partially paid for by state funds provided pursuant to Article 4 (commencing with Section 21680) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code which was entered into by a city whose population is less than 900, as determined by the 1970 Federal Decennial Census, on or after July 1, 1971, and thereafter performed on or before June 30, 1973.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

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

Construction contractors face considerable delay in receiving payment of lawful claims against public entities of the described class unless inadvertence or neglect in filing payment bonds is excused, thus necessitating the immediate effect of this act.

CHAPTER 148

An act relating to fire protection districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974.]

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

SECTION 1. Notwithstanding Sections 54902 and 54903 of the Government Code, any creation of a fire protection district organized during the 1973–74 fiscal year pursuant to Chapter 3 (commencing with Section 13825) of Part 2.7 of Division 12 of the Health and Safety Code before the effective date of this section shall be effective for assessment and taxation purposes for the 1974–75 fiscal year if the required statements and maps or plat are filed on or before March 1, 1974.

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

In order that certain new fire protection districts which have recently been formed will be able to levy taxes and assessments within the district for the 1974–75 fiscal year for services to be provided by the district it is necessary that this act take effect immediately.

CHAPTER 149

An act to amend Sections 68703 and 75083 of the Government Code, relating to judges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974.]

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

SECTION 1. Section 68703 of the Government Code is amended to read:

68703. Each member of the commission and each master shall be allowed his necessary expenses for travel, board, and lodging incurred in the performance of his duties.

SEC. 2. Section 75083 of the Government Code is amended to read:

75083. Any judge retired pursuant to this chapter who is appointed by the Supreme Court or any court of appeal, or division thereof, to act as a master or referee in any proceeding pending before any such court or before the Commission on Judicial Qualifications, shall be paid while so acting, in addition to his retirement allowance (taken without reduction on account of any election pursuant to Article 3.5 (commencing at Section 75070) of this chapter) the difference, if any, between such retirement allowance and the compensation of a judge of the court from which he retired.

When appointed to act as referee in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of such appointment.

Such extra compensation and expenses, if any, shall be chargeable to the state.

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

In order to clarify the law relating to the compensation of retired judges appointed to serve as masters and to facilitate the use of the services of retired judges, instead of active judges, in actions presently pending before the Commission on Judicial Qualifications, it is necessary that this act go into immediate effect.

CHAPTER 150

An act to add Section 17927 to the Health and Safety Code, relating to garage doors.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 17927 is added to the Health and Safety Code, to read:

17927. The commission shall adopt, amend, and repeal, and, except as otherwise provided in this part, the department shall enforce, such rules and regulations for garage door springs for

installation in garages which are accessory to apartment houses, hotels, motels, and dwellings as the commission determines are reasonably necessary to prevent the death or injury of persons or damage to property resulting from the breaking of the garage door springs.

No garage door spring which violates the provisions of any rule or regulation adopted by the commission pursuant to this section shall be sold or offered for sale, or installed in any garage which is accessory to an apartment house, hotel, motel, or dwelling, on or after the effective date of such rule or regulation.

SEC. 2. In enacting this act, the Legislature hereby determines and finds that any duties, obligations or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government, or a significant increase in level of service of an existing mandated program, and no additional economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code for reimbursement of any local agency for any costs that may be incurred by it.

CHAPTER 151

An act relating to the Medical Assistance Program, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974. Filed with Secretary of State April 4, 1974]

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

SECTION 1. The appropriation of three million seven hundred seventy-six thousand two hundred twenty dollars ($3,776,220) made by Item 264 of Section 2 of the Budget Act of 1973 for the purposes of the Medi-Cal management prototype system shall not be conditioned by the requirement that no more than 75 percent of such three million seven hundred seventy-six thousand two hundred twenty dollars ($3,776,220) shall be expended, encumbered or transferred on or before April 1, 1974, unless an invitation for bid for a statewide mechanized claims processing and information retrieval system, which meets the requirements for increased federal sharing under Public Law 92-603 (HR 1) has been released and a contract resulting therefrom has been executed by such date, and such appropriation shall not be conditioned by the requirement that upon the execution of such a contract on or before April 1, 1974, the remainder of such three million seven hundred seventy-six thousand

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two hundred twenty dollars ($3,776,220) shall be available for such purposes.

SEC. 2. The Department of Health shall, through a competitive selection process, enter into a contract by June 30, 1974, calling for implementation and operation of a statewide claims processing and information retrieval system which meets the requirements for increased federal sharing under Public Law 92-603 (HR 1). Such a contract shall not be entered into unless an award has been made in accordance with the request for proposal for a statewide Medi-Cal intermediary. The above-mentioned competitive selection process shall be in accordance with the request for proposal for a statewide Medi-Cal intermediary, issued by the Department of Health.

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

In order to avoid disruption of beneficiaries' eligibility and to provide for continuity of health care services, it is necessary that this act take effect immediately.

CHAPTER 152

An act to add and repeal Section 3301.5 of the Food and Agricultural Code, relating to expositions and fairs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 3301.5 is added to the Food and Agricultural Code, to read:

3301.5. Notwithstanding any other provision of this part to the contrary, the Division of Exposition and State Fair shall administer the California Exposition and State Fair under the direction of an exposition and fair administrator in the Governor's office.

This section shall remain in effect only until Assembly Bill No. 2703 of the 1973–74 Regular Session is enacted and becomes operative, and on such date is repealed.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the Department of Parks and Recreation the sum of fifty thousand dollars ($50,000) for purposes of carrying out the provisions of Section 3301.5 of the Food and Agricultural Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

In order to continue the operation of the California Exposition and State Fair in an orderly manner, it is necessary that the provisions of this act become effective immediately.

CHAPTER 153

An act relating to the San Antonio Water Conservation District.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974.]

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

SECTION 1. The San Antonio Water Conservation District in Ventura County shall, on and after the effective date of this act, be governed by the provisions of the Water Conservation District Law of 1931 as contained in Division 21 (commencing with Section 74000) of the Water Code. The provisions of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927) shall, on and after the effective date of this act, have no application to the San Antonio Water Conservation District.

SEC. 2. The Board of Directors of the San Antonio Water Conservation District in Ventura County may by resolution change the name of the district to the Ojai Water Conservation District.

SEC. 3. The Legislature hereby finds and declares that facts and circumstances exist in the San Antonio Water Conservation District peculiar to that district which necessitates that the district be governed under the Water Conservation District Law of 1931, including, but not limited to, the general location of the district and the extremely rapid changes in the geographic and economic composition of the district.

SEC. 4. The Legislature further finds and declares that the name "San Antonio Water Conservation District" is no longer descriptive of the actual operation of the district and the proper functioning of the district may require that the name of the district be changed to the Ojai Water Conservation District. The problem is not common to other water conservation districts. It is necessary, therefore, that the provisions of this act be made applicable only to the San Antonio Water Conservation District.

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CHAPTER 154

An act to amend Sections 7201, 8823, and 9323 of, and to add Section 7204 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 7201 of the Elections Code is amended to read:

7201. A primary election shall be held in the district in which the vacancy occurred on the fourth Tuesday preceding the day of the special election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 2 (commencing with Section 6400) of Division 5 of this code, except that nomination papers shall not be circulated more than 54 days before the primary election, shall be left with the county clerk for examination not less than 44 days before the primary election, and shall be filed with the Secretary of State not less than 39 days before the primary election.

Notwithstanding the provisions of Section 14621, applications for absent voter ballots may be submitted not more than 25 days before the primary election, except that the provisions of Section 14621 shall apply if the special election or special primary election is consolidated with a statewide election. Applications received by the clerk prior to the 25th day shall not be returned to the sender, but shall be held by the clerk and processed by him following the 25th day prior to the election in the same manner as if received at that time.

SEC. 1.3. Section 7204 is added to the Elections Code, to read:

7204. Notwithstanding any other provision of this code, whenever a special election, or a special primary election, to fill a vacancy in Congress or the State Legislature is consolidated with a statewide election, the candidates to fill the vacancy shall appear on the consolidated ballot immediately preceding the candidates for that same seat in Congress or the seat in the Legislature that most nearly encompasses the same geographical area at the statewide election, or the clerk at his option may print a separate and distinct ballot.

SEC. 1.5. Section 8823 of the Elections Code is amended to read:

8823. In each city and county a county central committee shall be elected by Assembly districts and shall consist of eight members elected from each Assembly district in the city and county. In an Assembly district that lies only partially within a city and county, the eight members shall be elected from that portion of the Assembly district contained within the city and county.

SEC. 2. Section 9323 of the Elections Code is amended to read:

9323. In each city and county a county central committee shall be elected by Assembly districts and shall consist of eight members elected from each Assembly district in the city and county. In an Assembly district that lies only partially within a city and a county, the eight members shall be elected from that portion of the Assembly district contained within the city and county.

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

This act must take effect immediately in order to apply to the 1974 direct primary election.

CHAPTER 155

An act to amend Section 4003 of the Unemployment Insurance Code, relating to federal-state extended benefits and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 4003 of the Unemployment Insurance Code, as amended by Chapter 73 of the Statutes of 1974, is amended to read:

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

(b) Effective with respect to compensation for weeks of unemployment beginning before July 1, 1974, and beginning after December 31, 1973, the determination of whether there has been a state "on" or "off" indicator beginning or ending any extended benefit period shall be made as provided in subsection (e) of Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended by HR 13025 of the 93rd Congress (First Session) as if subparagraph (A) of paragraph (1) of such subsection (e) did not exist.

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

Higher levels of unemployment are anticipated in the immediate future and federal legislation is only effective for 90 days.

CHAPTER 156

An act to add Section 6359.1 to the Revenue and Taxation Code, relating to sales and use tax exemptions, to take effect immediately, tax levy.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 6359.1 is added to the Revenue and Taxation Code, to read:

6359.1. There are exempted from the taxes imposed by this part, the gross receipts from the sale of, and storage, use, or other consumption in this state, of hot prepared food products sold by caterers, or other vendors, to air carriers engaged in interstate or foreign commerce for consumption by passengers on such air carriers, and the gross receipts from the sale of and the storage, use or other consumption of hot prepared food products sold or served to passengers by air carriers engaged in interstate or foreign commerce for consumption by passengers on such air carriers.

SEC. 2. The purpose of this act is to add a provision to the Revenue and Taxation Code that states the intent of the Legislature in amending Section 6359 of the Revenue and Taxation Code, as indicated in Section 24 of Chapter 1741 of the Statutes of the 1971 Regular Session of the Legislature, and not to provide a new exemption from such taxes.

SEC. 3. The Legislature finds and declares that the exemption granted by this act is consistent with the intent of Section 2230 of the Revenue and Taxation Code as there will be no loss of revenue to local government as a result of this act and the exemption is therefore not of the type intended for reimbursement.

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

CHAPTER 157

An act to add Section 202.1 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974 Filed with Secretary of State April 4, 1974]

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

SECTION 1. Section 202.1 is added to the Revenue and Taxation Code, to read:

202.1. For purposes of the exemption from taxation specified in Section 1 of Article XIII of the Constitution and Section 202, "growing crops" includes turf grass which is cultivated and harvested for sale and transplanting.

SEC. 2. (a) The State Board of Equalization shall compute the reduction in assessed values by this act and shall certify them to the Controller, Director of Finance and auditor of each county sustaining a reduction. County auditors shall file claims with the Controller, as provided in subdivision (b) of Section 16113 of the Government Code, for reimbursement for property tax revenues lost by reason of the classification of property by Section 1 of this act. The Controller shall report the amount of such claims to the Legislature on or before the 15th day of November next following the operative date of this act or, if the Legislature is not then in session, on the first legislative day thereafter, in order that the Legislature may appropriate funds for the subventions required by Section 2229 of the Revenue and Taxation Code.

(b) The amount of the reimbursement made under subdivision (a) shall be computed by multiplying the assessed value of such turf grass for the 1973–74 fiscal year by the rate for the current fiscal year.

SEC. 3. Section 1 of this act shall become operative on the first lien date following the effective date of this act, shall remain in effect only until the end of the fifth fiscal year after the effective date of this act, and as of such date is repealed, unless a later enacted statute, which is chaptered before the end of the fifth fiscal year after the effective date of this act, deletes or extends such date.

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

In order that the exemption in this act may be effective for the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 158

An act to add Sections 10344 and 10345 to the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 5, 1974 Filed with Secretary of State April 5, 1974]

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

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SECTION 1. Section 10344 is added to the Elections Code, to read:

10344. Whenever two or more candidates with identical names file nomination papers for the same office, the county clerk shall print the following warning, in boldface type, on the ballot immediately following the designation of the office and immediately preceding the names of the candidates to be voted upon:

"Warning! There are two (or whatever number) candidates for this office with identical names."

The foregoing warning shall also be included, in boldface type and in a prominent manner, on any sample ballot, ballot pamphlet, or other mailing sent by the county clerk, prior to the election, to persons eligible to vote for this office.

SEC. 2. Section 10345 is added to the Elections Code, to read:

10345. Whenever two or more candidates with identical names file nomination papers for the same office, the county clerk shall place a distinguishing number by the name of each candidate with an identical name if any one candidate having such identical name shall make a request pursuant to Section 10340.

SEC. 2.5. Notwithstanding any other provision of law, a proposition may be submitted, at the June 4, 1974, direct primary election, pursuant to Section 4 of Article XXVI of the California Constitution, as proposed by Statutes of 1973, Resolution Chapter 145 (Proposition No. 5 of that election), to authorize the use of motor vehicle revenues for public mass transit guideway purposes in any county or counties, or a specified area thereof.

SEC. 2.7. Section 3785.5 of the Elections Code does not apply to counties with a population exceeding six million (6,000,000).

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

In order that this act apply to the 1974 elections it is necessary that it take effect immediately. Substantial confusion may result if the 1974 elections are held without a provision for the contingency of two or more candidates with identical names running for the same office. Further, doubt has been raised as to whether a proposition may be submitted, at the June 4, 1974, direct primary election, pursuant to Section 4 of Article XXVI of the California Constitution, as proposed by Proposition No. 5 of that election. In order to remove any such doubt in time so that such propositions may be submitted at that election, it is necessary that this act take effect immediately.

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CHAPTER 159

An act to amend Sections 6852, 10801.1, 10803, 10805, 10806, 10809, 10813.1, 11501, 20904, and 20905 of, and to add Sections 10813.2, and 10813.3 to, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1974. Filed with Secretary of State April 11, 1974.]

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

SECTION 1. Section 6852 of the Education Code is amended to read:

6852. The cost for a school year of educating any person who attends such a school or class and who is deemed to be a resident of the district in which he resided prior to his admission to such tuberculosis or polio ward, hospital, or sanatorium shall be paid by the school district of which any such person is a resident to the district maintaining a school or class in which such person is enrolled pursuant to this article.

Pupils in such schools or classes shall be apportioned excess cost apportionments for handicapped pupils as stated elsewhere in this code.

The Superintendent of Public Instruction shall adopt standards and regulations relating to administration, attendance, accounting and counseling in hospital schools and classes.

No interdistrict attendance agreement is required for the attendance described by this section but the provisions of Article 7 (commencing with Section 10800) of Chapter 1 of Division 9, relating to crediting average daily attendance and tuition, shall apply to such attendance.

SEC. 1.5. Section 10801.1 of the Education Code is amended to read:

10801.1. Effective July 1, 1973, the average daily attendance resulting from an interdistrict attendance agreement shall be credited to the district in which the pupil lives for purposes of determining a revenue limit except as otherwise allowed in Sections 10813.2 and 10813.3. In computing the 1972–73 base revenue pursuant to Article 6 (commencing with Section 20902) of Chapter 3 of Division 16, all amounts received in fiscal year 1972–73 by the school district of attendance pursuant to an interdistrict attendance agreement executed pursuant to Section 10801 may be included.

SEC. 2. Section 10803 of the Education Code is amended to read:

10803. If the governing board of either district neglects or refuses to enter into such an agreement within 30 days after the person having custody of any pupil has requested the board so to do:

(a) The person may appeal to the county board of education having jurisdiction over the district in which the pupil lives.

(b) The county board of education shall, within 30 days after the

filing of the appeal, determine whether the pupil should be permitted to attend in the district in which he desires to attend and for what period of time.

(c) If the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the county board of education shall determine what the tuition payment shall be. Such payment shall not exceed that allowed in Section 10805.

SEC. 3. Section 10805 of the Education Code is amended to read:

10805. If attendance in a district is pursuant to an interdistrict attendance agreement, or if the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the governing board of the district in which the pupil lives shall pay a tuition to the district of attendance no later than the next August 31, after the close of the fiscal year as follows:

(a) For attendance in regular day schools, summer schools, and adult schools and classes, the tuition per average daily attendance, if any, shall not exceed the actual cost per unit of average daily attendance for the grade level or program less any income, other than tuition, received by the district of attendance on account of such attendance.

(b) For attendance in programs for the physically handicapped as defined in Section 6801, the mentally retarded as defined in Section 6902 or 6903, the educationally handicapped as defined in Section 6750, or the mentally gifted as defined in Section 6421, the tuition per unit of average daily attendance shall be no greater than the expenditures per unit of average daily attendance as authorized by statute for that special program less any state and federal allowance per unit of average daily attendance for the program but no less than the appropriate unit foundation program pursuant to Section 17656 or 17664, as modified by subdivision (e) of Section 17301.

(c) For attendance in any other school or class not mentioned in subdivision (a) or (b) and for which an interdistrict attendance agreement pursuant to this article has been executed, the tuition, if any, shall be no greater than the actual cost per unit of average daily attendance for the grade level or program less any income, other than tuition, received by the district of attendance on account of such attendance.

(d) The district in which the pupil lives shall reduce its total revenue limit pursuant to Section 20904 or 20905 by the total excess, if any, of its revenue limit per average daily attendance multiplied by the total interdistrict attendance over the total tuition to be paid to districts of attendance.

The district in which the pupil lives may increase its total revenue limit pursuant to Section 20904 or 20905 by the total excess, if any, of the total tuition to be paid to district of attendance over the district of residence's revenue limit per average daily attendance multiplied by the total interdistrict average daily attendance.

SEC. 4. Section 10806 of the Education Code is amended to read:

10806. A pupil may be admitted provisionally to the schools of a district, other than that in which he lives, by the governing board of the district for a period of not exceeding two school months, pending decision by the governing boards of the school districts concerned, or by the county board of education relative to his admittance.

If the interdistrict attendance is allowed, the average daily attendance may be counted for revenue limit and state apportionment purposes by the appropriate district pursuant to Sections 10801.1 and 10813.

If the interdistrict attendance is not allowed, the average daily attendance earned within the two school months period allowed by this section, shall be credited to the district of attendance for purposes of state apportionments and revenue limit calculation.

SEC. 5. Section 10809 of the Education Code is amended to read:

10809. Whenever three-fourths of the electors residing in an elementary school district and having children attending in the schools of the district petition the governing board of the district so to do, the governing board of such district with the approval of all the members of the county board of education may provide for the education of all elementary school pupils in the district by another elementary or unified school district subject to such terms and conditions as the governing boards of the two districts may agree upon. The attendance of the pupils shall be credited to the district in which the pupil lives for revenue limit and state apportionment purposes. On the next succeeding July 1st, the district in which the pupil lives shall be subject to the provisions of Sections 2701 to 2705, inclusive.

SEC. 6. Section 10813.1 of the Education Code is amended to read:

10813.1. For the purposes of apportionment pursuant to Sections 6426, 18102 to 18102.9, inclusive, and 18102.11, the average daily attendance of those special pupils who live in one school district and attend school in another district under an interdistrict attendance agreement shall be credited to the district of attendance, and the Superintendent of Public Instruction shall pay the allowances under those sections to the district of attendance.

For the purposes of apportionment pursuant to Section 18060, the district providing the transportation shall report the average daily attendance used to determine the special transportation allowance.

SEC. 7. Section 10813.2 is added to the Education Code, to read:

10813.2. (a) If a district of attendance charges a tuition for attendance of pupils from another district in its schools and classes the provisions of Sections 10801.1 and 10813 shall apply.

(b) If a district of attendance does not charge a tuition for attendance of pupils from another district in its schools and classes, the average daily attendance for such attendance shall be credited to the district of attendance for purposes of determining state apportionments and the revenue limit pursuant to Section 20904 or

20905. In such case the district of attendance shall, prior to the budget hearing required by Section 20504, include as a part of the budget process a public hearing on the estimated costs to its taxpayers for the attendance of pupils from other districts. This public hearing shall include a statement concerning the estimated average daily attendance involved, the estimated cost to the district of such attendance, with such cost also expressed as an estimated tax rate equivalent. Notice of the hearing shall be posted in a public place and furnished to the news media at least five days prior to the date of the public hearing.

SEC. 8. Section 10813.3 is added to the Education Code, to read:

10813.3. The attendance for a physically handicapped or mentally retarded pupil residing in one district and attending in another district pursuant to a contract with the county superintendent of schools, as authorized in Sections 894 and 895, shall be credited to the district of attendance for purposes of state apportionment and revenue limit computations. Any tuition shall be paid by the contracting county superintendent of schools.

SEC. 9. Section 11501 of the Education Code is amended to read:

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

SEC. 10. Section 20904 of the Education Code is amended to read:

20904. For the purposes of this section, the assessed valuation used in computing revenue limits and the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 Part 1 of Division 24 of the Health and Safety Code.

For the purposes of this section, the revenue limit computational tax rate is defined as the district's fiscal year tax rate exclusive of tax rates provided in Section 1905, 6880.16, 7456 for capital outlay purposes only, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code.

In computing the sum of the tax rates pursuant to this section, Section 20808.5 shall be considered a rate upon the elementary district taxed and not on the high school district.

(a) For the 1973–74 fiscal year only, the county superintendent of schools shall compute for each school district in the county an amount equal to the sum of (1) the district's 1972–73 fiscal year revenue limit computational tax rate, multiplied by the actual

assessed valuation on the secured roll of the district for the 1972–73 fiscal year, and the district's 1971–72 fiscal year revenue limit computational tax rate, multiplied by the assessed valuation on the unsecured roll of the district for the 1972–73 fiscal year, (2) the amount of areawide aid received by the district for the 1972–73 fiscal year, (3) 32½ percent of the residual retirement reserve transferred under Chapter 117 of the Statutes of 1972, (4) the total amount of basic state aid, equalization aid, supplemental support, and inflation cost adjustment which the districts received pursuant to the provisions of this code and the Budget Act of 1972 as computed by the Superintendent of Public Instruction, and (5) the amount of income from the equalization offset tax pursuant to Section 17263.1.

(b) The amount computed in subdivision (a) shall be divided by the foundation program average daily attendance in the second principal apportionment and shall be the 1972–73 base revenue per unit of average daily attendance.

(c) The base revenue per unit of average daily attendance for each district shall be divided into the following amounts per unit of average daily attendance: for elementary districts, nine hundred dollars ($900); for high school districts, one thousand one hundred sixty-five dollars ($1,165); for unified districts, nine hundred eighty dollars ($980). If the result is greater than one it shall be deemed to be one.

(d) The quotient determined pursuant to subdivision (c) shall be multiplied by seventy dollars ($70) per unit of average daily attendance.

(e) The product determined pursuant to subdivision (d) shall be added to the base revenue per unit of average daily attendance determined pursuant to subdivision (b) and multiplied by the estimated foundation program unit of average daily attendance in the second principal apportionment of the districts for the 1973–74 fiscal year.

(f) The amount computed pursuant to subdivision (e) shall be compared with the total amount computed for the district pursuant to Article 2 (commencing with Section 17651), excluding Section 17668.5, Article 2.1 (commencing with Section 17671), and subdivision (a) of Section 17951. The larger of the two amounts shall be the revenue limit of the district for the 1973–74 fiscal year but in no case shall exceed 116 percent of the 1972–73 base revenue per unit of average daily attendance multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance or the 1972–73 base revenue per unit of average daily attendance plus seventy dollars ($70) multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance, whichever is higher. This revenue limit is exclusive of federal funds and state funds except those specified in subdivision (a).

In lieu of the revenue limit determined pursuant to the preceding paragraphs of subdivision (f) a district may request the county superintendent of schools to determine its revenue limit for the

1973–74 fiscal year using either, but not both, of the two following methods: (1) determine the base revenue per average daily attendance for the 1972–73 fiscal year by including the unused portion of a voted override in the revenue limit computational tax rate, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unused portion of a voted override shall be determined as the difference between the total of the maximum tax rate approved by an election pursuant to Section 20803 added to the actual tax rates levied, in the same fiscal year during which the election was held, for all other purposes except pursuant to Sections 1905, 7456 for capital outlay only, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, and Section 5302.5 of the Streets and Highways Code, and the actual tax levied for the 1972–73 fiscal year, including the areawide tax rate levied but exclusive of the tax rates levied pursuant to Sections 1905, 7456 for capital outlay only, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, and Section 5302.5 of the Streets and Highways Code.

(2) Determine the base revenue per average daily attendance for the 1972–73 fiscal year by including an amount equal to the unrestricted balance used to balance income to expenditures in the 1972–73 fiscal year with such amount not to exceed 3 percent of the total expenditures plus tuition excluding debt service and transfers in the General Fund for the 1972–73 fiscal year, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unrestricted balance shall be determined as the difference when the ending balance, less restricted amounts plus transfers of unrestricted amounts to other funds which remain as ending balances in other funds, is subtracted from the beginning balance, less restricted amounts in the 1972–73 General Fund.

Notwithstanding subdivision (f), if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per unit of foundation program average daily attendance of the 1972–73 fiscal year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the 1973–74 fiscal year, if any, multiplied by the

estimated foundation program average daily attendance of the 1973–74 fiscal year. Such increased revenue limit shall not exceed the foundation program of the 1973–74 fiscal year.

(g) From the revenue limit ascertained from the comparison made pursuant to subdivision (f), there shall be subtracted the total amount of basic state aid and state equalization aid to be received by the district during the 1973–74 fiscal year, as adjusted by repayment of any advances authorized by Section 17401.5, the amount of areawide aid to be received for the 1973–74 fiscal year, as adjusted by repayment of any advances authorized by Section 17401.5, the amount of areawide aid to be received for the 1973–74 fiscal year, and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(h) The amount determined pursuant to subdivision (g) shall be (1) adjusted as provided in subdivision (d) of Section 10805 and (2) adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in the 1972–73 fiscal year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111.

(i) The amount computed pursuant to subdivision (h) shall be the local revenue limit of the district for the 1973–74 fiscal year. From the local revenue limit, there shall be subtracted 32½ percent of the residual retirement reserve transferred under Chapter 117 of the Statutes of 1972.

(j) From the amount computed in subdivision (i), there shall be subtracted, (1) the amount of money collected or to be collected as taxes on property on the unsecured roll of the 1973–74 fiscal year, excluding the amounts collected through the levy of taxes provided in Section 1905, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code and (2) the income from prior year taxes.

(k) The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies pursuant to Section 20704. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 6880.16, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (f) notwithstanding, in no case for districts receiving state equalization aid, shall the tax rate be reduced below one dollar ($1) on the elementary level or eighty cents ($0.80) on the high school level or one dollar and eighty cents ($1.80) for a unified school

district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be considered first as part of the minimum tax rate limit.

SEC. 11. Section 20905 of the Education Code is amended to read:

20905. For the 1974–75 fiscal year and each fiscal year thereafter, (a) the maximum general purpose tax rate for each elementary, high, and unified school district in the county shall be computed pursuant to this section by the county superintendent of schools.

(b) The revenue limit per foundation program unit of average daily attendance for the district for the prior fiscal year shall be divided into the appropriate foundation program amount per unit of average daily attendance for the prior year. If the quotient is greater than one, it shall be deemed to be one.

(c) The foundation program amount per unit of average daily attendance used as the dividend in subdivision (b) shall be determined by the Superintendent of Public Instruction pursuant to this subdivision. For elementary school districts, it shall be the foundation program for districts which have an average daily attendance of 901 or more. For high school districts it shall be the foundation program for districts with an average daily attendance of 301 or more. For unified districts, it shall be the sum of (1) the foundation program of elementary districts which have an average daily attendance of 901 or more multiplied by the elementary foundation program units of average daily attendance of unified districts in the second principal apportionment, plus (2) the foundation program for high school districts with an average daily attendance of 301 or more multiplied by the high school foundation program units of average daily attendance of unified districts in the second principal apportionment divided by the sum of the elementary and high school units of average daily attendance of unified districts in the second principal apportionment.

(d) The inflation adjustment jointly determined by the Department of Education and the Department of Finance, which inflation index shall not, in any event, be less than 5 percent or more than 6 percent, shall be multiplied by the appropriate foundation program amount.

(e) The product determined pursuant to subdivision (d) shall be multiplied by the quotient determined pursuant to subdivision (b). The resultant amount shall constitute the revenue limit inflation adjustment of the district.

(f) The revenue limit inflation adjustment shall be added to the prior year revenue limit per foundation program unit of average daily attendance of the district and the sum multiplied by the estimated foundation program average daily attendance of the budget year. The product shall be the revenue limit of the district for the budget year.

(g) Any district which has a revenue limit computed pursuant to subdivision (f) which is equal to or less than the foundation program computed for the district pursuant to Article 2 (commencing with

Section 17651), excluding Section 17668.5, Article 2.1 (commencing with Section 17651), and subdivision (a) of Section 17951 as adjusted pursuant to subdivision (e) of Section 17301 may increase its revenue limit computed pursuant to subdivision (f) to the lesser of the foundation program level of the district or the prior year revenue limit increased by fifteen percent (15%).

For the 1974–75 and 1975–76 fiscal years only, notwithstanding subdivision (g) if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per foundation program average daily attendance of the prior year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the budget year, if any, multiplied by the estimated foundation program average daily attendance of the budget year. Such increased revenue limit shall not exceed the foundation program of the budget year.

(h) From the amount computed pursuant to subdivision (f) or (g), there shall be subtracted the basic state aid and state equalization aid to be received for the budget year, areawide aid to be received for the budget year, and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(i) The amount determined pursuant to subdivision (h) shall be (1) adjusted as provided in subdivision (d) of Section 10805 and (2) adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in any prior year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111. The adjusted amount shall be the local revenue limit of the district for the budget year.

(j) From the amount computed pursuant to subdivision (i), there shall be subtracted the amount of money collected or to be collected as taxes on property on the unsecured roll of the budget year, excluding the amounts collected through the levy of taxes provided in Section 1905, 6880.16, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code.

(k) For the purposes of this subdivision, the assessed valuation used in computing the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies, pursuant to Section 20704. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose tax rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 6880.16, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101. The revenue limit in subdivision (g) notwithstanding, in no case for districts receiving equalization aid, shall the tax rate be reduced below one dollar ($1) on the elementary level or eighty cents ($0.80) on the high school level or one dollar and eighty cents ($1.80) for a unified school district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be considered first as part of the minimum tax rate limit.

SEC. 12. In any case in which a school district governing board deems such action appropriate, the district may operate pursuant to the provisions of this act with respect to the remainder of the 1973–74 fiscal year. Any action by a school district governing board which was undertaken prior to the effective date of this act and during the 1973–74 fiscal year, and which was in accord with the changes in law effected by this act, is hereby ratified, validated, confirmed, and declared to be legally effective for all purposes as though this act had become effective July 1, 1973.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit this act to be operative for the entire 1974–75 fiscal year and, where appropriate, for the 1973–74 fiscal year, so as to facilitate the orderly administration of the interdistrict attendance program, it is necessary that this act take effect immediately.

CHAPTER 160

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

[Approved by Governor April 16, 1974 Filed with Secretary of State April 16, 1974]

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

SECTION 1. Section 18104 of the Education Code is amended to read:

18104. (a) The Superintendent of Public Instruction shall withhold from the total amount allocated in the current fiscal year by subdivisions (c), (e), and (g) of Section 17303.5 an amount equal to 0.0016 of the amount so allocated in the preceding fiscal year, for use by the Department of Education for research, program development, and evaluation in the education of the handicapped or gifted pupils.

(b) Seventy-five percent of the total amount withheld pursuant to subdivision (a) shall be used by the Department of Education to contract or make grants for research studies in the education of the handicapped or gifted pupils. Such contracts and grants shall be made with individuals, organizations, agencies, or institutions of higher education possessing personnel and the competencies necessary for successful completion of studies.

Contracts and grants awarded by the Department of Education shall be directed toward statewide problems and issues in the education of the handicapped or gifted pupil as determined by the State Board of Education.

(c) Twenty-five percent of the total amount withheld pursuant to subdivision (a) shall be used by the Department of Education for program development and evaluation. The department may contract with any individual agency or organization possessing personnel and the competencies necessary to fulfill the purposes of this subsection.

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

18104.1. The Superintendent of Public Instruction may employ such personnel as may be required for the effective administration of the program and shall use funds allocated in subdivision (c) of Section 18104 for this purpose, provided such funds do not exceed 10 percent of the total amount withheld pursuant to subdivision (a) of Section 18104.

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

18104.2. The State Board of Education shall establish rules and regulations for the development of research, program development, and evaluation studies which shall include: (a) application, (b) project review, (c) evaluation and analysis, and (d) dissemination of results.

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

18104.3. The State Board of Education shall annually review problems and issues, including, but not limited to, information submitted by governing boards of school districts and the county superintendents of schools, in the education of the handicapped and gifted pupils and shall adopt priorities for research, program development and evaluation studies.

SEC. 5. Section 18104.4 of the Education Code is repealed.

SEC. 6. Section 18104.4 is added to the Education Code, to read:

18104.4. On the fifth day of the legislative session each year, the

Department of Education shall report to the Joint Legislative Budget Committee relating to (a) research, program development, and evaluation studies conducted, (b) results of completed studies, (c) expenditure of funds, and (d) recommendations for program changes for the handicapped and gifted pupils resulting from studies.

SEC. 7. Section 18104.5 of the Education Code is repealed.

CHAPTER 161

An act directing the transfer of the real property of the Los Guilucos School facility, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1974. Filed with Secretary of State April 16, 1974]

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

SECTION 1. To accomplish a public purpose of the state, the Director of Finance shall sell all interests of the state, subject to the terms and conditions of Sections 2 and 3 of this act, and the real property and appurtenances thereto, of the Los Guilucos School facility, described as follows:

All that real property situate in the County of Sonoma, State of California, composed of approximately 266 acres located at 7501 Sonoma Highway, known as the Los Guilucos School.

SEC. 2. The sale required by Section 1 of this act shall be made to Sonoma County for the sum of one million two hundred fifty thousand dollars ($1,250,000). The Director of Finance shall determine the terms and conditions of the sale, with such reservations and exceptions as in the opinion of the Director of Finance shall be for the best interest of the state.

SEC. 3. Sections 21100 to 21108, inclusive, of the Public Resources Code shall not apply to this sale. Any moneys received from the sale shall be paid into the General Fund. Any cost or expense incurred in the sale of this property may be reimbursed from the proceeds of such sale.

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

In order that the Los Guilucos School facility not be permitted to continue to remain idle and unused; and be permitted to be used by Sonoma County at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 162

An act to amend Sections 6546 and 6550 of the Business and Professions Code, relating to barbering.

[Approved by Governor April 16, 1974 Filed with Secretary of State April 16, 1974]

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

SECTION 1. Section 6546 of the Business and Professions Code is amended to read:

6546. Any person is qualified to receive a certificate of registration as a registered apprentice if he complies with each of the following:

(a) He has completed the proper grade in school as provided in Section 6546.5, or has an equivalent education, as determined by an examination conducted by an examining agency prescribed by the board.

(b) He is at least 17½ years of age.

(c) He is of good moral character and temperate habits.

(d) He has graduated from a college approved by the board.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.

Any applicant for a certificate of registration to practice as an apprentice who fails initially may take a second examination without first completing a further course of study, provided he takes the second examination within 90 days of the first examination. Should he fail the examination twice or fail to take a second examination within 90 days, he shall complete a further course of study of not less than 250 hours to be completed in a college approved by the board within three months of not more than eight hours in any one working day, except that a student may be permitted to complete a service in process with time credit, but not to exceed 30 consecutive minutes.

No person holding a certificate of registration as a registered apprentice shall work for more than five years as an apprentice nor shall he work more than six months after completing the required working time of an apprenticeship without applying for and taking the examination for a certificate to practice as a registered barber, except that the board may extend this five-year or six-month period upon showing of good cause, which shall include but not be limited to delays in applying for and taking the examination caused by illness of or accident to the apprentice or service in the armed forces of the United States.

The five-year period contained in this section shall commence on the first day of employment as an apprentice for each person who obtains an original certificate of registration as an apprentice prior to November 8, 1967, and on the date of issue contained in an original certificate of registration as an apprentice for each person who

obtains an original certificate of registration as an apprentice on or after November 8, 1967. The five-year period contained in this section applies to apprentices who have not, on November 8, 1967, completed the three-year period in effect prior to the amendment made at the 1967 Regular Session of the Legislature, as well as to those who are licensed after such date.

SEC. 2. Section 6550 of the Business and Professions Code is amended to read:

6550. (a) No registered apprentice may independently practice barbering, but he may as an apprentice do any or all of the acts constituting the practice of barbering under the supervision and employment of a registered barber.

(b) Each shop may employ apprentices in the ratio of one apprentice to each registered barber working in the shop.

CHAPTER 163

An act to amend Section 945 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1974 Filed with Secretary of State April 16, 1974]

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

SECTION 1. Section 945 of the Education Code is amended to read:

945. Anything in a city, county, or city and county charter to the contrary notwithstanding, the governing board or boards of any school district may appoint an administrative adviser and fix and order paid his compensation. The duties of the administrative adviser are to render administrative advice to the superintendent of schools and to other officers and employees of the school district such other administrative duties as may be assigned by the superintendent of schools and the governing board of the district, and to assist the legal counsel of the district in the preparation and conduct of school district litigation. The employee shall have been admitted to practice law in the state, and shall not be required to have any certification qualifications.

SEC. 2. The amendments to Section 945 of the Education Code made by Section 1 of this act shall not affect the permanent status which was attained under the section prior to the effective date of this act.

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

In order that school districts may be able to obtain the best legal advice available and be able to hire administrative advisers without providing such employees with permanent status, at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 164

An act relating to El Pueblo de Los Angeles State Historic Park, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1974. Filed with Secretary of State April 16, 1974.]

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

SECTION 1. The Department of Parks and Recreation shall either offer to enter into an operating agreement with respect to, or offer for lease, all state-owned property within El Pueblo de Los Angeles State Historic Park to the City of Los Angeles for a term of three years for the administration and operation of such property upon such terms and conditions as the department deems advisable; provided, that such operating agreement or lease shall provide that the city shall, in its administration and operation of the property during the term of the operating agreement or lease, maintain Olvera Street in its present condition and undertake only such development or restoration of Olvera Street as may be approved by the Director of Parks and Recreation, except as may be necessary to comply with current building code seismic requirements.

SEC. 2. The joint powers agreement made and entered into on December 1, 1965, by, between, and among the state, acting through the Department of Parks and Recreation, the County of Los Angeles, and the City of Los Angeles for the purpose of establishing, developing, maintaining, and operating El Pueblo de Los Angeles State Historic Park shall be canceled upon execution of the operating agreement or lease described in Section 1 of this act.

SEC. 3. The Department of Parks and Recreation, the County of Los Angeles, and the City of Los Angeles shall jointly study and evaluate the condition of each of the state-owned buildings on Olvera Street to identify any present or potentially hazardous condition, to determine obligations and responsibilities pertaining to any such hazardous condition, and to determine what actions are to be taken to meet such obligations or responsibilities.

SEC. 4. There is hereby appropriated from the General Fund in the State Treasury to the Department of Parks and Recreation the sum of seven hundred thousand dollars ($700,000) for the restoration of the Pico-Garnier Block in El Pueblo de Los Angeles State Historic Park under contract with the City of Los Angeles; provided, that

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such funds shall only be used to pay for the completion of structural work, site work, and utilities under a master agreement approved and signed by the Director of Parks and Recreation.

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

In order to provide for the more efficient operation and development of lands presently within the state park system and designated El Pueblo de Los Angeles State Historic Park, an area of significant historical value to the people of this state, it is necessary that this act take immediate effect.

CHAPTER 165

An act to amend Section 2145.1 of, and to add Sections 2145.2 and 2145.3 to, the Business and Professions Code, relating to acupuncture, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1974 Filed with Secretary of State April 16, 1974]

I am deleting the $150,000 appropriation contained in Assembly Bill No 1841. Necessary funds for medical school research into the therapeutic value of acupuncture can be best handled through the budgetary process which is the established method of funding medical research projects

With this deletion, I approve Assembly Bill No 1841

RONALD REAGAN, Governor

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

SECTION 1. Section 2145.1 of the Business and Professions Code is amended to read:

2145.1. The performance of acupuncture by an unlicensed person, alone or in conjunction with other forms of traditional Chinese medicine, when carried on in a program affiliated with and under the jurisdiction of an approved medical school for the primary purpose of scientific investigation of acupuncture, shall not be in violation of this chapter, but such procedures shall be carried on only under the supervision of a licensed physician and surgeon.

Any medical school conducting research into acupuncture under the provisions of this section shall report to the Legislature annually on the fifth legislative day of the regular session of the Legislature concerning the results of such research, the suitability of acupuncture as a therapeutic technique, and performance standards for persons who perform acupuncture.

SEC. 1.5. Section 2145.2 is added to the Business and Professions Code, to read:

2145.2. (a) The Board of Medical Examiners shall provide grants

for the purpose of funding projects to research the therapeutic value of, and scientific basis for, acupuncture, and related techniques. Each such grant shall be authorized after application is made to the board, in a form prescribed by the board, demonstrating that the proposed project is: (1) a legitimate and important scientific investigation of acupuncture; (2) the procedures to be employed are sufficient to achieve the research objectives and (3) the costs to be incurred are reasonable.

(b) The sum of one hundred fifty thousand dollars ($150,000) is hereby appropriated from the General Fund in the State Treasury to the Board of Medical Examiners for purposes of funding projects authorized by this section.

SEC. 2. Section 2145.3 is added to the Business and Professions Code, to read:

2145.3. The Board of Medical Examiners shall review current studies of the therapeutic value of acupuncture techniques, and various existing and proposed methods of certifying or licensing persons to perform such techniques. The board shall consult with local and state medical societies, medical schools conducting acupuncture research, and other individuals knowledgeable in the field as part of its review.

The board shall report to the Legislature no later than January 1, 1976, concerning the results of its review, and also shall recommend standards of training and scope of practice for certifying individuals to perform acupuncture techniques in California.

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

In order to establish standards for acupuncture which is burgeoning in this state in various forms and to protect the public, it is necessary that this act take immediate effect.

CHAPTER 166

An act to amend Sections 2602, 2903, 2906, 2907, 2908, 2908.3, 2909.1, 2910, 2910.5, 2923, 2926, 3003, and 3005 of, and to repeal Sections 2904, 2904.1, 2909, 2910.1, 2911, and 2912 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor April 16, 1974 Filed with Secretary of State April 16, 1974]

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

SECTION 1. Section 2602 of the Revenue and Taxation Code is amended to read:

2602. The tax collector shall collect all property taxes.

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SEC. 2. Section 2903 of the Revenue and Taxation Code is amended to read:

2903. The tax collector shall collect taxes on unsecured property.

SEC. 3. Section 2904 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 2904.1 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 2906 of the Revenue and Taxation Code is amended to read:

2906. Annually, on or before the lien date, the auditor shall furnish the tax collector with blank unsecured property receipts, in a form prescribed by the board, and charge the tax collector with the number of receipts furnished.

SEC. 6. Section 2907 of the Revenue and Taxation Code is amended to read:

2907. As of the close of the last business day in July, at the time and in the manner prescribed by the auditor, the tax collector shall account for all receipts furnished him and shall return the unused receipts.

SEC. 7. Section 2908 of the Revenue and Taxation Code is amended to read:

2908. If taxes on the unsecured roll are to be collected after the last day of business in July, the auditor shall then furnish the tax collector with blank unsecured property receipts, and charge the tax collector with the number of receipts furnished.

SEC. 8. Section 2908.3 of the Revenue and Taxation Code is amended to read:

2908.3. As of the lien date, at the time and in the manner prescribed by the auditor, the tax collector shall account for all receipts for the current fiscal year furnished him and not previously accounted for and shall return the unused receipts. The auditor shall give the tax collector a clearance for used and unused receipts returned.

SEC. 9. Section 2909 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 2909.1 of the Revenue and Taxation Code is amended to read:

2909.1. To enable the tax collector to collect taxes on unsecured property on or after the due date, the assessor shall deliver to the tax collector, as soon as practicable after that date, a record in writing of the assessment of the unsecured property in such form as the board may prescribe.

SEC. 11. Section 2910 of the Revenue and Taxation Code is amended to read:

2910. Annually, as soon as practicable after the close of the last business day in July and before December 1, the auditor shall examine the unsecured roll, ascertain the amount of taxes collected and charge the tax collector with the taxes and penalties which it is his duty to collect in pursuance of the records of assessment

delivered to him by the assessor.

SEC. 12. Section 2910.1 of the Revenue and Taxation Code is repealed.

SEC. 13. Section 2910.5 of the Revenue and Taxation Code is amended to read:

2910.5. Upon collecting taxes on unsecured property, the tax collector shall give a receipt to the person making payment, specifying:

(a) The name of the assessee.

(b) The amount of the assessment.

(c) The amount of tax paid.

(d) The beginning and ending of the fiscal year for which the tax is paid.

SEC. 14. Section 2911 of the Revenue and Taxation Code is repealed.

SEC. 15. Section 2912 of the Revenue and Taxation Code is repealed.

SEC. 16. Section 2923 of the Revenue and Taxation Code is amended to read:

2923. Any tax collector charged by law with the collection of any delinquent taxes on unsecured property may file a verified application with the board of supervisors for a discharge from accountability for the collection of the taxes, penalty and interest, and any other charge pertaining thereto, if the amount is such as not to justify the cost of collection or collection enforcement is impracticable.

SEC. 17. Section 2926 of the Revenue and Taxation Code is amended to read:

2926. Such a discharge of a tax collector does not release any person from the payment of any amounts which are due and owing.

If at any future time the aggregate amount of any taxes penalties, interest, and any other charges pertaining thereto due and owing by any taxpayer, including the amount involved in such a discharge, exceeds the cost of collection, the tax collector shall collect the amount due and owing, including the amount involved in such discharge.

SEC. 18. Section 3003 of the Revenue and Taxation Code is amended to read:

3003. Where delinquent taxes or assessments, including those on personal property, are not a lien on real property sufficient, in the judgment of the tax collector or the board of supervisors, to secure the payment of the taxes or assessments, the county may, in any civil action, sue the taxpayer in its own name for the recovery of the delinquent taxes or assessments, with penalties and costs. The county seat of the county in which the property was assessed shall be a proper place of trial.

SEC. 19. Section 3005 of the Revenue and Taxation Code is amended to read:

3005. When a civil action is brought by the tax collector to

recover delinquent unsecured property taxes, the sheriff, marshal, or constable shall specify, when the summons or process is returned, the costs which he would ordinarily be entitled to for such service and such costs shall be made a part of any judgment recovered by the tax collector and on payment or satisfaction of the judgment such costs shall be deposited in the county general fund.

CHAPTER 167

An act to add Section 20904.4 to the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1974. Filed with Secretary of State April 16, 1974.]

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

SECTION 1. Section 20904.4 is added to the Education Code, to read:

20904.4. Notwithstanding Section 20904.1, any voted increase in the maximum tax rate, to be effective commencing with the 1973–74 fiscal year, which does have a termination date and whose sole purpose was the providing of construction funds shall not be subject to Section 20904.1, but shall, for each of the applicable fiscal years, be added to the maximum general purpose tax rate otherwise required to be levied.

SEC. 2. This act shall become operative on July 1, 1974.

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

In order that contractual commitments and construction projects approved by the electors may be permitted to proceed without curtailment of the funding of the regular operating budget and programs of certain school districts, it is necessary that this act take effect by no later than July 1, 1974.

CHAPTER 168

An act to amend Section 10570 of, and to amend the heading of Chapter 10.5 (commencing with Section 10570) of Division 9 of, the Health and Safety Code, relating to vital statistics.

[Approved by Governor April 17, 1974. Filed with Secretary of State April 17, 1974.]

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

SECTION 1. The heading of Chapter 10.5 (commencing with Section 10570) of Division 9 of the Health and Safety Code is amended to read:

CHAPTER 10.5. RECORDING CERTIFICATION OF FOREIGN BIRTHS AND DEATHS

SEC. 2. Section 10570 of the Health and Safety Code is amended to read:

10570. A certification of birth or of birth data issued by an agency of the government of the United States to authenticate a birth of a child to a United States citizen outside of the United States may be recorded in the office of a county recorder in the last county of permanent residence of one or both parents of the child if the last permanent residence in the United States of one or both parents of the child was in California. A certification of death or death data issued by an agency of the government of the United States to authenticate the death of a United States citizen outside of the United States may be recorded in the office of the county recorder in the last county of permanent residence if the last permanent residence in the United States of such citizen was in California.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because financing is provided by Section 27361 and Sections 27365 through 27369, inclusive, of the Government Code.

CHAPTER 169

An act to amend Section 1795.5 of the Civil Code, relating to consumer warranties.

[Approved by Governor April 17, 1974. Filed with Secretary of State April 17, 1974]

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

SECTION 1. Section 1795.5 of the Civil Code is amended to read:

1795.5. Notwithstanding the provisions of subdivision (a) of Section 1791 defining consumer goods to mean "new" goods, if a distributor or retail seller of used consumer goods makes express warranties with respect to used goods that are sold in this state, the obligation of such distributor or retail seller shall be the same as that imposed on the manufacturer under this chapter, except:

(a) It shall be the obligation of the distributor or retail seller making express warranties with respect to used consumer goods

(and not the original manufacturer, distributor, or retail seller making express warranties with respect to such goods when new) to maintain, or cause to be maintained, sufficient service and repair facilities within this state to carry out the terms of such express warranties.

(b) The provisions of Section 1793.5 shall not apply to the sale of used consumer goods sold in this state.

(c) The duration of the implied warranty of merchantability and where present the implied warranty of fitness with respect to used consumer goods sold in this state, where the sale is accompanied by an express warranty, shall be coextensive in duration with an express warranty which accompanies the consumer goods, provided the duration of the express warranty is reasonable, but in no event shall such implied warranties have a duration of less than 30 days nor more than three months following the sale of used consumer goods to a retail buyer. Where no duration for an express warranty is stated with respect to such goods, or parts thereof, the duration of the implied warranties shall be the maximum period prescribed above.

(d) The obligation of the distributor or retail seller who makes express warranties with respect to used goods that are sold in this state, shall extend to the sale of all such used goods, regardless of when such goods may have been manufactured.

SEC. 2. The amendment of Section 1795.5 of the Civil Code made by Section 1 of this act does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 170

An act to amend Section 265 of the Health and Safety Code, relating to crippled children, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1974. Filed with Secretary of State April 17, 1974]

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

SECTION 1. Section 265 of the Health and Safety Code is amended to read:

265. Annually the board of supervisors of each county shall appropriate for services for handicapped children of the county, including diagnosis, treatment, and therapy services for physically handicapped children in public schools, exclusive of administrative costs, a sum of money not less than that represented by a rate of one-tenth of one mill ($0.0001) on each dollar of the assessed valuation of the taxable property in the county, except that whenever the department on or before May 1st of any year certifies to the board of supervisors a smaller amount needed for such

purposes in that county, the latter shall be the minimum amount appropriable for expenditure therefor in that county during the next succeeding fiscal year.

The state shall appropriate funds sufficient to bring each county program to twenty thousand dollars ($20,000) or four-tenths of one mill ($0.0004), whichever is greater, except if the county has appropriated less than one-tenth mill ($0.0001) as provided in this section.

Nothing in this section shall prevent a county board of supervisors from appropriating additional money for services to handicapped children, and the state shall be obligated to match such appropriations in a ratio of three dollars ($3) for one dollar ($1) of county money up to a maximum county appropriation of two-tenths of a mill ($0.0002) of assessed valuation upon a determination by the department that a need based on departmental priorities exists for such supplemental state and county funds. The department may, upon approval of the Director of Finance, approve a county appropriation in excess of two-tenths mill ($0.0002), upon the county's expression of intent to appropriate additional funds and the state's ability to match such appropriation in a ratio of three dollars ($3) for one dollar ($1) of county money within the current state appropriation for its program.

Expenditures for services shall represent a concurrent obligation against state and county funds according to the method of reimbursement specified in this section.

The state shall reimburse counties quarterly on a 3:1 matching basis for county expenditures, provided that the state quarterly payment shall not exceed by more than 10 percent the total state funds allocated quarterly to each county, except as provided in Section 266.

Expenditures made to reimburse counties for the state's share of the cost of such services shall be charged to the fiscal year in which the county issues its warrant in payment of such services. Expenditures made by the state on behalf of counties for the cost of such services shall be charged to the fiscal year in which the warrant is issued by the State Controller.

Federal grant funds allocated for the support of the crippled children's program shall be used for the purpose of state matching of county appropriations for services except for the cost of the administration of the program by the department and the Department of Benefit Payments.

State matching dollars for services for handicapped children shall not exceed the amount actually appropriated for the program.

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

Some counties have already expended large percentages of their budget for crippled children services for the 1973–74 fiscal year in the

first months of the fiscal year. There are children residing in such counties who are in dire need of medical treatment to correct physical handicaps at the earliest possible moment. In order that this treatment be provided to these children at the most beneficial time, it is necessary that this act go into effect immediately.

CHAPTER 171

An act to add Article 1.5 (commencing with Section 1215) to Chapter 22 of Division 3 of the Probate Code, relating to notice in trust proceedings.

[Approved by Governor April 17, 1974 Filed with Secretary of State April 17, 1974]

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

SECTION 1. Article 1.5 (commencing with Section 1215) is added to Chapter 22 of Division 3 of the Probate Code, to read:

Article 1.5. Notice in Trust Proceedings

1215. As used in this article:

(1) "Notice" means notice of hearing which is to be sent by mail or personally served;

(2) "Trust proceeding" means a judicial proceeding involving a trust provided for by Chapter 10 (commencing with Section 175) of Division 1, or Chapter 19 (commencing with Section 1120) of this division, including but not limited to proceedings for instructions, for settlement of trustee's accounts or distribution of trust assets upon partial or final termination of the trust.

1215.1. Subject to other provisions of this article, it is a sufficient compliance with Sections 1120, 1123.5, 1125, 1125.1, 1126, 1138.6 and 1139.7, insofar as they require notice to be given to the beneficiaries of, or persons interested in the trust, or to beneficiaries or remaindermen, including all persons in being who shall or may participate in the corpus or income of the trust, to give notice in the cases hereinafter provided, as follows:

(1) When an interest has been limited on any future contingency to persons who shall compose a certain class upon happening of a certain event without further limitation, notice shall be given to the persons in being who would constitute the class if such event had happened immediately before the commencement of the proceedings.

(2) When an interest has been limited to a living person, and the same interest, or a share therein, has been further limited upon the happening of a future event to the surviving spouse or to persons who are, or may be, the distributees, heirs, issue or other kindred of

such living person, notice shall be given to such living person.

(3) Except as otherwise provided in subdivision (2), when an interest has been limited upon the happening of any future event to a person, or a class of persons, or both, and the same interest, or a share of such interest, has been further limited upon the happening of an additional future event to another person, or a class of persons, or both, notice shall be given to the person or persons in being who would take the interest upon the happening of the first such event.

1215.2. Notwithstanding the provisions of Section 1215.1, notice shall be given to persons who would not otherwise be entitled to notice under such section, when a conflict of interest involving the subject matter of the trust proceeding exists between a person to whom notice is given and a person to whom notice need not be given under Section 1215.1.

1215.3. (a) The court, upon its own motion or on request of a person interested in the trust, at any stage of the proceeding may do either or both of the following:

(1) Require that additional notice be given pursuant to Section 1204, and prescribe the form and method of such notice,

(2) Appoint a guardian ad litem to represent the interest of a minor, incapacitated, unborn, or unascertained person, or a person whose identity and address are unknown, or a designated class of persons who are not ascertained or are not in being. When not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several persons or interests.

(b) For the purposes of this section, a trustee is a person interested in the trust.

1215.4. Nothing in this article affects requirements for notice to a person who has requested special notice or filed notice of appearance pursuant to Article 1 (commencing with Section 1200) of this chapter, or pursuant to any other statute, or for notice to a particular person or entity, or for appointment of a guardian ad litem pursuant to Section 1120 or Section 1138.7, or for delivery or mailing of a copy of the petition pursuant to Section 1120. Without obtaining a court order therefor, the petitioner or other person required to give notice may cause notice to be given to any person interested in the trust.

SEC. 2. It is the intent of the Legislature, by enactment of Article 1.5 (commencing with Section 1215) of Chapter 22 of Division 3 of the Probate Code, to clarify and restate the notice requirements of Sections 1120, 1123.5, 1125, 1125.1, 1126, 1138.6 and 1139.7, to recognize, by statute, the principle of virtual representation, and to recognize and restate the court's authority to appoint guardians ad litem or require additional notice, or both, where either or both of such acts may be required or appropriate.

CHAPTER 172

An act to amend Sections 24292, 24295, 24296.5, 24301, 24357, 24357.1, 24365.1, 24365.4, 24365.5, 24365.10, 39054.2, 39420, 39421, 39471, 39474, 39475.5, and 39480 of, to add Sections 24255, 24303, 24304, 24360.11, 24365.12, 24365.13, 39443, 39482, and 39483 to, and to repeal Sections 24303, 24365.12, and 39482 of, the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1974. Filed with Secretary of State April 17, 1974.]

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

SECTION 1. Section 24255 is added to the Health and Safety Code, to read:

24255. Unless and until the hearing board authorizes such operation, no person shall operate any article, machine, equipment, or any other contrivance which is the subject of a variance if such person fails to achieve any scheduled increment of progress established pursuant to Section 24301.

SEC. 3. Section 24292 of the Health and Safety Code is amended to read:

24292. (a) The owner or operator of any emission source, with respect to that source, or the air pollution control officer, may petition the hearing board for a variance. Upon receipt of a petition for a variance, except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 3 (commencing with Section 24241) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or by rules, regulations, or orders of the air pollution control board is necessary and will be permitted.

(b) The hearing board shall allow interested members of the public a reasonable opportunity to testify with regard to the matter under consideration, and shall consider such testimony in making its determination.

(c) The hearing board shall prepare a record of the witnesses and the testimony of each witness at the hearing. Such a record may be a tape recording. The record shall be retained by the hearing board while the variance is in effect, or for the period of one year, whichever is longer.

(d) If any person who has filed a petition for a variance desires to commence or continue operation pending the decision of the hearing board, he may petition the hearing board for an interim variance. The hearing board shall consider such an application at a hearing, which may be held without compliance with the requirements of subdivisions (a), (b), and (c) of this section and Section 24295, except that notice shall be given to the air pollution

control officer. Good cause appearing therefor, which shall be stated in the order, the hearing board may grant an interim variance, which shall not extend beyond the date of the decision of the hearing board, or 90 days from the date of its issuance, whichever occurs first. The hearing board shall not grant any interim variance which in its judgment is being sought to avoid the notice and hearing requirements set forth in Section 24295.

SEC. 4. Section 24295 of the Health and Safety Code is amended to read:

24295. (a) The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the air pollution control officer, all other air pollution control districts within the air basin as defined by the State Air Resources Board, the State Air Resources Board, the Environmental Protection Agency, and upon the petitioner, if any, not less than 30 days prior to such hearing.

(b) The hearing board shall also send notice of the hearing to at least one daily newspaper of general circulation in the district, and obtain publication in such newspaper, and to every person who requests such notice. Such notice shall be sent and published not less than 30 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

(c) At least 30 days prior to the hearing, the hearing board shall make the petition for variance, including all proposed conditions or increments of progress, if any, available to the public for inspection. The hearing board may require that the petitioner submit proposed conditions or increments of progress as part of the petition. If the petitioner fails to do so, the hearing board may itself propose conditions or increments of progress, or dismiss the petition. The hearing notice shall state that the petition, including proposed conditions or increments of progress, is available for public inspection, and set forth the place and times therefor.

(d) In the case of a variance or series of variances totaling not more than 90 days, the notice requirements of subdivisions (b) and (c) shall not apply. For such a variance or variances, notice shall be served as required in subdivision (a), and upon any person who requests notice of such variances, not less than 10 days before the hearing.

SEC. 5. Section 24296.5 of the Health and Safety Code is amended to read:

24296.5. No variance shall be granted unless the hearing board makes all of the following findings:

(a) That the petitioner for a variance is, or will be, in violation of a provision of Article 3 (commencing with Section 24241) of this chapter or of Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or of any rule, regulation, or order of the air pollution control board.

(b) That, due to conditions beyond the reasonable control of the

petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.

(c) That such closing or taking would be without a corresponding benefit in reducing air contaminants.

SEC. 6. Section 24301 of the Health and Safety Code is amended to read:

24301. (a) The hearing board, in making any order permitting a variance, shall set a final compliance date, in no event to exceed one year from the date of issuance of the variance.

(b) Notwithstanding subdivision (a), a variance may be issued for a period exceeding one year if such variance includes a schedule of increments of progress which require compliance with applicable emission control limits by the conclusion of the schedule. Any such schedule shall have a final compliance date.

(c) Upon petition of any interested person, the hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a schedule of increments of progress after holding a hearing in accordance with Section 24298. Upon petition of any interested person, the hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a final compliance date by holding a public hearing in accordance with Section 24295.

(d) For the purposes of this section and Section 24304, "increments of progress" means steps toward compliance which will be taken by the petitioner, including:

(1) The date of submittal of the source's final control plan to the appropriate air pollution control agency;

(2) The date by which contracts for emission control systems or process modifications will be awarded; or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(3) The date of initiation of onsite construction or installation of emission control equipment or process change;

(4) The date by which onsite construction or installation of emission control equipment or process modification is to be completed; and

(5) The date by which final compliance is to be achieved.

(e) "Increments of progress" shall include, where practicable, each increment of progress specified in subdivision (d) and shall include such additional increments of progress as may be necessary or appropriate to permit close and effective supervision of progress toward timely compliance.

SEC. 7. Section 24303 of the Health and Safety Code is repealed.

SEC. 8. Section 24303 is added to the Health and Safety Code, to read:

24303 Within 30 days of any order granting, modifying, or otherwise affecting a variance by the hearing board, either the air

pollution control officer or the hearing board shall submit a copy of the order granting the variance to the State Air Resources Board.

SEC. 9. Section 24304 is added to the Health and Safety Code, to read:

24304. (a) If the air pollution control board adopts a rule or regulation to limit emissions of pollutants as of a future date, the rule or regulation shall also require that each person currently emitting pollutants exceeding such limits shall submit to the hearing board, for public hearing after notice as required by Section 24295, a schedule of increments of progress indicating that the person will be in compliance with the emissions limit at the date the emissions limit is effective. If a person cannot be in compliance by such a date, he may apply for a variance prior to such date, in which case the application shall be considered pursuant to this article even though such rule or regulation is not presently effective.

(b) In lieu of the procedure described in subdivision (a), the rule or regulation may itself contain a schedule of increments of progress. In such event, only persons who cannot comply with that schedule shall submit a schedule or an application for a variance to the hearing board as required in subdivision (a). In the event that a person subsequently determines that he cannot meet the schedule published in the rule or regulation, he shall immediately submit a schedule or an application for variance and justification therefor to the hearing board for approval. The hearing board shall approve a schedule different from the published schedule, or a variance, or portions thereof, only if the applicant demonstrates a bona fide effort to meet the published schedule and shows that his failure to do so has been caused by circumstances beyond his control, if a schedule is different from the schedule published in the rule or regulation.

SEC. 10. Section 24357 of the Health and Safety Code is amended to read:

24357. The district board shall appoint one or more hearing boards, each of which shall consist of five members, none of whom is otherwise employed by the district. One member shall have been admitted to the practice of law in this state. One member shall be a chemical or mechanical engineer. One member shall be a representative from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine. Two members shall be public members.

SEC. 11. Section 24357.1 of the Health and Safety Code is amended to read:

24357.1. (a) The district shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. One of the two additional members added to the hearing board by the amendments to Section 24357 enacted by the Legislature at the 1972 Regular Session shall be appointed for a term of one year, and one shall be appointed for a term of two years. Thereafter, the terms of members of the hearing

board shall be three years.

(b) If a hearing board is appointed subsequent to January 1, 1974, two members shall be appointed for one year, two members shall be appointed for two years, and one member for three years. Thereafter, the terms of all members shall be three years.

SEC. 12. Section 24360.11 is added to the Health and Safety Code, to read:

24360.11. Unless and until the hearing board authorizes such operation, no person shall operate any article, machine, equipment, or any other contrivance which is the subject of a variance if such person fails to achieve any scheduled increment of progress established pursuant to Section 24365.10.

SEC. 13. Section 24365.1 of the Health and Safety Code is amended to read:

24365.1. (a) The owner or operator of any emission source, with respect to that source, or the air pollution control officer, may petition the hearing board for a variance. Upon receipt of a petition for a variance, except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 10 (commencing with Section 24360) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or by rules, regulations, or orders of the board is necessary and will be permitted.

(b) The hearing board shall allow interested members of the public a reasonable opportunity to testify with regard to the matter under consideration, and shall consider such testimony in making its determination.

(c) The hearing board shall prepare a record of the witnesses and the testimony of each witness at the hearing. Such a record may be a tape recording. The record shall be retained by the hearing board while the variance is in effect, or for the period of one year, whichever is longer.

(d) If any person who has filed a petition for a variance desires to commence or continue operation pending the decision of the hearing board, he may petition the hearing board for an interim variance. The hearing board shall consider such an application at a hearing, which may be held without compliance with the requirements of subdivisions (a), (b), and (c) of this section and Section 24365.4, except that notice shall be given to the air pollution control officer. Good cause appearing therefor, which shall be stated in the order, the hearing board may grant an interim variance, which shall not extend beyond the date of the decision of the hearing board, or 90 days from the date of its issuance, whichever occurs first. The hearing board shall not grant any interim variance which in its judgment is being sought to avoid the notice and hearing requirements set forth in Section 24365.4.

SEC. 14. Section 24365.4 of the Health and Safety Code is amended to read:

24365.4. (a) The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer, all other air pollution control districts within the air basin as defined by the State Air Resources Board, the State Air Resources Board, the Environmental Protection Agency, and upon the petitioner, if any, not less than 30 days prior to such hearing.

(b) The hearing board shall also send notice of the hearing to at least one daily newspaper of general circulation in each of the counties within the district, and obtain publication in such newspaper, and to every person who requests such notice. Such notice shall be sent and published not less than 30 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

(c) At least 30 days prior to the hearing, the hearing board shall make the petition for variance, including all proposed conditions or increments of progress, if any, available to the public for inspection. The hearing board may require that the petitioner submit proposed conditions or increments of progress as part of the application. If the petitioner fails to do so, the hearing board may itself propose conditions or increments of progress, or dismiss the petition. The hearing notice shall state that the petition, including proposed conditions or increments of progress, is available for public inspection, and set forth the place and times therefor.

(d) In the case of a variance or series of variances totaling not more than 90 days, the notice requirements of subdivisions (b) and (c) shall not apply. For such a variance or variances, notice shall be served as required in subdivision (a), and upon any person who requests notice of such variances, not less than 10 days before the hearing.

SEC. 15. Section 24365.5 of the Health and Safety Code is amended to read:

24365.5. (a) Upon making the specific findings set forth in subdivision (b), the hearing board shall prescribe requirements other than those imposed by statute or by any rule, regulation, or order of the board, not more onerous, applicable to plants and equipment operated by specified industry or business or for specified activity, or to the operations of individual persons. However, no variance shall be granted if the operation under the variance will result in a violation of Section 24360.

(b) No variance shall be granted unless the hearing board makes all of the following findings:

(1) That the petitioner for a variance is, or will be, in violation of a provision of Article 10 (commencing with Section 24360) of this chapter or of Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or of any rule, regulation, or order of the board.

(2) That, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either an arbitrary

or unreasonable taking of property or the practical closing and elimination of a lawful business.

(3) That such closing or taking would be without a corresponding benefit in reducing air contaminants.

SEC. 16. Section 24365.10 of the Health and Safety Code is amended to read:

24365.10. (a) The hearing board, in making any order permitting a variance, shall set a final compliance date, in no event to exceed one year from the date of issuance of the variance.

(b) Notwithstanding subdivision (a), a variance may be issued for a period exceeding one year if such variance includes a schedule of increments of progress which require compliance with applicable emission control limits by the conclusion of the schedule. Any such schedule shall have a final compliance date.

(c) Upon petition of any interested person, the hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a schedule of increments of progress after holding a hearing in accordance with Section 24365.7. Upon petition of any interested person, the hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a final compliance date by holding a public hearing in accordance with Section 24365.4.

(d) For the purposes of this section and Section 24365.13, "increments of progress" means steps toward compliance which will be taken by the petitioner, including:

(1) The date of submittal of the source's final control plan to the appropriate air pollution control agency;

(2) The date by which contracts for emission control systems or process modifications will be awarded; or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(3) The date of initiation of onsite construction or installation of emission control equipment or process change;

(4) The date by which onsite construction or installation of emission control equipment or process modification is to be completed; and

(5) The date by which final compliance is to be achieved.

(e) "Increments of progress" shall include, where practicable, each increment of progress specified in subdivision (d) and shall include such additional increments of progress as may be necessary or appropriate to permit close and effective supervision of progress toward timely compliance.

SEC. 17. Section 24365.12 of the Health and Safety Code is repealed.

SEC. 18. Section 24365.12 is added to the Health and Safety Code, to read:

24365.12. Within 30 days of any order granting, modifying, or otherwise affecting a variance by the hearing board, either the air

pollution control officer or the hearing board shall submit a copy of the order granting the variance to the State Air Resources Board.

SEC. 19. Section 24365.13 is added to the Health and Safety Code, to read:

24365.13. (a) If the air pollution control board adopts a rule or regulation to limit emissions of pollutants as of a future date, the rule or regulation shall also require that each person currently emitting pollutants exceeding such limits shall submit to the hearing board, for public hearing after notice as required by Section 24365.4, a schedule of increments of progress indicating that the person will be in compliance with the emissions limit at the date the emissions limit is effective. If a person cannot be in compliance by such a date, he may apply for a variance prior to such date, in which case the application shall be considered pursuant to this article even though such rule or regulation is not presently effective.

(b) In lieu of the procedure described in subdivision (a), the rule or regulation may itself contain a schedule of increments of progress. In such event, only persons who cannot comply with that schedule shall submit a schedule or an application for a variance to the hearing board as required in subdivision (a). In the event that a person subsequently determines that he cannot meet the schedule published in the rule or regulation, he shall immediately submit a schedule or an application for variance and justification therefor to the hearing board for approval. The hearing board shall approve a schedule different from the published schedule, or a variance, or portions thereof, only if the applicant demonstrates a bona fide effort to meet the published schedule and shows that his failure to do so has been caused by circumstances beyond the applicant's control, if a schedule is different from the schedule published in the rule or regulation.

SEC. 20. Section 39054.2 of the Health and Safety Code is amended to read:

39054.2. Notwithstanding Section 39054, the board may revoke or modify any variance granted by a county or regional district, or the Bay Area Air Pollution Control District, if, in its judgment, the variance does not require compliance as expeditiously as practicable, or which does not satisfy the requirements of Chapters 2 (commencing with Section 24198) and 2.5 (commencing with Section 24345) of Division 20 and Division 26 (commencing with Section 39000). The board shall hold a hearing, as authorized by Section 39055, before revoking or modifying a variance pursuant to this section.

SEC. 21. Section 39420 of the Health and Safety Code is amended to read:

39420. Within 30 days after the regional district, by resolution, determines it necessary to adopt rules and regulations to control the release of air contaminants, the regional board shall appoint one or more hearing boards, each of which shall consist of five members, none of whom is otherwise employed by the district. One member

shall have been admitted to the practice of law in this state. One member shall be registered as a professional engineer in California and experienced in the field of air pollution control. One member shall be a representative from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine. Two members shall be public members.

SEC. 22. Section 39421 of the Health and Safety Code is amended to read:

39421. The regional board shall appoint two members of each hearing board for a term of one year, two for a term of two years, and one for a term of three years. Thereafter, the terms of members of each hearing board shall be three years.

SEC. 23. Section 39443 is added to the Health and Safety Code, to read:

39443. Unless and until the hearing board authorizes such operation, no person shall operate any article, machine, equipment, or any other contrivance which is the subject of a variance if such person fails to achieve any scheduled increment of progress established pursuant to Section 39480.

SEC. 24. Section 39471 of the Health and Safety Code is amended to read:

39471. (a) The owner or operator of any emission source, with respect to that source, or the air pollution control officer, may petition the hearing board for a variance. Upon receipt of a petition for a variance, except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 6 (commencing with Section 39430) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1, or by rules, regulations, or orders of the regional board is necessary and will be permitted.

(b) The hearing board shall allow interested members of the public a reasonable opportunity to testify with regard to the matter under consideration, and shall consider such testimony in making its determination.

(c) The hearing board shall prepare a record of the witnesses and the testimony of each witness at the hearing. Such record may be a tape recording. The record shall be retained by the hearing board while the variance is in effect, or for the period of one year, whichever is longer.

(d) If any person who has filed a petition for a variance desires to commence or continue operation pending the decision of the hearing board, he may petition the hearing board for an interim variance. The hearing board shall consider such an application at a hearing, which may be held without compliance with the requirements of subdivisions (a), (b), and (c) of this section and Section 39474, except that notice shall be given to the air pollution

control officer. Good cause appearing therefor, which shall be stated in the order, the hearing board may grant an interim variance, which shall not extend beyond the date of the decision of the hearing board, or 90 days from the date of its issuance, whichever occurs first. The hearing board shall not grant any interim variance which in its judgment is being sought to avoid the notice and hearing requirements set forth in Section 39474.

SEC. 25. Section 39474 of the Health and Safety Code is amended to read:

39474. (a) The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer, all other air pollution control districts within the air basin as defined by the State Air Resources Board, the State Air Resources Board, the Environmental Protection Agency, and upon the petitioner, if any, not less than 30 days prior to such hearing.

(b) The hearing board shall also send notice of the hearing to at least one daily newspaper of general circulation in each of the counties within the regional district, and obtain publication in such newspaper, and to every person who requests such notice. Such notice shall be sent and published not less than 30 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the regional district of the nature and purpose of the meeting.

(c) At least 30 days prior to the hearing, the hearing board shall make the petition for variance, including all proposed conditions or increments of progress, if any, available to the public for inspection. The hearing board may require that the petitioner submit proposed conditions or increments of progress as part of the petition. If the petitioner fails to do so, the hearing board may itself propose conditions or increments of progress, or dismiss the petition. The hearing notice shall state that the petition, including proposed conditions or increments of progress, is available for public inspection, and set forth the place and times therefor.

(d) In the case of a variance or series of variances totaling not more than 90 days, the notice requirements of subdivisions (b) and (c) shall not apply. For such a variance or variances, notice shall be served as required in subdivision (a), and upon any person who requests notice of such variance, not less than 10 days before the hearing.

SEC. 26. Section 39475.5 of the Health and Safety Code is amended to read:

39475.5. No variance shall be granted unless the hearing board makes all of the following findings:

(a) That the petitioner for a variance is, or will be, in violation of a provision of Article 6 (commencing with Section 39430) of this chapter or of Chapter 3.5 (commencing with Section 39077) of Part 1, or of any rule, regulation, or order of the regional board.

(b) That, due to conditions beyond the reasonable control of the

petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.

(c) That such closing or taking would be without a corresponding benefit in reducing air contaminants.

SEC. 27. Section 39480 of the Health and Safety Code is amended to read:

39480. (a) The hearing board, in making any order permitting a variance, shall set a final compliance date, in no event to exceed one year from the date of issuance of the variance.

(b) Notwithstanding subdivision (a), a variance may be issued for a period exceeding one year if such variance includes a schedule of increments of progress which require compliance with applicable emission control limits by the conclusion of the schedule. Any such schedule shall have a final compliance date.

(c) Upon petition of any interested person, the hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a schedule of increments of progress after holding a hearing in accordance with Section 39477. Upon petition of any interested person, the hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a final compliance date by holding a public hearing in accordance with Section 39474.

(d) For the purposes of this section and Section 39483, "increments of progress" means steps toward compliance which will be taken by the petitioner, including:

(1) The date of submittal of the source's final control plan to the appropriate air pollution control agency;

(2) The date by which contracts for emission control systems or process modifications will be awarded; or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(3) The date of initiation of onsite construction or installation of emission control equipment or process change;

(4) The date by which onsite construction or installation of emission control equipment or process modification is to be completed; and

(5) The date by which final compliance is to be achieved.

(e) "Increments of progress" shall include, where practicable, each increment of progress specified in subdivision (d) and shall include such additional increments of progress as may be necessary or appropriate to permit close and effective supervision of progress toward timely compliance.

SEC. 28. Section 39482 of the Health and Safety Code is repealed.

SEC. 29. Section 39482 is added to the Health and Safety Code, to read:

39482. Within 30 days of any order granting, modifying, or otherwise affecting a variance by the hearing board, either the air

pollution control officer or the hearing board shall submit a copy of the order granting the variance to the State Air Resources Board.

SEC. 30. Section 39483 is added to the Health and Safety Code, to read:

39483. (a) If the air pollution control board adopts a rule or regulation to limit emissions of pollutants as of a future date, the rule or regulation shall also require that each person currently emitting pollutants exceeding such limits shall submit to the hearing board, for public hearing with notice as required by Section 39474, a schedule of increments of progress indicating that the person will be in compliance with the emissions limit at the date the emissions limit is effective. If a person cannot be in compliance by such a date, he may apply for a variance prior to such date, in which case the application shall be considered pursuant to this article even though such rule or regulation is not presently effective.

(b) In lieu of the procedure described in subdivision (a), the rule or regulation may itself contain a schedule of increments of progress. In such event, only persons who cannot comply with that schedule shall submit a schedule or an application for a variance to the hearing board as required in subdivision (a). In the event that a person subsequently determines that he cannot meet the schedule published in the rule or regulation, he shall immediately submit a schedule or an application for variance and justification therefor to the hearing board for approval. The hearing board shall approve a schedule different from the published schedule, or a variance, or portions thereof, only if the applicant demonstrates a bona fide effort to meet the published schedule and shows that his failure to do so has been caused by circumstances beyond the applicant's control, if a schedule is different from the schedule in the rule or regulation.

SEC. 31. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because this act merely affirms for the state that which has been declared existing law or regulation through action by the federal government.

SEC. 32. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To prevent interference by the Environmental Protection Agency with the orderly administration by air pollution control districts of air pollution variance procedures, it is necessary that this act take effect immediately.

CHAPTER 173

An act relating to a regional occupational center or program, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1974 Filed with Secretary of State April 17, 1974]

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

SECTION 1. It is the intent of the Legislature in enacting this act to assist in financing the capital expenditures involved in the construction or purchase, and equipping of facilities for, and the establishment of, a regional occupational center or regional occupational program to be maintained in Monterey County pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code, by a joint powers entity created by agreement of two or more school districts in the county, to serve an area in great need of occupational preparation. It is the further intent of the Legislature, by this act, to improve the employment opportunities of persons residing in areas of need for such training by providing education programs of a nature that will serve the social and economic needs of that area. The program provided will also serve to upgrade the cultural and intellectual life, as well as the economic life, of the area to be served.

It is further the intent of the Legislature that the regional occupational center or regional occupational program to be established in Monterey County shall conform with the requirements of state law in regard to the establishment of regional occupational centers or regional occupational programs pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code.

SEC. 2. The amounts allocated and expended pursuant to Section 4 of this act shall be fully repaid with interest to the state in such annual amounts and over such period as may be determined by the State Allocation Board, not to exceed 10 years from the date of disbursement. Interest shall be paid at a rate determined by the State Allocation Board.

Such repayment shall be made from the proceeds of a district tax to be levied in the school district in which regional occupational facilities, constructed and equipped pursuant to Section 1 of this act, are situated. There shall be levied in such district a district tax in the manner and at the rate prescribed by Section 7456 of the Education Code for the purposes set forth in Section 7453 of the Education Code.

SEC. 3. From the revenues derived from taxes levied pursuant to Section 2 of this act, there shall be transferred by the County Auditor of Monterey to the State Treasury for the credit of the State School Building Aid Fund, in accordance with established regulations and

procedures, an amount not less than the annual repayment required by the State Allocation Board pursuant to Section 2 of this act.

SEC. 4. An amount not to exceed five hundred thousand dollars ($500,000) from the proceeds of bonds issued pursuant to the State School Building Aid Bond Law of 1966 shall be allocated and expended for purposes of this act by the joint powers entity in cooperation with and under the administrative direction of the State Allocation Board, for the capital expenditures involved in the construction or purchase, and equipping of facilities for, and the establishment of, a regional occupational center or regional occupational program in Monterey County. Not to exceed fifty thousand dollars ($50,000) of such sum shall be allocated and expended for architectural and engineering services in connection with such center or program.

Sections 19551 to 19555, inclusive, and Sections 19559, 19562, 19565, and 19699.10 of the Education Code shall be applicable to the administration of this act unless the context of this act, as determined by the State Allocation Board, requires otherwise. Except to the extent and for the purposes expressly provided in this act, the provisions of Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code shall not be applicable hereto.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature hereby finds and declares:

(a) It is the intention of the Legislature to encourage local governmental entities to act to solve local problems and to set their own priorities to meet local needs.

(b) This act is being considered at the request of a local entity which desires legislative authority to act to carry out the program specified in this act which meets a local need.

(c) By its action on this act, the Legislature is mandating a local program to accommodate a local request.

(d) The local entity or entities affected by this act recognize and acknowledge that they shall bear the total costs of carrying out the provisions herein.

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

Certain surplus federal lands are presently available for the project which is the subject of this act, and in order that sufficient funds are made available to purchase the property before the federal government disposes of the land in another way, it is essential that this act take immediate effect.

CHAPTER 174

An act to amend Section 1231 of the Education Code, relating to unified school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1974 Filed with Secretary of State April 17, 1974]

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

SECTION 1. Section 1231 of the Education Code is amended to read:

1231. (a) In any school district in which the average daily attendance for the school year 1963–1964 exceeded 400,000, each member of the city board of education or the governing board of the district shall receive as compensation for his services the sum of seventy-five dollars ($75) for each meeting of the board actually attended, not to exceed seven hundred fifty dollars ($750) per month. In any school district in which the average daily attendance for the school year 1963–64 exceeded 60,000, and which is not located in a city and county, each member of the city board of education or the governing board of the district may receive as compensation for his services the sum of fifty dollars ($50) for each meeting of the board actually attended, not to exceed four hundred dollars ($400) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was less than 60,000 but more than 25,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed forty dollars ($40) for each meeting of the board actually attended, not to exceed three hundred dollars ($300) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 25,000 or less but more than 10,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed thirty dollars ($30) for each meeting of the board actually attended, but not to exceed two hundred dollars ($200) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 10,000 or less but more than 1,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed twenty dollars ($20) for each meeting of the board actually attended, not to exceed one hundred twenty dollars ($120) in any month. In any school district in which the average daily attendance for the 1972–1973 school year was 1,000 or less but more than 150, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed ten dollars ($10) for each meeting of the board actually attended, but not to exceed sixty dollars ($60) in any month.

(b) The compensation of members of the governing board of a

school district newly organized or reorganized after June 30, 1973, shall be governed by subdivision (a). For such purposes the total average daily attendance in all of the schools of the district in the school year in which the organization or reorganization became effective pursuant to Section 1703 shall be deemed to be the average daily attendance in the district for the school year 1972–73.

(c) A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education or the governing board of the district is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

(d) As used in this section, "school district" includes community college districts.

SEC. 2. Section 1231 of the Education Code is amended to read:

1231. (a) In any school district in which the average daily attendance for the school year 1963–1964 exceeded 400,000, each member of the city board of education or the governing board of the district may receive as compensation for his services the sum of one hundred dollars ($100) for each meeting of the board actually attended, not to exceed one thousand dollars ($1,000) per month. In any school district in which the average daily attendance for the school year 1963–64 exceeded 60,000, and which is not located in a city and county, or any school district in which the average daily attendance exceeded 60,000 in the 1963–64 school year, and was less than 60,000 in the 1972–73 school year, and which is not located in a city and county, the governing board may prescribe, as compensation for the services of each member of the board, the sum of seventy-five dollars ($75) for each meeting of the board actually attended, not to exceed seven hundred fifty dollars ($750) in any month. In any school district in which the average daily attendance for the school year 1972–73 was less than 60,000, except a district which also comes within the terms of the preceding sentence, but more than 25,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed forty dollars ($40) for each meeting of the board actually attended, not to exceed three hundred dollars ($300) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 25,000 or less but more than 10,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed thirty dollars ($30) for each meeting of the board actually attended, but not to exceed two hundred dollars

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($200) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 10,000 or less but more than 1,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed twenty dollars ($20) for each meeting of the board actually attended, not to exceed one hundred twenty dollars ($120) in any month. In any school district in which the average daily attendance for the 1972–1973 school year was 1,000 or less but more than 150, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed ten dollars ($10) for each meeting of the board actually attended, but not to exceed sixty dollars ($60) in any month.

(b) The compensation of members of the governing board of a school district newly organized or reorganized after June 30, 1973, shall be governed by subdivision (a). For such purposes the total average daily attendance in all of the schools of the district in the school year in which the organization or reorganization became effective pursuant to Section 1703 shall be deemed to be the average daily attendance in the district for the school year 1972–73.

(c) A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education or the governing board of the district is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

(d) As used in this section, "school district" includes community college districts.

SEC. 3. The governing board of any school district which became unified during the 1973–74 fiscal year and which would otherwise not become effective for all purposes until July 1, 1974, may now and until that date exercise all powers necessary to: (1) meet and confer pursuant to Article 5 (commencing with Section 13080) of Chapter 1 of Division 10 of the Education Code with the certificated employee council; and (2) adopt a merit system and appoint a personnel commission pursuant to Chapter 3 (commencing with Section 13580) of Division 10 of the Education Code.

As used in this section, "now" means the date this act takes effect.

SEC. 4. All acts and proceedings heretofore taken by or on behalf of any school district which became unified during the 1973–74 fiscal year and which would not become effective for all purposes until July 1, 1974, which acts and proceedings would otherwise have complied with the statutes referred to in Section 3 of this act, are hereby confirmed, validated, and declared legally effective.

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As used in this section "heretofore" means any time prior to the date this act takes effect.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 2414 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 1231 of the Education Code, and this bill is chaptered after Assembly Bill No. 2414, that Section 1231 of the Education Code, as amended by Section 1 of this act shall remain operative only until the operative date of Assembly Bill No. 2414, and that on the operative date of Assembly Bill No. 2414 Section 1231 of the Education Code as amended by Section 1 of this act be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 1231 proposed by Assembly Bill No. 2414. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 2414 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 1231, and this bill is chaptered after Assembly Bill No. 2414, in which case Section 2 of this act shall become operative on the operative date of Assembly Bill No. 2414.

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

(a) Section 1231 of the Education Code, as amended by Chapter 1051 of the Statutes of 1973, raises a question of application of that section to newly formed unified school districts. Unless resolved immediately, doubt concerning the authority to compensate members of governing boards of such school districts, and resultant hardship and probable litigation may result. This act will avoid the problem and bring certainty into law. Therefore, it is necessary that this act go into immediate effect.

(b) The governing boards of certain school districts which have, during the 1973–74 fiscal year, become unified but which will not become effective for all purposes until July 1, 1974, need, prior to that date and for proper administrative and transitional purposes, certain powers relating to personnel and employer-employee relations, which powers are granted by this act. In order that the needed powers may be exercised prior to July 1, 1974, it is necessary that this act take effect immediately.

CHAPTER 175

An act to amend Section 1689.7 of the Civil Code, relating to home solicitation contracts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1974 Filed with Secretary of State April 17, 1974]

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

SECTION 1. Section 1689.7 of the Civil Code, as amended by Chapter 554 of the Statutes of 1973, is amended to read:

1689.7. (a) In a home solicitation contract or offer the buyer's agreement or offer to purchase shall be written in the same language, e.g., Spanish, as principally used in the oral sales presentation, must be dated, signed by the buyer, and must contain in immediate proximity to the space reserved for his signature a conspicuous statement in a size equal to at least 10-point bold type, as follows: "You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

(b) The agreement or offer to purchase shall contain on the first page, in a type size no smaller than that generally used in the body of the document, the following: (1) the name and address of the seller to which the notice is to be mailed, and (2) the date the buyer signed the agreement or offer to purchase.

(c) The agreement or offer to purchase shall be accompanied by a completed form in duplicate, captioned "Notice of Cancellation" which shall be attached to the agreement or offer to purchase and be easily detachable, and which shall contain in type of at least 10-point the following statement written in the same language, e.g., Spanish, as used in the contract:

"Notice of Cancellation"

/enter date of transaction/

_____

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram to _____, at _____ not later
/name of seller/ /address of sellers place of business/
than midnight of _____
(Date)

I hereby cancel this transaction _____
(Date)

_____
(Buyer's signature)

(d) The seller shall provide the buyer with a copy of the contract or offer to purchase and the attached notice of cancellation and shall inform the buyer orally of his right to cancel at the time the home solicitation contract or offer is executed.

(e) Until the seller has complied with this section the buyer may cancel the home solicitation contract or offer.

(f) "Contract or sale" as used in subdivision (c) means "home solicitation contract or offer" as defined by Section 1689.5.

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

In order that state law in the area of home solicitation contracts may conform to recent modifications in federal law at the earliest time possible, it is necessary that this act shall go into immediate effect.

CHAPTER 176

An act to amend Section 21104 of the Public Resources Code, relating to environmental quality.

[Approved by Governor April 18, 1974. Filed with Secretary of State April 18, 1974.]

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

SECTION 1. Section 21104 of the Public Resources Code is amended to read:

21104. Prior to completing an environmental impact report, the responsible state agency shall consult with, and obtain comments from, any public agency which has jurisdiction by law with respect to the project, and may consult with any person who has special expertise with respect to any environmental impact involved.

The responsible state agency shall consult with, and obtain comments from, the State Air Resources Board in preparing an

environmental impact report on a highway or freeway project, as to the air pollution impact of the potential vehicular use of such highway or freeway.

CHAPTER 177

An act to amend Sections 22054 and 22054.1 of, and to add Sections 22007, and 22013 to, the Financial Code, relating to loans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 18, 1974 Filed with Secretary of State April 18, 1974.]

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

SECTION 1. Section 22007 is added to the Financial Code, to read:

22007. As used in this division, the terms "security interest," "accounts," "chattel paper," "contract rights," "documents," "general intangibles," "goods" and "instruments" are as defined in the Uniform Commercial Code.

SEC. 2. Section 22013 is added to the Financial Code, to read:

22013. A commercial loan is a loan secured in the manner provided for in this division if it is secured, in whole or in part, by any lien on, security interest in, assignment of, or power of attorney relative to income arising from the operation of a business by the borrower, such as accounts, chattel paper and contract rights, including the right to payment for accounts, chattel paper or contract rights sold by the borrower prior to or contemporaneously with the making of such loan.

SEC. 3. Section 22054 of the Financial Code is amended to read:

22054. In determining under Section 22053 whether a loan is a loan of a bona fide principal amount of ten thousand dollars ($10,000) or more and whether the provisions of that section are used for the purpose of evading this division, the following principles apply:

(a) If a borrower applies for a loan in a principal amount of less than ten thousand dollars ($10,000) and a loan to that borrower of a principal amount of ten thousand dollars ($10,000) or more is made by a licensed personal property broker, and

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

(2) By prearrangement or understanding between the borrower and the licensee a substantial payment is to be made upon the loan with the effect of reducing the principal amount of the loan to less than ten thousand dollars ($10,000) within a short time after the making of the loan other than by reason of a requirement that the loan be paid in substantially equal periodical installments, then the loan shall not be deemed to be a loan of the bona fide principal amount of ten thousand dollars ($10,000) or more and the provisions

of Section 22053 shall be deemed to be used for the purpose of evading this division unless the loan complies with the provisions of this division relating to loans of less than ten thousand dollars ($10,000).

(b) An individual advance of money of less than ten thousand dollars ($10,000) pursuant to a revolving loan agreement or similar agreement between a borrower and a licensed personal property broker, or a loan agreement providing for the making of advances to the borrower from time to time up to an aggregate maximum amount, shall be deemed to be a loan of a principal amount of ten thousand dollars ($10,000) or more if the total unpaid principal amount of all loans owing by the borrower to the licensed personal property broker after any such advance, including the additional advance, is ten thousand dollars ($10,000) or more.

(c) If a loan made by a licensed personal property broker is in a principal amount of ten thousand dollars ($10,000) or more, the fact that the transaction is in the form of a sale of accounts, chattel paper, contract rights, goods or instruments or a lease of goods or in the form of an advance on the purchase price of any of the foregoing shall not be deemed to affect the loan or the bona fides of the amount thereof or to indicate that the provisions of Section 22053 are used for the purpose of evading this division.

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

SEC. 4. Section 22054.1 of the Financial Code is amended to read:

22054.1. In determining under Section 22053 whether a loan is a commercial loan of a bona fide principal amount of five thousand dollars ($5,000) or more, and whether the provisions of that section are used for the purpose of evading this division, the following principles apply:

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

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

(2) By prearrangement or understanding between the borrower and the licensee a substantial payment is to be made upon the loan with the effect of reducing the principal amount of the loan to less than five thousand dollars ($5,000) within a short time after the making of the loan other than by reason of a requirement that the loan be paid in substantially equal periodic installments, then the loan shall not be deemed to be a commercial loan of a bona fide principal amount of five thousand dollars ($5,000) or more and the provisions of Section 22053 shall be deemed to be used for the purpose of evading this division unless the loan complies with the provisions of this division relating to noncommercial loans of less than ten thousand dollars ($10,000).

(b) An individual advance of money of less than five thousand

dollars ($5,000) pursuant to a revolving loan agreement or similar agreement between a borrower and a licensee, or a loan agreement providing for the making of advances to the borrower from time to time up to an aggregate maximum amount shall be deemed to be a commercial loan of a bona fide principal amount of five thousand dollars ($5,000) or more if the total unpaid principal amount of all loans owing by the borrower to the licensee after any such advance, including the additional advance, is five thousand dollars ($5,000) or more.

(c) If a loan made by a licensee is in a principal amount of five thousand dollars ($5,000) or more, the fact that the transaction is in the form of a sale of accounts, chattel paper, contract rights, goods or instruments or a lease of goods or in the form of an advance on the purchase price of any of the foregoing shall not be deemed to affect the loan or the bona fides of the amount thereof or to indicate that the provisions of Section 22053 are used for the purpose of evading this division.

SEC. 5. This act shall be deemed declaratory of existing law and not amendatory thereof.

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

Many businesses in California urgently need loans or advances on the purchase price of their accounts receivable sold to factors. This act is necessary to clarify the law governing such loans and advances in order to avoid any interruption in or impairment of the activities of such businesses.

CHAPTER 178

An act to add Article 7 (commencing with Section 25710) to Chapter 7, Part 2, Division 2, Title 3 of the Government Code, relating to counties.

[Approved by Governor April 18, 1974. Filed with Secretary of State April 18, 1974.]

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

SECTION 1. Article 7 (commencing with Section 25710) is added to Chapter 7, Part 2, Division 2, Title 3 of the Government Code, to read:

Article 7. Water Resources Management Plan

25710. The Legislature finds that local circumstances in the County of San Mateo require the preparation of a comprehensive

water resources management plan for such county; that no general law exists which provides procedures for the preparation and adoption of such a plan; and that the procedures prescribed by this article are necessary and desirable in order to enable the preparation of such a plan for the County of San Mateo.

25711. As used in this article "county" means the County of San Mateo.

25712. As used in this article "comprehensive water resources management plan" means a plan for coordinating and managing the supply and distribution of water for residential, commercial, industrial or other purposes and for coordinating and managing the treatment and disposal of waste water from all sources. Such plan shall consider and seek to harmonize: (1) the needs and goals of the entire county; (2) the plans of public agencies engaged in water supply and distribution activities and those engaged in waste water treatment and disposal activities; and (3) the plans and planning activities of federal, state and other governmental agencies which affect or are concerned with the management of water and waste water resources within the county.

25713. The county is hereby authorized to prepare and adopt a comprehensive water resources management plan as prescribed in this article.

25714. Every public agency which is involved in supplying or distributing water for residential, commercial, industrial or other purposes within the county and every public agency owning or operating water pollution control facilities within the county shall cooperate with the county in the preparation of the comprehensive water resources management plan. Each such agency shall furnish, at the request of the county, any data or information which may be useful or necessary to the preparation of such plan. Any expense incurred in furnishing such information shall be a proper charge against the county. During the preparation of the comprehensive water resources management plan the board of supervisors shall consult with and obtain the advice of the Peninsula Water Agency and all other organizations concerned with beneficial uses of water, as specified by subdivision (f) of Section 13050 of the Water Code, on all aspects of such plan.

25715. The comprehensive water resources management plan shall comply with all relevant statutes and with all relevant policies and requirements established pursuant to statute which are applicable to the supply and distribution of water and to the treatment and disposal of waste water.

25716. The comprehensive water resources management plan shall comply with the provisions of any federal, state or regional plans which apply to water supply and distribution and to the treatment and disposal of waste water and which are required by statute or intergovernmental agreement.

25717. The board of supervisors shall provide for public hearings on the proposed comprehensive water resources management plan

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prior to the adoption thereof. After such hearings have occurred, the board of supervisors may make any changes in the comprehensive water resources management plan which may be appropriate and shall adopt such plan by resolution. The plan shall be adopted not later than January 1, 1978.

25718. Upon the adoption of the plan by the board of supervisors, it shall be submitted to each affected city within the county for approval or disapproval. In reaching a determination each city shall consult with any public water supply agency or any agency owning or operating water pollution control facilities which serves any portion of the territory of the city. Within 90 days from the date of such submission each such city shall, by resolution, either approve or disapprove the plan. The failure of any city to act within 90 days shall be considered approval of the plan.

25719. If the plan is approved by at least 50 percent of the cities within whose boundaries reside at least 50 percent of the population of the county, the plan shall be the official policy and plan for the county and affected governmental entities within the county.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 179

An act to add and repeal Section 20105.5 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 24, 1974 Filed with Secretary of State April 24, 1974.]

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

SECTION 1. Section 20105.5 is added to the Education Code, to read:

20105.5. A county superintendent of schools may, with the approval of the county board of education, lend funds from the county school service fund to a unified school district which was organized in 1970 and whose average daily attendance for the 1971–72 school year was between 39,000 and 41,000, if such a loan is required to enable the school district to complete its educational program for the then current school year and the governing board of the district requests such a loan. The county board of education shall determine the amount of the loan.

The amount of the loan, together with interest at a rate

determined by the county treasurer, shall be repaid by the school district to the county superintendent of schools over a three-year period.

After disbursement of funds to the district and until the loan is fully repaid the county superintendent of schools with the cooperation of the Superintendent of Public Instruction shall from time to time review the financial management of the district and may make recommendations to the governing board of the district to correct or avoid financial problems of the district.

This section shall be in effect only until July 1, 1976, and as of that date is repealed.

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

In order to permit the loans authorized by this act to be made available to school districts in need of them during the remainder of the 1973–74 school year, and so permit them to complete their 1973–74 educational program, it is necessary that this act take effect immediately.

CHAPTER 180

An act to amend Sections 647, 1601, 1620, 1621, 1622, 1623, 1625, 1646, and 1651 of, to amend the heading of Article 1.5 (commencing with Section 1620) of Chapter 1 of Part 3 of Division 1 of, to amend and renumber Sections 1603, 1604.1, 1604.2, 1605, 1605.1, 1605.5, 1605.6, 1606, 1607, 1608, 1608.5, 1608.7, 1609, 1609.2, 1609.5, 1610, 1611, 1613, 1615, and 1616 of, to add Section 1605.4 to, to repeal Sections 1604, 1604.5, 1627 and 1629 of, and to repeal Chapter 1.5 (commencing with Section 1750) of Part 3 of Division 1 of, the Revenue and Taxation Code, relating to equalization of assessments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1974 Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 647 of the Revenue and Taxation Code is amended to read:

647. (a) If any city or lighting, water, or irrigation district, or any district described in Section 2131, on behalf of which the county does the assessing, makes written request, on or before the lien date, for a certified copy of the portion of the secured roll pertaining to property within its limits, the assessor shall comply with the request on or before July 1. Such roll is at all times, during office hours, open to the inspection of any person representing any taxing agency or

revenue district, or any district described in Section 2131.

(b) In counties of the first class, if any city or lighting, water or irrigation district, on behalf of which the county does the assessing, makes written request, on or before the lien date, for a certified copy of the portion of the secured roll pertaining to property within its limits, the assessor shall comply with the request on or before the third Monday in August.

SEC. 2. Section 1601 of the Revenue and Taxation Code is amended to read:

1601. (a) For purposes of this article, "county board" shall mean a county board of supervisors meeting as a county board of equalization or an assessment appeals board.

(b) In counties of the first class, the clerk shall give notice of the time the county board will meet to equalize assessments by publication in a newspaper.

(c) In all other counties, immediately upon delivery of the roll to the auditor, the clerk shall give notice of the period during which assessment protests will be accepted, the place where they may be filed, and the time the county board will meet to equalize assessments by publication in a newspaper, if any is printed in the county, or, if none, as directed by the board of supervisors.

SEC. 3. Section 1603 of the Revenue and Taxation Code is amended and renumbered to read:

1604. (a) In counties of the first class, annually, on the fourth Monday in September, the county board shall meet to equalize the assessment of property on the local roll. The board shall continue to meet for that purpose, from time to time, until the business of equalization is disposed of.

(b) In all other counties, annually, on the third Monday in July, the county board shall meet to equalize the assessment of property on the local roll. It shall continue to meet for that purpose, from time to time, until the business of equalization is disposed of.

Any taxpayer may petition said board for a reduction in an assessment and a proportionate reduction or refund of the taxes extended thereon by filing an application pursuant to Section 1603 or Section 5097.

The county board shall have no power to receive or hear any petition for a reduction in an escaped assessment made pursuant to Section 531.1 nor a penal assessment levied in respect thereto, nor to reduce such assessments.

SEC. 4. Section 1604 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 1604.1 of the Revenue and Taxation Code is amended and renumbered to read:

1605. (a) An assessment made outside of the regular assessment period is not effective for any purpose, including its review, equalization and adjustment by the county board, until the assessee has been notified thereof personally or by United States mail at his address as contained in the official records of the county assessor.

Receipt by the assessee of a tax bill based on said assessment shall suffice as such notice.

(b) Upon application for reduction pursuant to subdivision (a) of Section 1603, such assessment shall be subject to review, equalization and adjustment by the county board. The application must be filed with the clerk no later than 60 days after the date on which the assessee was notified.

(c) In counties where assessment appeals boards have not been created and are not in existence, at any regular meeting, the board of supervisors, on the request of the assessor or any taxpayer, shall sit as the county board to equalize any assessments made by the assessor outside the regular assessment period for such assessments. Notwithstanding any other provision of law to the contrary, in any county in which assessment appeals boards have been created and are in existence, the time for equalization of assessments made outside the regular assessment period for such assessments, including assessments made pursuant to Sections 501, 503, 504, 531, 531.1 and 1061, shall be prescribed by rules adopted by the board of supervisors.

SEC. 6. Section 1604.2 of the Revenue and Taxation Code, as added by Chapter 1038 of the Statutes of 1972, is amended and renumbered to read:

620.5. If real property is acquired after the lien date for the fiscal year and before the first day of such fiscal year and if the new owner of such real property did not receive the notice required by Section 619 with respect to such property, the new owner or his agent may, under rules adopted by the board of supervisors, file the application described in Section 1603 at any time after the time prescribed in such section and before November 15 for a hearing before the county board to equalize the assessment of such property as though such assessment had been made outside the regular assessment period.

SEC. 7. Section 1604.5 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 1605 of the Revenue and Taxation Code is amended and renumbered to read:

1610.8. After giving notice as prescribed by its rules, the county board shall equalize the assessment of property on the local roll by determining the full cash value of an individual assessment and by reducing or increasing an individual assessment as provided in this section.

For the purpose of equalization, it is conclusively presumed that the average ratio of assessed value to full cash value in the county is not more than 115 percent of the latest preliminary or final ratio determined by the board pursuant to Article 1 (commencing with Section 1815) of Chapter 2 of this part.

The applicant for a reduction in an assessment on the local roll shall establish the full cash value of the property by independent evidence. The records of the assessor may be used as part of such evidence.

The county board shall make a determination of the full cash value of each parcel for which an application for equalization is made. After determining the full cash value of a parcel of property, the county board shall establish the assessed value of the property at the lower of:

(a) An amount equal to the property's full cash value, as determined by the county board, multiplied by the ratio established under Section 401.

(b) An amount equal to the property's full cash value, as determined by the county board, multiplied by 115 percent of the board's preliminary or final ratio for the county.

(c) An amount equal to the property's full cash value, as determined by the county board, multiplied by the ratio of assessed to full cash value of all property in the county, established without reference to the board's ratio for the county.

SEC. 9. Section 1605.1 of the Revenue and Taxation Code is amended and renumbered to read:

1609.6. Nothing in Section 1610.8 shall be construed as permitting any violation of Section 408 or 451.

SEC. 9.5. Section 1605.4 is added to the Revenue and Taxation Code, to read:

1605.4. Equalization hearings shall be open and public except that, upon conclusion of the taking of evidence, the county board may deliberate in private in reaching a decision. An applicant may request the board to close to the public a portion of the hearing by filing a declaration under penalty of perjury that evidence is to be presented which relates to trade secrets the disclosure of which will be detrimental to the business interests of the owner of the trade secrets. If the board grants the request, only evidence relating to the trade secrets may be presented during the time the hearing is closed.

SEC. 10. Section 1605.5 of the Revenue and Taxation Code is amended and renumbered to read:

1611.5. Written findings of fact of the county board shall be made if requested in writing by a party up to or at the commencement of the hearing. However, the party requesting findings may abandon the request and waive findings at the conclusion of the hearing. If the requesting party abandons his request at this time the other party may orally or in writing renew the request thereby becoming responsible for any costs for the preparation of findings. A reasonable fee may be imposed by the county to cover the expense of preparing findings and conclusions, but shall not exceed ten dollars ($10) per parcel. The written findings of fact shall fairly disclose the board's determination of all material points raised by the party in his petition and at the hearing including a statement of the method or methods of valuation used in appraising the property.

At the hearing the final determinations by the board shall be supported by the weight of the evidence.

If written findings of fact have been requested, the board shall transmit such findings to the requesting party accompanied by a

notice that any request for a transcript of the proceedings must be made within 60 days following the date of the final determination of the board.

SEC. 11. Section 1605.6 of the Revenue and Taxation Code is amended and renumbered to read:

1611. The county board shall make a record of the hearing and, upon request, shall furnish the party with a transcript thereof at his expense. Request for a transcript may be made at any time, but not later than 60 days following the final determination by the county board.

SEC. 12. Section 1606 of the Revenue and Taxation Code is amended and renumbered to read:

1610.6. The county board shall neither raise nor lower the entire local roll.

SEC. 13. Section 1607 of the Revenue and Taxation Code is amended and renumbered to read:

1603. (a) A reduction in an assessment on the local roll shall not be made unless the party affected or his agent makes and files with the county board a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full cash value of the property.

(b) In the case of a county of the first class, the application shall be filed between the third Monday in July and September 15. An application that is mailed and postmarked September 15 or earlier within such period shall be deemed to have been filed between the third Monday in July and September 15.

(c) In the case of a county of the second to ninth class, inclusive, the application shall be filed between July 2 and September 15. An application that is mailed and postmarked September 15 or earlier within such period shall be deemed to have been filed between July 2 and September 15.

(d) In all other counties, the application shall be filed between July 2 and August 26. An application that is mailed and postmarked August 26 or earlier within such period shall be deemed to have been filed between July 2 and August 26.

(e) In the form provided for making application pursuant to this section, there shall be a notice that written findings of facts of the local equalization hearing will be available upon written request at the requester's expense and, if not so requested, the right to such written findings is waived. The form shall provide appropriate space for the applicant to request written finding of facts as provided by Section 1611.5.

SEC. 14. Section 1608 of the Revenue and Taxation Code is amended and renumbered to read:

1607. Before the county board makes any reduction, it shall examine, on oath, the person affected or the agent making the application touching the value of the property. A reduction shall not be made unless the person or agent attends and answers all questions pertinent to the inquiry; provided, however, in the event there is

filed with the county board a written stipulation, signed by the assessor and county legal officer on behalf of the county and the person affected or the agent making the application, as to the full cash value and assessed value of the property which stipulation sets forth the facts upon which the reduction in value is premised, the county board may, at a hearing, (a) accept the stipulation, waive the appearance of the person affected or the agent and change the assessed value in accordance with Section 1610.8, or (b) reject the stipulation and set or reset the application for reduction for hearing.

SEC. 15. Section 1608.5 of the Revenue and Taxation Code is amended and renumbered to read:

1608. Notwithstanding the provisions of Section 1607, the county board may, in its discretion, waive the examination of the person or agent making the application, if the board and the assessor are satisfied that the issues raised by the application have been considered by the board in previous years or are fully presented in the application, and if the person or agent making the application requests such waiver in his application. The board (whether meeting as a board of equalization or as a board of supervisors) shall promptly act upon such request for waiver and shall give the applicant written notice of its decision thereon within 10 days after the filing of the application and request for waiver. If the board waives the examination of the person or agent making the application, it shall give such person or agent written notice of its decision on the merits of the application promptly after making such decision.

SEC. 16. Section 1608.7 of the Revenue and Taxation Code is amended and renumbered to read:

1606. (a) At the time of filing the application or at any time prior to 20 days before the commencement of the hearing on the application, any applicant for a change of an assessment on the local roll or the assessor, in those cases where the assessed value of the property involved, as shown on the current assessment roll, exceeds twenty-five thousand dollars ($25,000) without regard to any exemptions, may cause an exchange of information between himself and the other party by submitting the following data to the other party in writing:

(1) Information stating the basis of such party's opinion of value.

(2) When the opinion of value is to be supported with evidence of comparable sales, information identifying the properties with sufficient certainty such as by assessor parcel number, street address or legal description of the property, the approximate date of sale, the applicable zoning, the price paid, and the terms of the sale, if known.

(3) When the opinion of value is to be supported with evidence based on an income study, information relating to income, expenses and the capitalization method.

(4) When the opinion of value is to be supported with evidence of replacement cost, information relating to date of construction, type of construction, replacement cost of construction, obsolescence, allowance for extraordinary use of machinery and equipment, and

depreciation allowances.

(b) Notwithstanding any limitation on assessed value contained in subdivision (a), if an applicant for a change of an assessment or the assessor has submitted the data required by subdivision (a) within the specified time, at least 10 days prior to the hearing the other party shall submit to the party who caused the exchange of information in writing the following data:

(1) Information stating the basis of such other party's opinion of value.

(2) When the opinion of value is to be supported with evidence of comparable sales, information identifying the properties with sufficient certainty such as by assessor parcel number, street address or legal description of the property, the approximate date of sale, the applicable zoning, the price paid, and the terms of the sale, if known.

(3) When the opinion of value is to be supported with evidence based on an income study, information relating to income, expenses and the capitalization method.

(4) When the opinion of value is to be supported with evidence of replacement cost, information relating to date of construction, type of construction, replacement cost of construction, obsolescence, allowance for extraordinary use of machinery and equipment, and depreciation allowances.

The person assigning a hearing date shall provide adequate notice to the parties of such date, so that the exchange of information permitted by this section can be made without requiring a continuance of the hearing.

Whenever information has been exchanged pursuant to this section the parties may not introduce evidence on matters not so exchanged unless the other party consents to such introduction. However, at the hearing, each party may introduce new material relating to the information received from the other party. If a party introduces new material at the hearing, the other party, upon his request, shall be granted a continuance for a reasonable period of time.

Nothing in this section shall be construed as an intent of the Legislature to change, alter or modify generally acceptable methods of using the sales approach, income approach, or replacement cost approach to determine full cash value.

SEC. 17. Section 1609 of the Revenue and Taxation Code is amended and renumbered to read:

1609.4. On the hearing of the application, the county board may subpoena witnesses and books, records, maps, and documents and take evidence in relation to the inquiry. The assessor may introduce new evidence of full cash value of a parcel of property at the hearing and may also introduce information obtained pursuant to Section 441. If the assessor proposes to introduce evidence to support a higher assessed value than he placed on the roll, he shall, at least 10 days prior to the hearing, inform the applicant of the higher assessed value and the evidence proposed to be introduced and he may

thereafter introduce such evidence at the hearing.

No subpoena to take depositions shall be issued nor shall depositions be considered for any purpose by the county board or the assessment appeals board.

SEC. 18. Section 1609.2 of the Revenue and Taxation Code is amended and renumbered to read:

1609. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

SEC. 19. Section 1609.5 of the Revenue and Taxation Code is amended and renumbered to read:

1609.2. The county board in equalizing an assessment of property shall not consider the findings and recommendations of the Chief of the Office of Appraisal Appeals and the order of the board with respect to the property made pursuant to Section 1816.2.

SEC. 20. Section 1610 of the Revenue and Taxation Code is amended and renumbered to read:

1610.2. The assessor in person or through a deputy shall attend all hearings of the county board and may make any statement or produce evidence on matters before the county board.

SEC. 21. Section 1611 of the Revenue and Taxation Code is amended and renumbered to read:

1613. After five days succeeding the time when notice of the date when the matter will be investigated is sent by the clerk of the county board to all persons interested, the county board may direct the assessor to:

(a) Assess any taxable property other than State assessed property that has escaped assessment.

(b) Change the amount, number, quantity, or description of property on the local roll.

(c) Make and enter new assessments, at the same time canceling previous entries, when any assessment made by him is deemed by the county board so incomplete as to render doubtful the collection of the tax.

SEC. 22. Section 1613 of the Revenue and Taxation Code is amended and renumbered to read:

1609.8. When valuing property, a county board shall follow the provisions set forth in Section 402.5.

SEC. 23. Section 1615 of the Revenue and Taxation Code is amended and renumbered to read:

1610.4. Every person who wilfully states anything which he knows to be false in any oral or written statement, not under oath, required or authorized to be made as the basis of an application to reduce any tax or assessment, is guilty of a misdemeanor.

SEC. 24. Section 1616 of the Revenue and Taxation Code is

amended and renumbered to read:

1610. (a) If a county board changes the full cash value on a parcel of real property to a value different from the assessor's finding of value (as reflected by the assessment on the roll or as recommended, proposed, or stipulated by the assessor), and, during the succeeding two assessment years, the assessor seeks to raise the value total as lowered by the board below the assessor's value, or to lower the total value as raised by the board above the assessor's value, the value of the property shall be rebuttably presumed to be the value set by the board. When seeking such a change in value, the assessor shall give written notice of the proposed full cash value and assessed value to the other party and the matter shall automatically be placed before the board, unless such other party files a written statement with the board that he does not want to contest the matter and in that event the matter will not be placed before the county board.

(b) If, in such succeeding two assessment years, the board changes the value previously set by the board on that parcel to a value different from the assessor's finding of value as recommended, proposed, or stipulated by the assessor for that year, the previously set value shall be deemed rebutted and the new value set by the board shall be rebuttably presumed to be the value of that parcel during the succeeding two assessment years.

(c) A presumption created under this section shall cease to exist upon a subsequent change in zoning or permissive use of a parcel of real property, a change of assessed value due to an intercounty equalization order issued by the State Board of Equalization or a subsequent physical change in the property requiring a permit for land or improvements. If any of the conditions described in this subdivision occur, the matter shall not be automatically placed before the board.

(d) When any matter is placed before the board pursuant to this section, the clerk shall notify the parties affected of the time and place of hearing in the same manner as notice is given for application for changes of assessments. If the party affected or his agent does not appear or has not made timely request for continuance, the matter shall be heard by the board and the assessor shall present his evidence notwithstanding the failure of the party affected or his agent to appear or to request a continuance.

This section shall not apply to property under initial construction or development, nor to changes of value made pursuant to legislation enacted under the authorization of Section 2.8 of Article XIII of the Constitution of the State of California, nor to trade fixtures.

SEC. 25. The heading of Article 1.5 (commencing with Section 1620) of Chapter 1 of Part 3 of Division 1 of the Revenue and Taxation Code is amended to read:

Article 1.5. Equalization by Assessment Appeals Boards

SEC. 26. Section 1620 of the Revenue and Taxation Code is amended to read:

1620. This article only applies to those counties which, pursuant to Section 9.5 of Article XIII of the Constitution, have created assessment appeals boards to equalize the valuation of taxable property within the county for the purpose of taxation.

SEC. 27. Section 1621 of the Revenue and Taxation Code is amended to read:

1621. Not more than five assessment appeals boards may be created within any county. Assessment appeals boards shall be designated by number in the ordinance providing for their creation.

SEC. 28. Section 1622 of the Revenue and Taxation Code is amended to read:

1622. An assessment appeals board shall consist of three members selected by lot by the presiding judge of the superior court of the county from among those persons nominated for that purpose by the members of the county board of supervisors. Within 60 days after the adoption of the ordinance providing for the creation of assessment appeals boards, each member of the board of supervisors shall nominate not less than three nor more than five persons for appointment to the assessment appeals boards.

SEC. 29. Section 1623 of the Revenue and Taxation Code is amended to read:

1623. (a) The term of office of members selected to serve on assessment appeals boards shall be three years beginning on the first Monday in June, except that upon the original selection of members to serve on an assessment appeals board, the member first selected shall serve for a term of three years beginning on the first Monday in June following the date of the creation of the board, the second member selected shall serve for a term of two years beginning on such date, and the third member selected shall serve for a term of one year beginning on such date.

(b) In counties of the first class the term of office of members selected to serve on assessment appeals boards shall be three years beginning on the first Monday in September except that upon the original selection of members to serve on an assessment appeals board, the member first selected shall serve for a term of three years beginning on the first Monday in September following the date of the creation of the board, the second member selected shall serve for a term of two years beginning on such date, and the third member selected shall serve for a term of one year beginning on such date.

(c) In the event of a vacancy on a board, the person selected to fill the vacancy shall serve for the remainder of the unexpired term.

(d) Not less than 60 days prior to the expiration of the term of office of any member of an assessment appeals board and upon the occurrence of a vacancy on any such board, each member of the

board of supervisors shall nominate one person for each office or vacancy to be filled. The presiding judge of the superior court shall select by lot one person from among those nominated to serve for the succeeding term on such board or to fill the vacancy as the case may be.

SEC. 30. Section 1625 of the Revenue and Taxation Code is amended to read:

1625. Any member of an assessment appeals board may be removed for cause by the board of supervisors.

SEC. 31. Section 1627 of the Revenue and Taxation Code is repealed.

SEC. 32. Section 1629 of the Revenue and Taxation Code is repealed.

SEC. 33. Section 1646 of the Revenue and Taxation Code is amended to read:

1646. As soon as the auditor receives the local roll from the assessor, he shall add up the valuations on it and enter on the roll the total valuation of each kind of property and the total valuation of all property; provided, however, that if the assessment roll is a machine-prepared roll the prescribed computations and entries may be made and entered upon a newly prepared roll.

(a) In counties of the first class, after the board of supervisors has acted under Section 2151, the auditor shall perform the duties specified in Section 2152; provided that if the assessment roll is a machine-prepared roll, the prescribed computations and entries may be made and entered upon a newly prepared roll without incorporating any of the adjustments authorized by the local board of equalization.

(b) In all other counties, after the board of supervisors has acted under Section 2151, the auditor shall perform the duties specified in Section 2152; provided that if the assessment roll is a machine-prepared roll, the prescribed computations and entries may be made and entered upon a newly prepared roll.

SEC. 35. Section 1651 of the Revenue and Taxation Code is amended to read:

1651. Immediately upon completion of his duties under Section 1646, the auditor shall transmit the unsecured roll to the assessor, unless the duty of making unsecured property tax collections has been transferred to the tax collector, in which event, the unsecured roll shall be transmitted to him.

SEC. 36. Chapter 1.5 (commencing with Section 1750) of Part 3 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 37. The Legislature finds and declares that the provisions of this act do not result in any increased costs to local government and that no appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code.

SEC. 38 The provisions of this act shall apply to assessments made on and after the 1974 lien date.

SEC. 39. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act may apply to assessments made on the lien date in 1974, it is necessary that this act take effect immediately.

CHAPTER 181

An act to amend Section 72300 of, and to add Section 72306 to, and to add and repeal Section 72307 of, the Government Code, and to amend Section 42006 of the Vehicle Code, relating to courts.

[Approved by Governor April 25, 1974 Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 72300 of the Government Code is amended to read:

72300. In a district or city and county in which the municipal court is composed of three or more judges, one department of the court may remain open and in session for the transaction of any business which may come before the department in the exercise of the criminal jurisdiction of the court or a judge of the court, at such hours of the day or night, or both, as the judges of the court prescribe.

SEC. 2. Section 72306 is added to the Government Code, to read:

72306. (a) In class A, class B, and class C counties, as defined in this section, one department of the municipal court in each municipal court district composed of four or more judges shall remain open and in session at least one night a week during such hours as the judges of the court shall prescribe for the purpose of conducting arraignments, the taking of pleas, and the setting of cases for trial in traffic offenses. The clerk of the court, or at least one deputy clerk, shall be in attendance to accept bail for traffic offenses in a department that is open at night. The judges of the court may appoint a commissioner or traffic referee for the purposes of conducting arraignment proceedings, the taking of pleas, and the setting of cases for trial and the commissioner or traffic referee shall have the same powers as the judge in conducting arraignments, the taking of pleas, and the setting of cases for trial in traffic offenses. Section 134 of the Code of Civil Procedure, requiring that no court other than the Supreme Court shall be open for the transaction of judicial business on a holiday, other than a special holiday, does not apply to such municipal courts while exercising their jurisdiction pursuant to this section.

(b) As used in this section:

(1) "Class A" county means any county with a population of

2,000,000 or more, as determined by the Department of Finance as of July 1964.

(2) "Class B" county means any county with a population of 1,000,000 or more, as determined by the Department of Finance as of July 1964, which adjoins a class A county.

(3) "Class C" county means any county with a population of 1,000,000 or more, as determined by the Department of Finance as of July 1964, which adjoins a class B county.

SEC. 3. Section 72307 is added to the Government Code, to read:

72307. (a) Except as provided in subdivision (b), in class A counties, as defined in Section 72306, one department at each of the four branches of the municipal court in the Los Angeles Municipal Court District handling the largest volume of traffic arraignments shall remain open and in session at least one night each week for a period of at least three hours between the hours of 6 p.m. and 10 p.m. for the purposes prescribed in this section. In such weekly night sessions, the court shall try or otherwise dispose of cases involving infractions.

(b) Notwithstanding the provisions of subdivision (a), the Los Angeles Municipal Court District may reduce the number of branches of the municipal court conducting night sessions to no less than two branches, if it determines that it is not in the best interest of the public to conduct night sessions in all four branches.

(c) Nothing contained in subdivision (a) shall be construed to deny a defendant the opportunity to be arraigned during a day session of the municipal court if he so elects.

(d) Section 134 of the Code of Civil Procedure, requiring that no court other than the Supreme Court shall be open for the transaction of judicial business on a holiday, other than a special holiday, does not apply to such courts while exercising their jurisdiction pursuant to this section.

(e) The Judicial Council shall study the operation and effect of the night sessions provided for in subdivision (a) and may also study any other night court sessions conducted in the state. It shall report its findings and recommendations to the Legislature not later than January 1, 1976.

This section shall remain in effect only until July 1, 1976, and on such date is repealed.

SEC. 4. Section 42006 of the Vehicle Code is amended to read:

42006. There shall be levied a special assessment in an amount equal to fifty cents ($0.50) for every fine and forfeiture, imposed and collected by a municipal court conducting a night session of the court pursuant to Section 72300, 72306, or 72307 of the Government Code, on all offenses involving a violation of a section of this code or of a city or county ordinance relating to vehicles or their operators or owners, except offenses relating to parking or registration or offenses by pedestrians.

When a person makes a deposit of bail for an offense to which this section applies, in a case in which he is required to appear in a court

conducting a night session pursuant to Section 72300, 72306 or 72307 of the Government Code, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury for disposition as prescribed by this section.

After a determination by the court of the amount of the assessment due, the clerk of the court shall collect the amount and transmit it to the county treasury to be deposited in the municipal court night session fund, which fund shall be expended by the county for maintaining municipal courts in the county which have night sessions for traffic offenses pursuant to Section 72300, 72306 or 72307 of the Government Code.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge shall waive the penalty assessment.

SEC. 5. (a) It is the intent of the Legislature that the Judicial Council apply for federal funds which may be available for the purposes of this act.

(b) Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because financing is provided in Section 42006 of the Vehicle Code.

CHAPTER 182

An act to add Chapter 5 (commencing with Section 91) to Division 1 of the Education Code, relating to public schools.

[Approved by Governor April 25, 1974. Filed with Secretary of State April 25, 1974]

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

SECTION 1. Chapter 5 (commencing with Section 91) is added to Division 1 of the Education Code, to read:

CHAPTER 5. INSTRUCTION WITHOUT REGARD TO THE SEX OF PUPILS

91. (a) It is the policy of the state that elementary and secondary school and community college classes and courses, including nonacademic and elective classes and courses be conducted, without regard to the sex of the pupils enrolled in such classes and courses.

(b) No school district shall prohibit any pupil from enrolling in any class or course on the basis of the sex of the pupil, except a class subject to Section 8506.

(c) No school district shall require pupils of one sex to enroll in a

particular class or course, unless the same class or course is also required of pupils of the opposite sex.

(d) No school counselor shall, on the basis of the sex of a pupil, offer vocational or school program guidance to pupils of one sex which is different from that offered to pupils of the opposite sex or, in counseling students, differentiate career, vocational or higher education opportunities on the basis of the sex of the pupil counseled.

(e) Participation in a particular physical education activity or sport, if required of pupils of one sex, shall be available to pupils of each sex.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

CHAPTER 183

An act to amend Section 12657 of, and to add Section 12666 to, the Water Code, relating to flood control.

[Approved by Governor April 25, 1974. Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 12657 of the Water Code is amended to read:

12657. Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by Section 3 of the act of Congress approved December 22, 1944 (Public Law 534, 78th Congress, Second Session), and Section 2 of the act of Congress approved August 18, 1941 (Public Law 228, 78th Congress, First Session), will be furnished by the state in connection with the flood control projects authorized and adopted in Sections 12648, 12648.1, 12648.2, 12648.3, 12648.4, 12648.5, 12648.6, 12648.7, 12649.1, 12650, 12651, 12652, 12654, 12656.5, and 12666 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley heretofore or hereafter approved and authorized by Congress.

SEC. 2. Section 12666 is added to the Water Code, to read:

12666. The project for flood protection on the streams in the vicinity of Fairfield, California, is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 91-159, 91st Congress, First Session, and adopted and authorized by the act of Congress approved December 31, 1970 (Public Law 91-611) at an estimated cost to the state of such sums as may be appropriated for state participation by the Legislature upon the recommendation and advice of the

Reclamation Board. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriations of available funds. No state funds shall be appropriated until federal advanced engineering and design funds are available.

Notwithstanding the provisions of Section 12585.4, the Reclamation Board shall have the authority and is hereby authorized to enter into a loan agreement with the local agency pursuant to Section 12585.4. The state is authorized to pay 50 percent of the nonfederal capital costs of the recreation and fish and wildlife enhancement features of the project pursuant to Section 12847.

CHAPTER 184

An act to amend Sections 28745.2, 28745.4, and 28746.2 of the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1974 Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 28745.2 of the Public Utilities Code is amended to read:

28745.2. A resolution establishing the election districts shall be adopted by a majority of the members of the board and submitted to the Legislature not later than May 1, 1974.

The boundaries of the election districts shall be established by the board, unless the Legislature enacts a statute which becomes effective on or before May 20, 1974, that establishes and defines such boundaries. In establishing and defining the boundaries of the election districts, the Legislature shall take into consideration the factors specified in Sections 28745.4 and 28745.6. Upon the Legislature establishing and defining the boundaries of the election districts, the secretary shall file a certified copy of a map describing all nine election districts with the Secretary of State and with the county clerk of each county with territory within the boundaries of the district.

SEC. 2. Section 28745.4 of the Public Utilities Code is amended to read:

28745.4. The board, in dividing the district into election districts, shall establish and define the boundaries of the nine election districts within the territory of the district, and shall number the election districts from 1 to 9, inclusive. The boundaries of the election districts shall be defined so that the districts shall be as nearly equal in population as practicable, considering the factors specified in Section 28745.6.

SEC. 3. Section 28746.2 of the Public Utilities Code is amended to read:

28746.2. All cities, counties, and cities and counties within the district shall provide such information, services, and facilities as may be required in apportioning the district into the nine election districts.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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

In order that the Legislature may have sufficient time by May 20, 1974, to establish, if it decides to do so, the boundaries for the nine election districts from which the board of directors of the San Francisco Bay Area Rapid Transit District are to be elected from if the proposition requiring that the board be elected is adopted by the district voters at a special election consolidated with the direct primary election to be held on June 4, 1974, it is necessary that this act take effect immediately.

CHAPTER 185

An act to add Section 11011.3 to the Government Code, relating to state lands.

[Approved by Governor April 25, 1974 Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 11011.3 is added to the Government Code, to read:

11011.3. (a) Any public agency desiring to purchase surplus state real property, as set forth in Section 11011.1, shall give written notice to the Department of General Services of its intent to purchase such real property within 60 days after receipt of the Department of General Services' written notification of intent to sell the same.

(b) If the public agency desiring to purchase such property and the Department of General Services are unable to arrive at a mutually acceptable sales price for the property within 180 days from the date of receipt of notice from the public agency, upon request of the public agency the Director of the Department of General

Services shall hire an independent third party appraiser mutually acceptable to the agency and the department to appraise the property. If within 10 days after receipt of the appraisal the public agency and the department are unable to arrive at a mutually acceptable sales price, upon request of the agency final determination of the sales price shall be made by the State Public Works Board. The public agency shall bear all costs of the independent third party appraisal whether or not the agency elects to purchase the property. If the agency does purchase the property, the appraisal costs shall be added to the purchase price of the property. If the public agency does not purchase the property, it shall pay the appraisal costs, and the surplus real property may be disposed of in the normal manner.

(c) After arriving at a mutually agreeable sales price, the Department of General Services and the public agency will be allowed an additional 90 days to execute a sales or exchange agreement to purchase such property. In the event an agreement is not executed by the public agency within such 90-day period, the Department of General Services may offer such property for sale in the normal manner. Should 90 days prove insufficient for the public agency to finance purchase of the property, the Public Works Board for good cause may grant an extension of time to complete the purchase. The 90-day limitation shall be suspended when a bond election is to be held for the purpose of financing the purchase of such property. However, the bond election shall be called and held on the next eligible date and this suspension of the 90-day limitation shall only be extended to the 10th day following the date of the next bond election.

(d) For purposes of this section, written notice shall be deemed given upon proper posting and deposit in the United States mail.

Nothing in this section shall prohibit the state from continuing to negotiate with a public agency for the sale of surplus property pursuant to other provisions of this article.

CHAPTER 186

An act to amend Sections 251, 254, 270, and 456 of, and to add Sections 259.8, 259.9 and 259.10 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor April 25, 1974 Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 251 of the Revenue and Taxation Code is amended to read:

251. The board shall prescribe all procedures and forms required

to carry into effect the veterans', veterans' organization, church, cemetery, orphanage, college, exhibition, immature forest trees, welfare, homeowners', free public libraries, free museums and public schools property tax exemptions.

SEC. 2. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, orphanage, college, exhibition, welfare, veterans' organization, homeowners', free public libraries, free museums or public schools property tax exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board. In respect to the public schools exemption, this requirement shall not apply to property owned by a school district.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that a filing once made shall continue in effect until such time as there is a change in the exterior boundary of the property originally claimed as exempt.

Any person claiming the homeowners' property tax exemption shall meet the requirements of the first paragraph of this section and shall state his name, the address of the property, that the property was owned by him and was occupied as his principal place of residence on the lien date, and such other information as the board may prescribe.

Any person claiming the classification of a vessel as a documented vessel eligible for assessment under Section 227 shall meet the requirements of the first paragraph of this section.

SEC. 2.5. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, orphanage, college, exhibition, welfare, veterans' organization, free public libraries, free museums, or public schools property tax exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that a filing once made shall continue in effect until such time as there is a change in the exterior boundary of the property originally claimed as exempt.

Any person claiming the classification of a vessel as a documented vessel eligible for assessment under Section 227 shall meet the requirements of the first paragraph of this section.

SEC. 3. Section 259.8 is added to the Revenue and Taxation Code, to read:

259.8. The affidavit for the free public libraries exemption shall indicate the extent to which the property is open to the public, whether or not any admission or user charge is made for the use of library books, periodicals or facilities and the extent (if any) to which sales or business activities are conducted on the premises.

SEC. 4. Section 259.9 is added to the Revenue and Taxation Code, to read:

259.9. The affidavit for the free museums exemption shall indicate whether or not any admission or user charge is made to those viewing the museum contents and the extent (if any) to which sales or business activities are conducted on the premises.

SEC. 5. Section 259.10 is added to the Revenue and Taxation Code, to read:

259.10. The affidavit for the public schools exemption shall show:

(a) The owner's name and the name of the school within the public school system that is using the property exclusively for public school purposes.

(b) The terms of the agreement by which the public school obtained the use of the property. When the agreement is in writing, a copy of the document shall accompany the affidavit.

SEC. 6. Section 270 of the Revenue and Taxation Code is amended to read:

270. (a) With respect to property as to which the college, cemetery, church, exhibition, orphanage, veterans' organization, welfare, free public libraries, free museums and public schools exemption was available but for which a timely application for exemption was not filed—

(1) Ninety percent of any tax or penalty or interest thereon shall be canceled or refunded provided an appropriate application for exemption is filed on or before the first day of March of the calendar year next succeeding the calendar year in which the exemption was not claimed by a timely application; or, if the application is filed thereafter,

(2) Eighty-five percent of any tax or penalty or interest thereon shall be canceled or refunded provided an appropriate application for exemption is filed and relief is not authorized under Section 214.01 or 271.

(b) Notwithstanding the provisions of subdivision (a), any tax or penalty or interest thereon exceeding two hundred fifty dollars ($250) in total amount shall be canceled or refunded provided it is imposed upon property entitled to relief under subdivision (a) for which an appropriate claim for exemption has been filed.

(c) With respect to property as to which the welfare exemption or veterans' organization exemption was available, all provisions of Section 254.5, other than the specified dates for the filing of affidavits and other acts, are applicable to this section.

SEC. 7. Section 456 of the Revenue and Taxation Code, as amended by Chapter 1190 of the Statutes of 1973, is amended to read:

456. If the assessor has not received from the owner of a tract of land a legal description or a description which geographically locates the property, he may require such a description from the owner or his agent, or, in case they cannot be found or are unknown, the person in possession. Such legal description may be by reference to the assessor's map and parcel number.

SEC. 8. The Legislature finds and declares that there will be negligible additional costs for local government in processing the forms specified under this act, and that any costs incurred will be offset by savings realized in more efficient administration of the exemptions involved through more accurate determination of those entitled to the exemption; and, therefore, there are no costs to local government requiring reimbursement under Section 2231 of the Revenue and Taxation Code.

SEC. 9. It is the intent of the Legislature, if this bill and Assembly Bill No. 198 are both chaptered and amend Section 254 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill No. 198, that Section 254 of the Revenue and Taxation Code, as amended by Section 3 of Assembly Bill No. 198 be further amended on the operative date of this act in the form set forth in Section 2.5 of this act to incorporate the changes in Section 254 proposed by this bill. Therefore, Section 2.5 of this act shall become operative only if Assembly Bill No. 198 is chaptered before this bill and amends Section 254, and in such case Section 2.5 of this act shall become operative on the operative date of this act and Section 2 of this act shall not become operative.

CHAPTER 187

An act to amend Section 402.1 of, to add Section 1815.3 to, and to repeal Sections 1815.4, 1815.6, 1815.7, and 1815.8 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor April 25, 1974 Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 402.1 of the Revenue and Taxation Code is amended to read:

402.1. In the assessment of land, the assessor shall consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected. Restrictions shall include but are not necessarily limited to zoning restrictions limiting the use of land and any recorded contractual provisions limiting the use of lands entered into with a governmental agency pursuant to state laws or applicable local ordinances. There shall be a rebuttable presumption that restrictions will not be removed or substantially modified in the predictable future and that they will substantially equate the value of the land to the value attributable to the legally permissible use or uses.

Grounds for rebutting the presumption may include but are not necessarily limited to the past history of like use restrictions in the jurisdiction in question and the similarity of sales prices for restricted

and unrestricted land. The possible expiration of a restriction at a time certain shall not be conclusive evidence of the future removal or modification of the restriction unless there is no opportunity or likelihood of the continuation or renewal of the restriction, or unless a necessary party to the restriction has indicated an intent to permit its expiration at that time.

In assessing land where the presumption is unrebutted, the assessor shall not consider sales of otherwise comparable land not similarly restricted as to use as indicative of value of land under restriction, unless the restrictions have a demonstrably minimal effect upon value.

In assessing land under an enforceable use restriction wherein the presumption of no predictable removal or substantial modification of the restriction has been rebutted, but where the restriction nevertheless retains some future life and has some effect on present value, the assessor may consider, in addition to all other legally permissible information, representative sales of comparable land not under restriction but upon which natural limitations have substantially the same effect as restrictions.

For the purposes of this section:

(a) "Comparable lands" are lands which are similar to the land being valued in respect to legally permissible uses and physical attributes.

(b) "Representative sales information" is information from sales of a sufficient number of comparable lands to give an accurate indication of the full cash value of the land being valued.

It is hereby declared that the purpose and intent of the Legislature in enacting this section is to provide for a method of determining whether a sufficient amount of representative sales information is available for land under use restriction in order to ensure the accurate assessment of such land. It is also hereby declared that the further purpose and intent of the Legislature in enacting this section and Section 1630 of the Revenue and Taxation Code is to avoid an assessment policy which, in the absence of special circumstances, considers uses for land which legally are not available to the owner and not contemplated by local government, and that these sections are necessary to implement the public policy of encouraging and maintaining effective land use planning. Nothing in this statute shall be construed as requiring the assessment of any land at less than as required by Section 401 of this code or as prohibiting the use of representative comparable sales information on land under similar restrictions when such information is available.

SEC. 2. Section 1815.3 is added to the Revenue and Taxation Code, to read:

1815.3. When valuing property other than "unitary property" as defined in Section 753.5, the board shall be subject to the same valuation considerations and methods applicable to assessors as provided by this code.

SEC. 3. Section 1815.4 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 1815.6 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 1815.7 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 1815.8 of the Revenue and Taxation Code is repealed.

CHAPTER 188

An act to amend Section 868 of, and to add Section 828.5 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor April 25, 1974. Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 828.5 is added to the Revenue and Taxation Code, to read:

828.5. When an assessee, after a request by the board, fails to file a property statement or files with the board a property statement or report on a form prescribed by the board with respect to state-assessed property and the statement fails to report any taxable tangible property information accurately, regardless of whether or not this information is available to the assessee, to the extent that such failures cause the board not to assess the property or to assess it at a lower valuation than it would have had the property information been reported accurately, the property shall on discovery be assessed as required by law. If the failure to report or the failure to report accurately is willful or fraudulent, the penalty provided in Section 892 shall be added to the additional assessment.

SEC. 2. Section 868 of the Revenue and Taxation Code is amended to read:

868. Property which is found to have escaped assessment may either be added to the roll for the fiscal year in which it is discovered or included with the assessments for the succeeding fiscal year. Such property shall be taxed at the rates applicable to assessments on the roll to which it is added.

CHAPTER 189

An act to add Section 6710 to the Government Code, relating to state holidays.

[Approved by Governor April 25, 1974. Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 6710 is added to the Government Code, to read:

6710. The Governor shall proclaim March 7, to be known hereafter as "Arbor Day."

CHAPTER 190

An act to amend Sections 15516 and 15518 of the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1974. Filed with Secretary of State April 25, 1974.]

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

SECTION 1. Section 15516 of the Education Code is amended to read:

15516. No school building examined and found to be unsafe for school use pursuant to Section 15503 and not repaired or reconstructed in accordance with the provisions of this article shall be used as a school building for elementary and secondary school or community college purposes after June 30, 1975, unless the governing board of the school district has requested and obtained from the State Allocation Board authority for use of such building for a specific period beyond such date. Prior to requesting such authority, the governing board shall adopt a resolution declaring the board's intention to utilize the building as a school building after June 30, 1975, pending its repair, reconstruction, or replacement. The State Allocation Board shall not authorize any school district to use such a building beyond June 30, 1975, unless it has first determined that the school district has already proceeded with a plan of repair, reconstruction or replacement in a timely manner and a contract has been let for, and work commenced on, the repair, reconstruction or replacement of such buildings. In no event shall the State Allocation Board authorize the use of such unsafe facilities for a period extending beyond the completion of the replacement facilities or beyond June 30, 1977, whichever occurs first.

SEC. 2. Section 15518 of the Education Code is amended to read:

15518. The governing board of a school district may undertake corrective measures relating to earthquake safety recommended to the governing board pursuant to Section 15503 in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by Section 15505.

The maximum rate of tax of any school district for any school year

is hereby increased by such amount as will produce the amount necessary to have any school buildings examined as required by Section 15503 and to effect the corrective structural repairs, reconstruction or replacement relating to earthquake safety recommended pursuant to Section 15503, as shown by the budget of the district for such school year as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section. The funds provided by such increase in the tax rate may be used to provide for the housing of pupils temporarily displaced by the repair, reconstruction, or replacement of school buildings required in order to meet earthquake safety standards.

The increase provided by this section and Section 15517 shall not exceed a total increase of ten cents ($0.10) for each one hundred dollars ($100) of the assessed valuation of property within the district in each fiscal year, unless additional funds are specifically required by the district to match state funds provided pursuant to Article 9 (commencing with Section 19700.51) of Chapter 10, Division 14. If such additional funds are required by the district, the maximum increase in tax rate provided by this section may be increased by not to exceed an additional ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation of property within the district in each fiscal year such additional funds are required pursuant to Article 9, prior to and including the 1973–74 fiscal year. Such additional tax money may be levied in the 1974–75 fiscal year only if the State Allocation Board has first approved an application of the district pursuant to Article 9. In no event shall any portion of the additional increased ten cent ($0.10) tax rate authorization contained herein be levied unless the district has first budgeted, for the purposes expressed in the first two paragraphs of this section, 80 percent of the proceeds of the original ten cent ($0.10) tax increase authorized by this section.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance may be accumulated until the date specified in this section for the termination of its effect and shall be used exclusively for expenditures of the school district for purposes of this section.

This section shall remain in effect only until July 1, 1975, and thereafter shall be of no force or effect. This section shall remain in effect until such date regardless of the repeal or expiration of Section 15517.

Notwithstanding the provisions of this section, the governing board shall comply with the provisions of Section 15505 whenever such compliance is necessary to continue the program of corrective structural repairs, reconstruction, or replacement required pursuant to the provisions of this article.

SEC. 3. This act is an urgency statute necessary for the

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

In order that school districts may contract for the orderly and efficient replacement or reconstruction of structurally inadequate school buildings without undue disruption of the educational program and dislocation of pupils, it is necessary that this bill take effect immediately.

CHAPTER 191

An act to amend Section 16476 of the Public Utilities Code, relating to public utility districts.

[Approved by Governor April 25, 1974 Filed with Secretary of State April 25, 1974.]

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

SECTION 1. Section 16476 of the Public Utilities Code is amended to read:

16476. Notwithstanding subdivision (b) of Section 16475, the Board of Directors of the Tahoe City Public Utility District, the Board of Directors of the North Tahoe Public Utility District, and the Board of Directors of the South Tahoe Public Utility District shall all have the authority, until July 1, 1979, to fix, for each fiscal year, such water standby or immediate availability charges at not to exceed twenty dollars ($20) per acre or any parcel of less than one acre; provided, that any funds derived from a charge in excess of the maximum amount authorized by subdivision (b) of Section 16475 shall only be used to pay for the acquisition of nonpublic domestic water supply systems.

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

CHAPTER 192

An act making an appropriation for pest control research, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1974. Filed with Secretary of State April 25, 1974.]

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

SECTION 1. Notwithstanding the provisions of Section 6005 of the Food and Agricultural Code, the Director of Food and Agriculture, upon the recommendation of the Cotton Pest Control Board, may expend the sum of one hundred fifty-two thousand dollars ($152,000) from fees collected and paid into the Department of Agriculture Fund pursuant to Section 6005 of the Food and Agricultural Code, which is hereby appropriated from such fund in augmentation of the 1973–74 fiscal year support budget of the Department of Food and Agriculture, to supplement research by the University of California on the male confusion (environmental permeation) technique for pink bollworm control, and such expenditures need not be matched by revenues from any other source.

SEC. 2. The Department of Food and Agriculture shall report its findings to the Legislature on the effectiveness of the male confusion technique for pink bollworm control, no later than January 1, 1975.

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

The cotton industry of this state is threatened with imminent destruction due to the increased damage to cotton caused by the pink bollworm. At the present, adequate funds are not available to support research to control or eradicate this pest. In order to provide for funds to support research to control the pink bollworm as soon as possible, and, thus, save the cotton industry in this state, it is necessary that the provisions of this act become effective immediately.

CHAPTER 193

An act to repeal Sections 20803 and 20803.2 of, and to add Sections 20803, 20803.2, and 20803.4 to, the Education Code, relating to school financing and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1974 Filed with Secretary of State April 25, 1974]

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

SECTION 1. Section 20803 of the Education Code is repealed.

SEC. 2. Section 20803 is added to the Education Code, to read:

20803. Effective September 4, 1973, and thereafter, the revenue limit per unit of average daily attendance for any community college district, as computed pursuant to law for any school year affected, may be increased and, having been increased, may be decreased, by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the district at an election

which may be ordered by the governing board of the community college district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted as nearly as is practicable in accordance with the provisions of Chapter 6 (commencing with Section 1301) of Division 4.

The specification of the election order shall contain the information provided in Section 1323 and shall be furnished by the governing board of the district for all revenue limit increase or decrease elections ordered by it.

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall there be authorized an (increase, decrease) in the revenue limit per unit of average daily attendance in the amount of _____ dollars ($_____), such (increase, decrease) to be effective in the _____ Community College District for (the school year 19__-__ only; the school years 19__-__ through 19__-__; _____ school years commencing 19__-__), the revenues of which are to be used for _____?

"This (increase, decrease) would constitute an (increase, decrease) for the school year 19__-__ from approximately _____ dollars ($_____) to approximately _____ dollars ($_____) per unit of average daily attendance.

"The proposed (increase, decrease) of the revenue limit of $_____ per unit of average daily attendance will authorize an (increase, decrease) in the estimated maximum general purpose tax rate of the district in the first year 19__-__ from approximately $_____ [the approximate maximum general purpose tax rate which would be applicable in 19__-__ in the event this proposition is not approved, although the maximum general purpose tax rate of the district for 19__-__ was approximately $_____] to approximately $_____ for each one hundred dollars ($100) of assessed valuation of property." (The explanatory language set forth above in brackets may, at the option of the district governing board,

be eliminated or appropriately modified.) Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district after July 11, 1973, the revenue limit of the district had been increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the revenue limit per unit of average daily attendance of the district, the ballot shall contain substantially the words "Shall the existing revenue limit increase of _____ dollars ($_____) per unit of average daily attendance be continued in the _____ Community College District for the school years 19__-__ through 19__-__, the revenues of which are to be used for _____?" Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square opposite each such word. Each voter shall stamp a cross in the voting square after the answer he desires to give.

Whenever the revenue limit per unit of average daily attendance of a district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the revenue limit per unit of average daily attendance of the district, the ballot used in the election shall show only the authorized revenue limit increase per unit of average daily attendance of the district in effect at the time of the election and the proposed revenue limit increase per unit of average daily attendance.

If an election for a decrease in an increased revenue limit of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1 following the election. If an election for a decrease in a revenue limit of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1 of the next succeeding year.

SEC. 3. Section 20803.2 of the Education Code is repealed.

SEC. 4. Section 20803.2 is added to the Education Code, to read:

20803.2. Effective September 4, 1973, and thereafter, the revenue limit per unit of average daily attendance for any elementary, high school, and unified district, as computed pursuant to law for any school year affected, may be increased and, having been increased, may be decreased, by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the school district at an election which may be ordered by the governing board of the school district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted as nearly as is practicable in accordance with the provisions of Chapter 6 (commencing with Section 1301) of Division 4.

The specification of the election order shall contain the information provided in Section 1323 and shall be furnished by the governing board of the district for all revenue limit increase or decrease elections ordered by it.

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall there be authorized an (increase, decrease) in the revenue limit per unit of average daily attendance in the amount of _____ dollars ($_____), such (increase, decrease) to be effective in the _____ School District for (the school year 19__-__ only; the school years 19__-__ through 19__-__; _____ school years commencing 19__-__), the revenues of which are to be used for _____?

"This (increase, decrease) would constitute an (increase, decrease) for the school year 19__-__ from approximately _____ dollars ($_____) to approximately _____ dollars ($_____) per unit of average daily attendance.

"The proposed (increase, decrease) of the revenue limit of $_____ per unit of average daily attendance will authorize an (increase, decrease) in the estimated maximum general purpose tax rate of the district in the first year 19__-__ from approximately $_____ [the approximate maximum general purpose tax rate which would be applicable in 19__-__ in the event this proposition is not approved, although the maximum general purpose tax rate of the district for 19__-__ was approximately $_____] to approximately $_____ for each one hundred dollars ($100) of assessed valuation of property." (The explanatory language set forth above in brackets may, at the option of the district governing board, be eliminated or appropriately modified.) Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district after July 11, 1973, the revenue limit of the district had been increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the revenue limit per unit of average daily attendance of the district, the ballot shall contain substantially the words "Shall the existing revenue limit increase of _____ dollars

($_____) per unit of average daily attendance be continued in the _____ School District for the school years 19__-__ through 19__-__, the revenues of which are to be used for _____?" Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square opposite each such word. Each voter shall stamp a cross in the voting square after the answer he desires to give.

Whenever the revenue limit per unit of average daily attendance of a school district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the revenue limit per unit of average daily attendance of the district, the ballot used in the election shall show only the authorized revenue limit increase per unit of average daily attendance of the district in effect at the time of the election and the proposed revenue limit increase per unit of average daily attendance.

If an election for a decrease in an increased revenue limit of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1 following the election. If an election for a decrease in a revenue limit of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1 of the next succeeding year.

SEC. 5. Section 20803.4 is added to the Education Code, to read:

20803.4. The repeal, by the act enacting this section, of Sections 20803 and 20803.2 shall not operate to invalidate the results of any election ordered, called or conducted prior to the effective date of this section, and the legal effectiveness of any ballot proposition used in any such election, which ballot proposition substantially complies with the wording authorized by such repealed sections, or with the purpose and intent of such repealed sections, is hereby ratified and confirmed to the full extent of the power of the Legislature to do so. Any school district or community college district election for an increase or decrease in the revenue limit of such district ordered by the governing board prior to the effective date of this section, in which the ballot proposition substantially complies with the wording authorized by Sections 20803 or 20803.2 of the Education Code, as added by the act enacting this section, or which substantially complies with the intent and purpose of these newly added sections, shall be as fully effective as they would be had these newly added Sections 20803 and 20803.2 become effective prior to the ordering of such elections.

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

Existing provisions of law relating to the ballot propositions to be used in school district and community college district elections for

increasing or decreasing the revenue limits per unit of average daily attendance of such districts require technical changes and clarifications which should be put into effect at the earliest possible time to permit school districts to undertake urgently needed steps to secure financial support for many important programs. For this reason it is essential that this act take effect immediately.

CHAPTER 194

An act to amend Section 454 of, and to add Sections 796, 10007, 12819, and 16477 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1974 Filed with Secretary of State April 30, 1974]

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

SECTION 1. Section 454 of the Public Utilities Code is amended to read:

454. (a) No public utility shall raise any rate or so alter any classification, contract, practice, or rule as to result in any increase in any rate except upon a showing before the commission and a finding by the commission that such increase is justified. Whenever any electrical, gas, heat, telephone, water, or sewer system corporation files an application to increase any rate of charge, other than an increase reflecting and passing through to customers only increased costs to the corporation, for the services or commodities furnished by it, the corporation shall furnish to its customers affected by the proposed increase notice of its application to the commission for approval of such increase. The corporation may include such notice with the regular bill for charges transmitted to such customers within 45 days if the corporation operates on a 30-day billing cycle, or within 75 days if the corporation operates on a 60-day billing cycle. The notice shall state the amount of the proposed increase expressed in both dollar and percentage terms, a brief statement of the reasons the increase is required or sought, and the mailing address of the commission to which any customer inquiries relative to the proposed increase, including a request by the customer to receive notice of the date, time, and place of any hearing on the application, may be directed.

(b) The commission may establish such rules as it considers reasonable and proper for each class of public utility providing for the nature of the showing required to be made in support of proposed increases, the form and manner of the presentation of such showing, and the procedure to be followed in the consideration thereof. Rules applicable to common carriers may provide for the publication and filing of any proposed increase together with a

written showing in support thereof, giving notice of such filing and showing in support thereof to the public, affording an opportunity for protests thereto, and to the consideration of, and action on, such showing and any protests filed thereto by the commission, with or without hearing; provided that the proposed increase shall not become effective until it has been approved by the commission.

SEC. 2. Section 796 is added to the Public Utilities Code, to read:

796. (a) The commission shall disallow, for purposes of setting the rates to be charged by any electrical, gas, or heat corporation for the services or commodities furnished by it, all expenses for advertising which encourage increased consumption of such services or commodities.

(b) Notwithstanding subdivision (a), the commission may allow, for purposes of setting rates, expenses for advertising which encourages the more efficient operation of the electric, gas, or heating plant, or for advertising which encourages the more efficient use of electricity, gas, or heat or the conservation of energy or natural resources, or presents accurate information on the economical purchase, maintenance, or effective use of electrical or gas appliances and devices.

SEC. 3. Section 10007 is added to the Public Utilities Code, to read:

10007. (a) Every public utility furnishing light, heat, or power shall expend no funds for advertising when such advertising encourages increased consumption of such services or commodities.

(b) Nothing in this section shall prohibit a public utility furnishing light, heat, or power from expending funds for advertising which encourages the more efficient operation of the public utility or for advertising which encourages the more efficient use of light, heat, or power, the conservation of energy or natural resources, or presents accurate information on the economical purchase, maintenance, or use of any appliance or device using light, heat, or power.

SEC. 4. Section 12819 is added to the Public Utilities Code, to read:

12819. (a) Every district furnishing light, heat, or power shall expend no funds for advertising when such advertising encourages increased consumption of such services or commodities.

(b) Nothing in this section shall prohibit a district furnishing light, heat, or power from expending funds for advertising which encourages the more efficient operation of the facilities, works, or utilities of the district, or for advertising which encourages the more efficient use of light, heat, or power, the conservation of energy or natural resources, or presents accurate information on the economical purchase, maintenance, or use of any appliance or device using light, heat, or power.

SEC. 5. Section 16477 is added to the Public Utilities Code, to read:

16477. (a) Every district furnishing light, heat, or power shall expend no funds for advertising when such advertising encourages

increased consumption of such services or commodities.

(b) Nothing in this section shall prohibit a district furnishing light, heat, or power from expending funds for advertising which encourages the more efficient operation of the facilities, works, or utilities of the district, or for advertising which encourages the more efficient use of light, heat, or power, the conservation of energy or natural resources, or presents accurate information on the economical purchase, maintenance, or use of any appliance or device using light, heat, or power.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there by any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present provisions of Section 454 of the Public Utilities Code may require some public utilities to postpone mailing their regular bill for charges to customers in order to include the required notice with the bill, causing unreasonable financial difficulties to the utilities thus affected. In order to quickly correct this situation, it is necessary that this act go into immediate effect.

CHAPTER 195

An act to add Section 20024.2 to the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor April 30, 1974 Filed with Secretary of State April 30, 1974]

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

SECTION 1. Section 20024.2 is added to the Government Code, to read:

20024.2. On the election of a contracting agency, other than a county superintendent of schools with respect to a contract under Chapter 4.5 (commencing with Section 20580), "final compensation" for a local member employed by such agency whose retirement is effective or whose death occurs after the date of such election and with respect to benefits based on service to such agency shall be computed under Section 20024.01 but with the substitution therein of the period of one year for three consecutive years.

An election under this section shall be made by amendment to the contracting agency's contract made in the manner prescribed for

approval of contracts, except that an election among the employees is not required, or by express provision of the contract if exercised at the time of approval of a contract.

SEC. 2. In accordance with Section 20740 of the Government Code, any agency electing to be subject to Section 20024.2 shall cease to be an employer for the purposes of Section 20024.2 upon the effective date of such election.

CHAPTER 196

An act to add Section 226.11 to the Civil Code, and Section 1283 to the Health and Safety Code, relating to adoption.

[Approved by Governor April 30, 1974 Filed with Secretary of State April 30, 1974]

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

SECTION 1. Section 226.11 is added to the Civil Code, to read:

226.11. All forms adopted by the State Department of Health authorizing the release of an infant from a health facility to the custody of persons other than the person entitled to custody of the child pursuant to Section 197 or Section 200 and authorizing such other persons to obtain medical care for the infant shall contain a statement in boldface type delineating the various types of adoptions available, and the natural parents' rights with regard thereto, including, but not limited to, rights with regard to revocation of consent to adoption.

SEC. 2. Section 226.11 is added to the Civil Code, to read:

226.11. All forms adopted by the State Department of Health authorizing the release of an infant from a health facility to the custody of persons other than the person entitled to custody of the child pursuant to Section 197 and authorizing such other persons to obtain medical care for the infant shall contain a statement in boldface type delineating the various types of adoptions available, and the natural parents' rights with regard thereto, including, but not limited to, rights with regard to revocation of consent to adoption.

SEC. 3. Section 1283 is added to the Health and Safety Code, to read:

1283. (a) No health facility shall surrender the physical custody of a minor under 16 years of age to any person unless such surrender is authorized in writing by the child's parent or the person having legal custody of the child.

(b) A health facility shall report to the State Department of Health, on forms supplied by the department, the name and address of any person and, in the case of a person acting as an agent for an organization, the name and address of the organization, into whose

physical custody a minor under the age of 16 is surrendered, other than a parent, relative by blood or marriage, or person having legal custody. Such report shall be transmitted to the department within 48 hours of the surrendering of custody.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 1336 are both chaptered and become effective on or before January 1, 1975, and Senate Bill No. 1336 repeals Section 200 of the Civil Code, that Section 226.11 of the Civil Code proposed by this bill be given effect in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1336 are both chaptered and become effective on or before January 1, 1974, and Senate Bill No. 1336 repeals Section 200 of the Civil Code, in which case Section 1 of this act shall not become operative.

CHAPTER 197

An act to amend Sections 20100, 20101, and 20102.1 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor April 30, 1974 Filed with Secretary of State April 30, 1974]

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

SECTION 1. Section 20100 of the Government Code is amended to read:

20100. The board of administration of this system is continued in existence.

It consists of:

(a) One member of the State Personnel Board, selected by and serving at the pleasure of the State Personnel Board.

(b) The Director of Finance.

(c) An official of a life insurer, an officer of a bank, an elected official of local government, and three persons representing the public, appointed by the Governor.

(d) Five members elected under the supervision of the board as follows:

(1) A member elected by the members of the system from the membership thereof;

(2) A member elected by the active state members of the system from the state membership thereof;

(3) A member elected by and from the active local members of the system who are employees of a school district or a county superintendent of schools; and

(4) A member elected by and from the active local members of the system other than those who are employees of a school district

or a county superintendent of schools.

(5) A member elected by and from the retired members of the system.

The board membership of the three members representing the public appointed under subdivision (c) shall be limited to service in the administration of the provisions of the State Employees' Medical and Hospital Care Act contained in Part 5 (commencing with Section 22751) of this division, and they shall not participate in board activities or have any voting power or other authority in the administration of the provisions of this part.

SEC. 2. Section 20101 of the Government Code is amended to read:

20101. The term of office of the members specified in subdivision (c) and subparagraphs (1) and (2) of subdivision (d) of Section 20100, other than the three members representing the public, is four years, expiring on January 15th, in the order heretofore fixed by law. The term of the member last elected as provided in subparagraph (3) of subdivision (d) of Section 20100 prior to the amendments to such subparagraph at the 1971 Regular Session shall expire January 15, 1975, and subsequent elections for members under such subparagraph as so amended shall be for the term of four years expiring January 15. The member prescribed in subparagraph (4) of subdivision (d) of Section 20100 shall be elected for a term beginning January 16, 1973, and ending January 15, 1975. The term of such member thereafter shall be four years. The member prescribed in subparagraph (5) of subdivision (d) of Section 20100 shall be elected for a term beginning January 16, 1976, and ending January 15, 1980, and the term of such member thereafter shall be four years. The members of the board as of October 1, 1963, representing the public shall so classify themselves by lot, that their terms will expire as follows: (1) one member, January 15, 1964; (2) one member, January 15, 1965; and (3) one member, January 15, 1966. The term of office of members representing the public thereafter shall be four years. The Governor shall fill a vacancy of the members in subdivision (c) of Section 20100 by the appointment of a person having the requisite qualifications for the vacant membership. Such appointment shall be for the unexpired term. In the event a vacancy occurs during the term of an elected member, it shall be filled at a special election which the board shall cause to be held; provided, the term has 15 months or more to run from the time the vacancy occurs; otherwise, the office shall remain vacant until filled at the next regular election.

SEC. 3. Section 20102.1 of the Government Code is amended to read:

20102.1. Notwithstanding any other provision of this part, any member of the system who has retired shall be entitled to vote and be elected to the board under paragraphs (1) and (5) of subdivision (d) of Section 20100 in the same manner as he was entitled to vote and be elected to office at the date of his retirement. Ballots shall be distributed to such retired persons and canvassed as provided for in

Section 20102. Any person who was elected to the board under paragraphs (2), (3), and (4) of subdivision (d) of Section 20100 prior to his retirement shall be entitled to hold such office until the end of his term.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 198

An act to add Section 1157.6 to the Government Code, relating to salary and wage deductions.

[Approved by Governor April 30, 1974. Filed with Secretary of State April 30, 1974.]

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

SECTION 1. Section 1157.6 is added to the Government Code, to read:

1157.6. Retired employees of a public agency, other than a school district, or eligible surviving spouses of such retired employees, on approval of the governing body of such public agency, in addition to any other purposes authorized in this article, may authorize deductions to be made from their retirement or survivors' allowances for the payment of dues in any bona fide association whose membership is comprised in whole or in part of retired employees of such public agency in accordance with provisions made by the governing body of the public agency.

CHAPTER 199

An act to amend Section 6080 of the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor May 2, 1974. Filed with Secretary of State May 2, 1974]

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

SECTION 1. Section 6080 of the Harbors and Navigation Code is amended to read:

6080. All work authorized to be done under this part, exceeding in cost the sum of three thousand five hundred dollars ($3,500), shall be awarded upon competitive bidding. Notice of the proposed

letting of such a contract shall be given by advertisement for a period of two weeks or published pursuant to Section 6066 of the Government Code, in a newspaper of general circulation, published, printed and circulated in the district. The contract shall be awarded to the lowest responsible bidder.

The board may, without advertising for bids, negotiate with the government of the United States for the purpose of assisting the board in the performance of any of the work authorized by this part, and the board may contribute to the United States all or any portion of the estimated cost of any work authorized by this part which is to be done by or under contract with the United States.

CHAPTER 200

An act to amend Section 35103 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 2, 1974. Filed with Secretary of State May 2, 1974]

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

SECTION 1. Section 35103 of the Vehicle Code is amended to read:

35103. When any vehicle carries a load composed of plywood, particle board, hardboard, gypsum board, similar types of wallboard, or any combination thereof, stacked side by side, the total outside width of that portion of the load consisting of those items set forth in this section shall not exceed 100 inches.

This section shall not be applicable to any highway when it would operate to prevent the state from receiving federal funds for highway purposes.

CHAPTER 201

An act to amend Section 7071.11 of the Business and Professions Code, and to add Section 96.5 to the Labor Code, relating to labor.

[Approved by Governor, May 2, 1974. Filed with Secretary of State May 2, 1974]

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

SECTION 1. Section 7071.11 of the Business and Professions Code is amended to read:

7071.11. Any person claiming against any bond or cash deposit required by this article may maintain an action at law against the

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

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

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

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

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

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

In any case in which a claim is filed against a cash deposit held by the registrar by any employee or by an employee organization on behalf of an employee, concerning wages or fringe benefits based upon the employee's employment, claims for the nonpayment thereof shall be filed with the Labor Commissioner. The Labor Commissioner shall, pursuant to the authority vested in him by Section 96.5 of the Labor Code, conduct hearings to determine

whether or not such wages or fringe benefits should be made to the complainant. Upon a finding by the commissioner that such wages or fringe benefits should be paid to the complainant, he shall notify the registrar of such findings. The registrar shall not make payment from the cash deposit on the basis of findings by the commissioner for a period of 10 days following determination of the findings. If, within such period, the complainant or the contractor files written notice with the registrar and the commissioner of an intention to seek judicial review of the findings pursuant to Section 11523 of the Government Code, the registrar shall not make payment, if an action is actually filed, except as determined by the court. If, thereafter, no action is filed within 60 days following determination of findings by the commissioner, the registrar shall make payment from the cash deposit to the complainant.

SEC. 2. Section 96.5 is added to the Labor Code, to read:

96.5. The Labor Commissioner shall conduct such hearings as may be necessary for the purpose of Section 7071.11 of the Business and Professions Code. In any action to recover upon a cash deposit after a determination made under Section 7071.11, the Labor Commissioner shall certify in writing to the appropriate court that he has heard and determined the validity of claims and demands and that the sum specified therein is the amount found due and payable. The certificate of the commissioner shall be considered by the court but shall not, by itself, be sufficient evidence to support a judgment.

CHAPTER 202

An act to amend Sections 1318.4 and 1318.6 of the Penal Code, relating to pretrial release.

[Approved by Governor May 2, 1974 Filed with Secretary of State May 2, 1974]

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

SECTION 1. Section 1318.4 of the Penal Code is amended to read:

1318.4. To be released on his own recognizance the defendant shall file with the clerk of the court in which the magistrate or judge is presiding an agreement in writing duly executed by him, in which he agrees that:

(a) He will appear at all times and places as ordered by the court or magistrate releasing him and as ordered by any court in which, or any magistrate before whom, the charge is subsequently pending.

(b) If he fails to so appear and is apprehended outside of the State of California, he waives extradition.

(c) Any court or magistrate of competent jurisdiction may revoke the order of release and either return him to custody or require that he give bail or other assurance of his appearance as elsewhere

provided by this chapter, upon a finding made in open court that he has failed to appear or has violated any condition of the order releasing him on his own recognizance, or that there has been a change of circumstances which increases the risk of failure to appear, or that additional facts have been presented which were not shown at the time of the original order releasing him on his own recognizance.

SEC. 2. Section 1318.6 of the Penal Code is amended to read:

1318.6. After a defendant has been released pursuant to this article, the court in which the charge is pending may require that the defendant either give bail in an amount specified by it or other security as elsewhere provided in this chapter upon a finding, made in open court that the defendant has failed to appear or has violated any condition of the order releasing him on his own recognizance, or that there has been a change of circumstances which increases the risk of failure to appear, or that additional facts have been presented which were not shown at the time of the original order releasing the defendant on his own recognizance. The court may order that the defendant be committed to actual custody unless he gives such bail or gives such other security.

CHAPTER 203

An act to amend Sections 3901, 3902, 3950, 3951, 3952, and 3953 of the Health and Safety Code, relating to wiping rags.

[Approved by Governor May 2, 1974 Filed with Secretary of State May 2, 1974]

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

SECTION 1. Section 3901 of the Health and Safety Code is amended to read:

3901. No person shall supply or furnish to his employees for wiping rags, or sell or offer for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bedclothes, bedding, or soiled rags or cloths unless they have been sanitized by methods prescribed by or acceptable to the State Department of Health.

SEC. 2. Section 3902 of the Health and Safety Code is amended to read:

3902 Every local health officer or registered sanitarian, upon proper demand and notice of his authority, may, during business hours, enter any place where wiping rags are used, are kept for sale, or offered for sale, and inspect the wiping rags. No person shall refuse to permit the inspection, or impede or obstruct the officer during the inspection.

SEC. 3. Section 3950 of the Health and Safety Code is amended

to read:

3950. On and after July 1, 1975, it shall be unlawful for any person to operate any business of laundering, sanitizing, or selling wiping rags unless, in addition to any other permit which may be required, he has a valid permit issued by the local health officer pursuant to an ordinance of the local governing body.

SEC. 4. Section 3951 of the Health and Safety Code is amended to read:

3951. A permit to operate any business of laundering, sanitizing, or selling wiping rags shall be issued by the local health officer if the applicant complies with the provisions of this chapter and any regulations adopted thereunder. The governing body of each city and county shall determine the amount of any fee for the issuance of a permit pursuant to provisions of this chapter for any business within the territory under its jurisdiction. The amount of such fee shall not exceed the amount necessary to defray the costs of administering this chapter. The permit for operation shall be posted in a conspicuous place in the business establishment for which the permit is issued. Any permit issued pursuant to this chapter may be suspended or revoked for any violation of any of the provisions of this chapter, the regulations adopted thereunder, or any condition of the permit required by the ordinance of the local governing body. Nothing in this chapter shall preempt local regulation of the business of laundering, sanitizing, or selling wiping rags, and any local governing body may adopt an ordinance containing requirements more restrictive than those contained in regulations adopted pursuant to this chapter.

The local health officer shall issue and serve upon the permit holder a notice setting forth in clear and concise language the act or omission upon which the violation is based, when the permit holder is charged with any violation and shall inform the permit holder of his rights to a hearing prior to suspension or revocation. At any time within the 15 days after service of such notice, the permit holder may request a hearing before the local health officer to show cause why his permit should not be suspended or revoked. A failure to request a hearing within 15 days shall be deemed a waiver of a right to such hearing.

The local health officer may call a hearing for the purpose of investigating any violations of this chapter.

SEC. 5. Section 3952 of the Health and Safety Code is amended to read:

3952. The local health officer authorized to issue permits to launder, sanitize, or sell wiping rags shall keep a record of suspension or revocation of permits and a register of:

(a) The names and places of business of persons to whom permits are issued.

(b) The date of issue and number of each permit.

SEC. 6. Section 3953 of the Health and Safety Code is amended to read:

3953. Before being sold or offered for sale, each package or parcel of wiping rags shall be plainly marked "sanitized wiping rags," and in addition it shall be plainly marked with the name and location of the laundry in which the rags were laundered and sanitized.

SEC. 7. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 204

An act to amend Section 27491.25 of the Government Code, relating to blood and urine tests.

[Approved by Governor May 2, 1974. Filed with Secretary of State May 2, 1974]

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

SECTION 1. Section 27491.25 of the Government Code is amended to read:

27491.25. The coroner, or his appointed deputy, on being notified of a death occurring while the deceased was driving or riding in a motor vehicle, or as a result of the deceased being struck by a motor vehicle, shall take blood and urine samples from the body of the deceased before it has been prepared for burial and make appropriate related chemical tests to determine the alcoholic and barbituric acid derivative contents, if any, of the body. At the discretion of the coroner, or his appointed deputy, the same procedure may be used to determine the amphetamine derivative contents, if any, of the body.

The detailed medical findings, resulting from such an examination, shall either be reduced to writing or permanently preserved on recording discs or other similar recording media and shall include all positive and negative findings pertinent to the presence or absence of any alcoholic, barbituric acid or, if determined, the amphetamine derivative content.

This section shall not apply to the testing of deceased persons under the age of 15 years, unless the surrounding circumstances indicate the possibility of alcoholic, barbituric acid and amphetamine derivative consumption, nor shall it apply when the death has occurred more than 24 hours after the accident

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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CHAPTER 205

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

[Approved by Governor May 2, 1974 Filed with Secretary of State May 2, 1974]

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

SECTION 1. Notwithstanding the provisions of Sections 19590 and 19590.5, conditional apportionments made prior to March 4, 1974 to a school district which does not have outstanding bonds of the district exceeding 95 percent of the maximum amount of bonds authorized by law which could have been outstanding under any law on the date the conditional apportionment was made, may become final if all of the following conditions exist:

(a) The district falls short of having 95 percent of maximum amount of bonds which it could have had outstanding by any law, by eighty-five thousand dollars ($85,000) or less;

(b) The district has no unsold bond authorization from its electorate;

(c) The district has called an election for March 5, 1974, to authorize the issuance of nine million five hundred thousand dollars ($9,500,000) of school bonds.

This section shall remain in effect only until August 15, 1974, and as of that date is repealed.

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

In order that urgently needed school buildings provided for by this act may be constructed as soon as possible and that preliminary administrative measures be commenced upon the earliest possible date, it is necessary that this act take immediate effect.

CHAPTER 206

An act to add Section 15519 to the Education Code, relating to school taxes.

[Approved by Governor May 2, 1974 Filed with Secretary of State May 2, 1974]

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

SECTION 1. Section 15519 is added to the Education Code, to read:

15519. Any revenue derived from an increase in the rate of tax

provided by Section 15518 prior to July 1, 1975, and which is unexpended on that date, may be used after July 1, 1975, by the governing board of a school district to complete the corrective structural repair, reconstruction, or replacement of any school building subject to Section 15503 which had not been completed on that date.

CHAPTER 207

An act to add Section 13270 to the Water Code, relating to water quality.

[Approved by Governor May 2, 1974 Filed with Secretary of State May 2, 1974]

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

SECTION 1. Section 13270 is added to the Water Code, to read:

13270. Where a public agency as defined in subdivision (b) of Section 13400 leases land for waste disposal purposes to any other public agency, including the State of California, or to any public utility regulated by the Public Utilities Commission, the provisions of Sections 13260, 13263, and 13264 shall not require the lessor public agency to file any waste discharge report for the subject waste disposal, and the regional board and the state board shall not prescribe waste discharge requirements for the lessor public agency as to such land provided that the lease from the lessor public agency shall not contain restrictions which would unreasonably limit the ability of the lessee to comply with waste discharge requirements appurtenant to the leased property.

CHAPTER 208

An act to amend Section 7262 of the Harbors and Navigation Code, to amend Sections 4810, 6785 and 13906 of the Health and Safety Code, to amend Section 72094 of the Water Code, to amend Section 44 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), to amend Section 74 of Chapter 1654 of the Statutes of 1961, and to amend Section 28 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), relating to property taxation.

[Approved by Governor May 2, 1974 Filed with Secretary of State May 2, 1974.]

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

SECTION 1. Section 7262 of the Harbors and Navigation Code is amended to read:

7262. On or before the first day of August the board of directors of the district shall furnish to the board of supervisors and to the auditor, respectively, in writing:

(a) An estimate of the minimum amount of money required by Section 7243 to be raised by taxation during the fiscal year.

(b) An estimate of the minimum amount of money required to be raised by taxation to comply with, but subject to the limitations of, any provision inserted pursuant to Section 7243 in any ordinance or resolution providing for the issuance of revenue bonds.

(c) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district. Taxes levied for purposes of the district other than pursuant to Section 7243 or Section 7260 shall not in the aggregate exceed in any one year seventy-five cents ($0.75) on each one hundred dollars ($100) of assessed valuation.

SEC. 2. Section 4810 of the Health and Safety Code is amended to read:

4810. Annually, on or before the first day of August the district board shall furnish to the board of supervisors and the county auditor a written statement of the amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

SEC. 3. Section 6785 of the Health and Safety Code is amended to read:

6785. When so determined, the board shall immediately certify to the county auditor of the county in which the district is situated the rate of taxation fixed.

SEC. 4. Section 13906 of the Health and Safety Code is amended to read:

13906. The district board shall report the final budget to the board of supervisors or to each board of supervisors concerned, after the budget hearing but not later than the first day of August of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions. A copy shall, at the same time, be forwarded to the auditor of the county wherein the district is located.

SEC. 5. Section 72094 of the Water Code is amended to read:

72094. On or before the third Monday in August, the board shall certify to the board of supervisors and county auditor the tax rate or rates fixed for the district and shall furnish a statement of any delinquent and unpaid charges for water and other services, or either, requested in writing by the owner of the property that remain delinquent and unpaid for 60 days or more on July 1st.

SEC. 6. Section 44 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of the 1962, First Extraordinary Session) is amended to read:

Sec. 44. The board shall, on or before the first day of August,

certify to the board of supervisors and to the auditor of the county in which the district is located, in writing the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any general obligation bonded debt of the district that will become due before the proceeds of a tax levied at the next general tax levy will be available. To the extent that, pursuant to this act or otherwise, moneys are on hand and have been set aside in the proper special fund for the purpose of paying such principal and interest, the amount of money required to be raised by taxation during the fiscal year may be reduced and if all of the moneys required to be raised by such annual tax levy are actually on hand and have been set aside in said fund for said purpose from some such other source, the tax levy hereinbefore required for such year need not be made.

SEC. 7. Section 74 of Chapter 1654 of the Statutes of the 1961 Regular Session is amended to read:

Sec. 74. The district board shall report the final budget to the supervising authority and to the county auditor after the budget hearing but not later than the first day of August of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

SEC. 8. Section 28 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927) is amended to read:

Sec. 28. Preparation of Estimates of Moneys Needed: Tax Limit. The board of directors shall, on or before the first day of August of each year, furnish the board of supervisors and the auditor of the county wherein the district is situated, or if such district is not entirely within one county, then, as hereinafter provided, to the supervisors and auditors of each county in which any portion of the district is situated, an estimate in writing of the amount of money needed for the purpose of the district for the ensuing fiscal year. This amount must be sufficient to raise a sum of money which shall be sufficient to pay the incidental expenses of the district, and the cost of the work of spreading and sinking waters which the board of directors may deem advisable to be done during the ensuing year, the estimated cost of repairs to and maintenance of any property or works of the district, the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken by the district, including the cost of employment of attorneys and engineers; and such estimates may also include such an amount as the board of directors may deem advisable to expend in the acquisition or construction of settling basins, wells and other works for the spreading and sinking of waters, together with necessary rights-of-way for use of same; provided, however, the tax levied during any year for the raising of said funds shall not exceed two and one-half mills ($0.0025) on each one hundred cents (100 cents) of the assessed values of the lands within the district, together with the improvements thereon, according to the last assessment rolls.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 209

An act to amend Sections 51513, 51521, 51553, 51554 and 51555 of the Government Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1974. Filed with Secretary of State May 2, 1974]

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

SECTION 1. Section 51513 of the Government Code is amended to read:

51513. The taxes so levied shall be collected at the time and in the manner of county taxes and paid into the county treasury. The net amount of the taxes, after deduction of the county's compensation for the services of its treasurer, assessor, and tax collector, shall be paid to the city.

SEC. 2. Section 51521 of the Government Code is amended to read:

51521. When delinquent taxes of a general law city, with costs and penalties, have been paid to the county treasurer, the money collected, including, if authorized by the board of supervisors as a matter of general county policy, the costs and penalties on such delinquent taxes, shall be paid to the city, after deduction of the county's compensation.

SEC. 3. Section 51553 of the Government Code is amended to read:

51553. The taxes so levied shall be collected at the time and in the manner of county taxes and shall be paid into the county treasury. After deduction of the county's compensation the net amount of the taxes shall be paid to the city.

SEC. 4. Section 51554 of the Government Code is amended to read:

51554. When delinquent city taxes, with costs and penalties, have been paid to the county treasurer or when property in the city has been sold for the nonpayment of city taxes and redeemed, and the money for the redemption paid to the county treasurer, the money collected shall be paid to the city, after deduction of the county's compensation.

SEC. 5. Section 51555 of the Government Code is amended to

read:

51555. The net amounts of collections of current and delinquent taxes and redemptions shall be paid to the city monthly, or at such other times agreed upon between the city legislative body and the board of supervisors.

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

In order that this act may operate with respect to city taxes for the 1974–1975 fiscal year, it is essential that it go into effect immediately.

CHAPTER 210

An act to add Section 1623.1 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 2, 1974. Filed with Secretary of State May 2, 1974.]

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

SECTION 1. Section 1623.1 is added to the Revenue and Taxation Code, to read:

1623.1. As an alternative to the nomination and selection procedure provided in Section 1623, the board of supervisors may, by ordinance, provide that it shall appoint the members and alternates of the assessment appeals board, upon the expiration of any term of office or the occurrence of a vacancy on such board.

CHAPTER 211

An act to amend Section 674 of, to amend the heading of Title 11 (commencing with Section 1713) of Part 3 of, to amend Sections 1713.1 and 1713.3 of, to add Chapter 1 (commencing with Section 1710.10) to Title 11 of Part 3 of, and to repeal Section 1915 of, the Code of Civil Procedure, relating to enforcement of judgments.

[Approved by Governor May 2, 1974. Filed with Secretary of State May 2, 1974.]

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

SECTION 1. Section 674 of the Code of Civil Procedure, as

amended by Chapter 797 of the Statutes of 1973, is amended to read:

674. (a) An abstract of the judgment or decree of any court of this state, including a judgment entered pursuant to Chapter 1 (commencing with Section 1710.10) of Title 11 of Part 3, or a judgment of any court sitting as a small claims court, or any court of record of the United States, the enforcement of which has not been stayed on appeal or pursuant to Section 1710.50, certified by the clerk, judge or justice of the court where such judgment or decree was rendered, may be recorded with the recorder of any county and from such recording the judgment or decree becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterward and before the lien expires, acquire. Such lien continues for 10 years from the date of the entry of the judgment or decree unless the enforcement of the judgment or decree is stayed on appeal or pursuant to Section 1710.50 by the execution of a sufficient undertaking or the deposit in court of the requisite amount of money as provided in this code, or by the statutes of the United States, in which case the lien of the judgment or decree, and any lien or liability now existing or hereafter created by virtue of an attachment that has been issued and levied in the action, unless otherwise by statutes of the United States provided, ceases, or upon an undertaking on release of attachment, or unless the judgment or decree is previously satisfied, or the lien otherwise discharged. The abstract above mentioned shall contain the following: title of the court and cause and number of the action; date of entry of the judgment or decree; names of the judgment debtor and of the judgment creditor; amount of the judgment or decree, and where entered in judgment book, minutes or docket in the justice court.

(b) An order made pursuant to subdivision (b) of Section 908 of the Welfare and Institutions Code shall be considered a judgment for the purposes of subdivision (a) of this section.

SEC. 2. The heading of Title 11 (commencing with Section 1713) of Part 3 of the Code of Civil Procedure is amended to read:

TITLE 11. SISTER STATE AND FOREIGN MONEY—JUDGMENTS

SEC. 3. Chapter 1 (commencing with Section 1710.10) is added to Title 11 of Part 3 of the Code of Civil Procedure, to read:

CHAPTER 1. SISTER STATE MONEY—JUDGMENTS

1710.10. As used in this chapter:

(a) "Judgment creditor" means the person or persons who can bring an action to enforce a sister state judgment.

(b) "Judgment debtor" means the person or persons against whom an action to enforce a sister state judgment can be brought.

(c) "Sister state judgment" means that part of any judgment,

decree, or order of a court of a state of the United States, other than California, which requires the payment of money, but does not include a support order as defined in subdivision (k) of Section 1653.

1710.15. (a) A judgment creditor may apply for the entry of a judgment based on a sister state judgment by filing an application with the superior court for the county designated by Section 1710.20.

(b) The application shall be executed under oath and shall include all of the following:

(1) A statement that an action in this state on the sister state judgment is not barred by the applicable statute of limitations.

(2) A statement, based on the applicant's information and belief, that no stay of enforcement of the sister state judgment is currently in effect in the sister state.

(3) A statement of the amount remaining unpaid under the sister state judgment.

(4) A statement that no action based on the sister state judgment is currently pending in any court in this state and that no judgment based on the sister state judgment has previously been entered in any proceeding in this state.

(5) Where the judgment debtor is an individual, a statement setting forth the name and last known residence address of the judgment debtor. Where the judgment debtor is a corporation, a statement of the corporation's name, place of incorporation, and whether the corporation, if foreign, has qualified to do business in this state under the provisions of Chapter 3 (commencing with Section 6403) of Part 11 of Division 1 of Title 1 of the Corporations Code. Where the judgment debtor is a partnership, a statement of the name of the partnership, whether it is a foreign partnership, and, if it is a foreign partnership, whether it has filed a statement pursuant to Section 15700 of the Corporations Code designating an agent for service of process. Except for facts which are matters of public record in this state, the statements required by this paragraph may be made on the basis of the judgment creditor's information and belief.

(6) A statement setting forth the name and address of the judgment creditor.

(c) A properly authenticated copy of the sister state judgment shall be attached to the application.

1710.20. (a) The application shall be filed in the office of the clerk of the superior court for:

(1) The county in which any judgment debtor resides; or

(2) If no judgment debtor is a resident, any county in this state.

(b) The court may transfer proceedings under this chapter pursuant to Title 4 (commencing with Section 392) of Part 2.

1710.25. Upon the filing of the application, the clerk shall enter a judgment based upon the application for the amount shown therein to be remaining unpaid under the sister state judgment. Entry shall be made in the same manner as entry of a judgment of the superior court.

1710.30. Notice of entry of judgment shall be served promptly by

the judgment creditor upon the judgment debtor in the manner provided for service of summons by Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2. Notice shall be in a form prescribed by the Judicial Council and shall inform the judgment debtor that he has 30 days within which to make a motion to vacate the judgment.

1710.35. Except as otherwise provided in this chapter, a judgment entered pursuant to this chapter shall have the same effect as a money judgment of a superior court of this state and may be enforced or satisfied in like manner.

1710.40. (a) A judgment entered pursuant to this chapter may be vacated on any ground which would be a defense to an action in this state on the sister state judgment.

(b) Not later than 30 days after service of notice of entry of judgment pursuant to Section 1710.30, proof of which has been made in the manner provided by Article 5 (commencing with Section 417.10) of Chapter 4 of Title 5 of Part 2, the judgment debtor, on written notice to the judgment creditor, may make a motion to vacate the judgment under this section.

1710.45. (a) Except as otherwise provided in this section, a writ of execution on a judgment entered pursuant to this chapter shall not issue until at least 30 days after the judgment creditor serves notice of entry of the judgment upon the judgment debtor, proof of which has been made in the manner provided by Article 5 (commencing with Section 417.10) of Chapter 4 of Title 5 of Part 2.

(b) A writ of execution may be issued before service of the notice of entry of judgment if the judgment debtor is any of the following:

(1) An individual who does not reside in this state.

(2) A foreign corporation not qualified to do business in this state under the provisions of Chapter 3 (commencing with Section 6403) of Part 11 of Division 1 of Title 1 of the Corporations Code.

(3) A foreign partnership which has not filed a statement pursuant to Section 15700 of the Corporations Code designating an agent for service of process.

(c) The court may order that a writ of execution be issued before service of the notice of entry of judgment if the court finds upon an ex parte showing that great or irreparable injury would result to the judgment creditor if issuance of the writ were delayed as provided in subdivision (a).

(d) Property levied upon pursuant to a writ issued under subdivision (b) or (c) shall not be sold or distributed before 30 days after the judgment creditor serves notice of entry of the judgment upon the judgment debtor, proof of which has been made in the manner provided by Article 5 (commencing with Section 417.10) of Chapter 4 of Title 5 of Part 2. However, if property levied upon is perishable, it may be sold in order to prevent its destruction or loss of value, but the proceeds of the sale shall not be distributed to the judgment creditor before the date sale of nonperishable property is permissible.

1710.50. (a) The court shall grant a stay of enforcement where:

(1) An appeal from the sister state judgment is pending or may be taken in the state which originally rendered the judgment. Under this paragraph, enforcement shall be stayed until the proceedings on appeal have been concluded or the time for appeal has expired.

(2) A stay of enforcement of the sister state judgment has been granted in the sister state. Under this paragraph, enforcement shall be stayed until the sister state stay of enforcement expires or is vacated.

(3) The judgment debtor has made a motion to vacate pursuant to Section 1710.40. Under this paragraph, enforcement shall be stayed until the judgment debtor's motion to vacate is determined.

(4) Any other circumstance exists where the interests of justice require a stay of enforcement.

(b) The court may grant a stay of enforcement under this section on its own motion, on ex parte motion, or on noticed motion.

(c) The court shall grant a stay of enforcement under this section on such terms and conditions as are just including but not limited to the following:

(1) The court may require an undertaking in an amount it determines to be just, but the amount of the undertaking shall not exceed double the amount of the judgment creditor's claim.

(2) If a writ of execution has been issued, the court may order that it remain in effect.

(3) If property of the judgment debtor has been levied upon under a writ of execution, the court may order the levying officer to retain possession of the property capable of physical possession and to maintain the levy on other property.

1710.55. No judgment based on a sister state judgment may be entered pursuant to this chapter in any of the following cases:

(a) A stay of enforcement of the sister state judgment is currently in effect in the sister state.

(b) An action based on the sister state judgment is currently pending in any court in this state.

(c) A judgment based on the sister state judgment has previously been entered in any proceeding in this state.

1710.60. (a) Except as provided in subdivision (b), nothing in this chapter affects any right a judgment creditor may have to bring an action to enforce a sister state judgment.

(b) No action to enforce a sister state judgment may be brought where a judgment based on such sister state judgment has previously been entered pursuant to this chapter.

1710.65. The entry of a judgment based on a sister state judgment pursuant to this chapter does not limit the right of the judgment creditor to bring an action based on the part of a judgment of a sister state which does not require the payment of money, nor does the bringing of such an action limit the right of the judgment creditor to obtain entry of judgment based on the sister state judgment pursuant to this chapter.

SEC. 4. Section 1713.1 of the Code of Civil Procedure is amended to read:

1713.1. As used in this chapter:

(1) "Foreign state" means any governmental unit other than the United States, or any state, district, commonwealth, territory, insular possession thereof, or the Panama Canal Zone, or the Trust Territory of the Pacific Islands;

(2) "Foreign judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters.

SEC. 5. Section 1713.3 of the Code of Civil Procedure is amended to read:

1713.3. Except as provided in Section 1713.4, a foreign judgment meeting the requirements of Section 1713.2 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit, except that it may not be enforced pursuant to the provisions of Chapter 1 (commencing with Section 1710.10) of this title.

SEC. 6. Section 1915 of the Code of Civil Procedure is repealed.

CHAPTER 212

An act to amend Section 17127 of the Food and Agricultural Code, relating to animals.

[Approved by Governor May 2, 1974. Filed with Secretary of State May 2, 1974.]

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

SECTION 1. Section 17127 of the Food and Agricultural Code is amended to read:

17127. The board of supervisors of Shasta or Trinity County may, if it determines that all or any part of the county under its jurisdiction has ceased to be devoted chiefly to grazing, provide by ordinance that estray animals may thereafter be taken up on unenclosed property in the county or part of county under its jurisdiction. It is the intent and purpose of this section that the provisions of law which are generally applicable throughout the state shall be extended to all of the county when the conditions upon which the exceptions were based have ceased to exist.

CHAPTER 213

An act to amend Section 714 of the Code of Civil Procedure, relating to judgment debtors.

[Approved by Governor May 7, 1974. Filed with Secretary of State May 7, 1974.]

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

SECTION 1. Section 714 of the Code of Civil Procedure is amended to read:

714. When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, may properly be issued, whether or not such execution has been issued or returned, the judgment creditor is entitled to an order from a judge of the court, requiring such judgment debtor to appear and answer concerning his property before such judge, or a referee appointed by him, at a time and place specified in the order. However, a judgment debtor may not, pursuant to this section, be required to appear and answer more frequently than every four months. This section shall not be construed to restrict the rights granted by Section 715.

If the judgment debtor ordered to appear pursuant to this section fails to do so, and if such order has been served by a sheriff, constable, marshal, some person specially appointed by the court in the order, or a registered process server, the judge may, pursuant to a warrant, have such debtor brought before the court to answer for such failure to appear.

An order made pursuant to this section shall contain the following language in boldface type: "Failure to appear may subject the party served to arrest and punishment for contempt of court."

Any person who willfully makes an improper service of an order directed to a judgment debtor to appear and answer concerning his property which subsequently results in his arrest is guilty of a misdemeanor.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 214

An act to amend Section 717 of the Code of Civil Procedure, relating to judgment debtors.

[Approved by Governor May 7, 1974. Filed with Secretary of State May 7, 1974.]

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

SECTION 1. Section 717 of the Code of Civil Procedure is amended to read:

717. After the issuing or return of an execution against property of the judgment debtor, or of any one of the several debtors in the same judgment, and upon proof by affidavit or otherwise, to the satisfaction of the judge, that any person or corporation has property of such judgment debtor, or is indebted to him in an amount exceeding fifty dollars ($50), the judge may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place before him, or a referee appointed by him, and answer concerning the same. The spouse of a judgment debtor) the extent provided by Sections 970 and 971 of the Evidence Code may not be required to so testify, if there has not been a waiver of such provisions in the action giving rise to the judgment.

If the person ordered to appear pursuant to this section fails to do so, and if the order requiring his appearance has been served by a sheriff, constable, marshal, some person specially appointed by the court in the order, or a registered process server, the judge may, pursuant to a warrant, have such person brought before the court to answer for such failure to appear.

An order made pursuant to this section shall contain the following language in boldface type: "Failure to appear may subject the party served to arrest and punishment for contempt of court."

Any person who willfully makes an improper service of an order made pursuant to this section which results in the arrest of the person ordered to appear is guilty of a misdemeanor.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 215

An act to amend Section 19700.62 of the Education Code, relating to school building contracts.

[Approved by Governor May 7, 1974 Filed with Secretary of State May 7, 1974.]

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

SECTION 1. Section 19700.62 of the Education Code is amended to read:

19700.62. Each school district which desires an apportionment shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire construction project for which the district desires an apportionment.

Estimates of costs for new construction or equipment appearing in an application shall conform to cost standards adopted by the board under Section 19571 of this chapter.

A school district shall not let any contract for new construction included in an application for a construction project which has been approved by the board if the cost exceeds the construction cost standards fixed by the board under Section 19571 for such new construction by more than 2 percent or except as otherwise provided in Section 19700.71. The amount, if any, by which the contract cost exceeds the construction cost standards fixed by the board shall be borne by the school district and shall not be included in the apportionment.

A school district may at any time amend or supplement its application.

Each construction project for which a district applies for an apportionment shall be applied for on a separate application and shall be considered separately by the board. If a district applies for more than one construction project, at the same time or at different times, the priority points of the district shall be recalculated after the approval of each separate construction project and before a subsequent construction project is approved.

The board shall require such changes in the plans which an applicant school district submits with its application as the board determines is necessary or desirable to reduce the cost of the project.

CHAPTER 216

An act to amend Sections 15352.6 and 19700.747 of, and to add Section 19560.1 to, the Education Code, relating to leasing of portable school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1974. Filed with Secretary of State May 7, 1974]

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

SECTION 1. Section 15352.6 of the Education Code is amended to read:

15352.6. When the school enrollment of any school of a unified school district causes overcrowded schoolrooms and because of the rural location of the unified school district no other suitable quarters are available, the governing board of the school district may make arrangements for the location of the continuation education program of the school in temporary quarters which may be procured by rental of temporary buildings or permanent buildings for a temporary period.

A lease or rental entered into or renewed pursuant to this section, which does not extend beyond June 30, 1975, shall not be subject to the limitation on the permissible length of leases imposed by Section 15352.

SEC. 2. Section 19560.1 is added to the Education Code, to read:

19560.1. Notwithstanding any other provisions of this chapter, the board may make an apportionment to any school district for the cost of leasing portable classrooms during the period in which additional school facilities are being constructed by a previously approved project, provided:

(a) The district has received a final apportionment for the previously approved project and the construction of which has not yet been completed; and

(b) Estimates of average daily attendance used for justifying the previously approved project indicate either (1) an increase over the base period of projection of at least 15 percent, or (2) a substantial number of district classes being on triple session during the period of construction, as determined by the State Allocation Board; and

(c) The district is making maximum use of its existing facilities through the operation of one or more continuous school programs.

Any apportionment made to a school district pursuant to this section shall be added to the final apportionment for the previously approved project specified in subdivision (a), and the repayment thereof by the school district shall be made under the same terms and conditions as prescribed for the final apportionment.

SEC. 3. Section 19700.747 of the Education Code is amended to read:

19700.747. In the case of a school district which maintains only

or e school, or a high school district which has applied for an apportionment under this article for the rehabilitation or replacement of not more than one school, there may be included in apportionments made to eligible school districts under Section 19700.745 or 19700.746, amounts needed for the purpose of renting or leasing for up to two years temporary or portable school buildings, and necessary sites therefor, to house pupils temporarily displaced by the rehabilitation or replacement of unsafe school facilities if, in the judgment of the State Allocation Board, there are no other practical means of housing the pupils of the school during the period in which the reconstruction or replacement of unsafe school facilities is taking place, or if the nearest school to which pupils may be assigned during the period of construction is 10 or more miles in distance from the school being rehabilitated or replaced.

This section shall remain in effect only until January 1, 1976, and as of such date is repealed, unless a later-enacted statute, which is chaptered before that date, deletes or extends such date.

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

In order that school districts may be able to obtain apportionments from the State Allocation Board so that portable classrooms may be utilized, at the earliest possible date, it is essential that this act take immediate effect.

CHAPTER 217

An act to amend Sections 36101 and 36125 of, and to add Section 36109 to, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1974. Filed with Secretary of State May 7, 1974.]

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

SECTION 1. Section 36101 of the Vehicle Code is amended to read:

36101. The following farm vehicles are exempt from registration, provided they have and display an identification plate as specified in Section 36125, and such vehicles shall not be deemed to be implements of husbandry and they shall be subject to all equipment and device requirements as if registered:

(a) A motor vehicle of such a size as to require a permit under Section 35780 owned and operated by a farmer, designed and used exclusively for carrying or returning empty from carrying, feed and seed products of farming and used on a highway between one part

of a farm to another part thereof, or from one farm to another farm.

(b) A vehicle equipped with a water tank owned by a farmer and used exclusively to service his own implements of husbandry.

SEC. 2. Section 36109 is added to the Vehicle Code, to read:

36109. "Farm trailers," as defined in Section 36010, having a gross weight of 6,000 pounds or less, are exempt from registration except that Section 36125 shall apply to such trailers.

SEC. 3. Section 36125 of the Vehicle Code is amended to read:

36125. Owners of cotton trailers, farm trailers as specified in Section 36109, vehicles which are farmer-owned and used as provided in subdivision (b) of Section 36101, or motor vehicles which are farmer-owned and operated and used as provided in subdivision (a) of Section 36101, which are exempt from registration, shall, prior to any movement of such vehicles upon a highway, make application to the Department of Motor Vehicles to obtain for display thereon special identification plates of the type provided for implements of husbandry, except that the service charge shall be five dollars ($5) for each vehicle and the photograph provisions are waived. Such plates shall be renewed between the inclusive dates of January 1 through February 4 every three years, commencing in 1972, by application and payment of the five-dollar ($5) service charge, except that the five-dollar ($5) service charge on original applications for such identification plates shall be decreased by one dollar ($1) for each subsequent year of the three-year cycle.

As used in this section, three years means three calendar years. Any part of the year of first application shall constitute a calendar year.

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

This act, which relates to equipment requirements for certain farm vehicles, will have an effect on manufacturers of such vehicles. In order that such manufacturers know of these requirements at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 218

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

[Approved by Governor May 7, 1974. Filed with Secretary of State May 7, 1974.]

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

SECTION 1. In some areas of the state city boards of education currently function as the governing board of both a city elementary school district, and also as the governing board of a city high school district, encompassing a larger territory and one or more additional elementary districts. Such districts are popularly referred to as common administration school districts.

There is pending before the courts of this state, litigation aimed at testing whether the existence of a single governing board for the common administrative school district violates the one-man-one-vote concept. Without in any sense prejudging such litigation, the Legislature, in adopting this act, intends to make a transition procedure available for use in the event of a court decision adverse to the continuation of such common board arrangements. In so doing, the Legislature is endeavoring to recognize the policy and practical administrative problems which will naturally arise as part of such transition.

SEC. 2. In the event, and only in the event, that in the current litigation involving the Board of Education of the City of Santa Barbara, it is finally determined that a board of education may no longer function as the governing body for both a city elementary school district and a city high school district, each city board of education which functions as the governing board for both a high school district and an elementary district shall undertake a study to determine if some form of reorganization is preferable to the establishment of separate governing boards for the existing elementary and high school districts. If the board so determines, then it shall submit such proposal to the county committee on school district organization for approval or disapproval. The county committee on school district organization shall either approve or disapprove the proposal within six weeks after its submission.

If the proposal is approved, it shall be submitted to the Superintendent of Public Instruction for approval or disapproval pursuant to Sections 3100, 3101, and 3102 of the Education Code. If the proposal is then approved by him, the county superintendent of schools having jurisdiction shall immediately call an election and submit such reorganization proposal to the voters affected thereby.

If the proposal is disapproved by the county committee on school district organization, an election shall be held pursuant to subdivision (b) of Section 5 of this act.

SEC. 3. The study authorized by Section 2 of this act shall be completed and submitted to the Superintendent of Public Instruction no later than six months after the court decision in the Santa Barbara litigation as described in Section 2 of this act becomes final, or within six months after the effective date of this act, whichever is later.

SEC. 4. If, within the period prescribed by Section 3 of this act, a city board of education submits a proposal for reorganization, the Superintendent of Public Instruction shall, within 30 days, either approve or disapprove the plan.

41569 9 12300 68

SEC. 5. Unless the final decision in the litigation referred to in Section 1 of this act provides otherwise, the county superintendent of schools having jurisdiction shall immediately call an election for the selection of a new governing board for the city elementary district if:

(a) The city board of education, within the six-month period prescribed by Section 3 of this act, fails to submit a reorganization plan, or

(b) The county committee on school district organization disapproves such plan, or

(c) The Superintendent of Public Instruction disapproved such plan, or

(d) The voters rejected such plan.

SEC. 6. In preparing a reorganization plan, a city board of education may seek advice and recommendations from the county superintendent of schools or such other agencies as the city board of education may deem appropriate. However, it shall not be necessary that the county superintendent of schools hold hearings on, or approve, any such plan.

SEC. 7. The cost of conducting an election on a plan of reorganization shall be borne by the city high school district affected, and the cost of conducting an election to select a new elementary school district governing board shall be borne by the elementary school district.

SEC. 8. For the purpose of transferring duties to a new governing board elected pursuant to Section 5 of this act, the elementary school district shall be treated as though it came into existence on the date of the canvass of the returns of said election; provided, however, that such governing board shall then have the duties specified in Section 1703 of the Education Code and shall assume operational duties and responsibilities on:

(1) The succeeding July 1 if such canvass takes place before January 1 in the school year, or

(2) The second succeeding July 1 if such canvass takes place on or after January 1 in the school year.

As nearly as practicable, the contractual relations with all employees of both districts shall be governed by the provisions of the Education Code which pertain to such relationships.

SEC. 9. In the event a new governing board is selected pursuant to Section 5 of this act, it shall be competent for the governing board of the high school district to contract with the new governing board of the elementary district to furnish administrative services to the elementary district. The cost of such services may be prorated between such districts on such basis as the governing boards deem appropriate. Such services may include the services of the district superintendent or other administrative personnel as may be agreed upon. In the event that the high school district superintendent functions, by contract, as the elementary district superintendent, it shall not be necessary for the elementary district to independently

41569 912315 71

appoint a superintendent.

SEC. 10. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations or responsibilities imposed on local governmental entities or school districts by this act are minor in nature and will not cause any financial burden on local government.

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

State statutes require that school district budgets be adopted by the first part of August of each year; school district tenure statutes call for policy decisions by March 15 in each year to determine which probationary teachers will be employed in the succeeding school year; the law requires the establishment of standards of performance before a teacher can be denied reemployment on grounds of incompetency; in turn, substantial time is usually required for the adoption of such standards. Unless reasonable transition procedures have been adopted by the Legislature, substantial risk of confusion may result from the rendition of a court decision imposing operational duties on a new school board before it has had a reasonable time to make and implement policy judgments. It is in the best interest of the state to allow voters in an area affected, the opportunity to review, without undue delay, any alternative which may advance the master plan of school district organization.

CHAPTER 219

An act to amend Section 668 of the Code of Civil Procedure and to amend Section 72050.7 of the Government Code, relating to court orders.

[Approved by Governor May 7, 1974. Filed with Secretary of State May 7, 1974.]

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

SECTION 1. Section 668 of the Code of Civil Procedure is amended to read:

668. The clerk of the superior court and the clerk of the municipal court must keep, with the records of the court, a book called the "judgment book," in which judgments must be entered. In justice courts judgments shall, within the time specified in this code, be entered in the docket.

SEC. 2. Section 72050.7 of the Government Code is amended to read:

72050.7. Notwithstanding any provisions of law to the contrary, in

those counties where it is required by court order or rule that the clerk of the municipal court place individual civil minute orders in the court's file of actions in chronological order, the clerk shall not be required to keep a minute book but shall be required to keep minutes. Nothing contained in this section shall eliminate the requirement for a judgment book where judgments and decrees are required to be entered.

CHAPTER 220

An act to add Section 27361.3 to the Government Code, relating to fees.

[Approved by Governor May 7, 1974. Filed with Secretary of State May 7, 1974]

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

SECTION 1. Section 27361.3 is added to the Government Code, to read:

27361.3. Notwithstanding any contrary provision of the law, the fee for recording every release of lien executed by the state, or any municipality, county, city, district or other political subdivision shall be six dollars ($6) if the original lien was recorded without fee as provided by Section 27383 of the Government Code.

No fee shall be charged for recording a release of lien which was recorded in error by the state, or any municipality, county, city, district or other political subdivision if there is noted on the face of the release of lien a signed statement setting out the error.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 221

An act to amend and repeal Section 10800 of the Fish and Game Code, relating to fish refuges.

[Approved by Governor May 7, 1974 Filed with Secretary of State May 7, 1974.]

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

SECTION 1. Section 10800 of the Fish and Game Code is amended to read:

10800. The waters of Soda Springs Lake, commonly known as

Kern Lake, of the Kern River constitutes a fish refuge.

This section shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

CHAPTER 222

An act to add Section 11713.3 to the Vehicle Code, relating to vehicle dealers.

[Approved by Governor May 7, 1974 Filed with Secretary of State May 7, 1974]

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

SECTION 1. Section 11713.3 is added to the Vehicle Code, to read:

11713.3. If a purchaser of a vehicle pays to the dealer an amount for the licensing or transfer of title of the vehicle, which amount is in excess of the actual fees due for such licensing or transfer, or which amount is in excess of the amount which has been paid, prior to the sale, by the dealer to the state in order to avoid penalties that would have accrued because of late payment of such fees, the dealer shall return such excess amount to the purchaser, whether or not such purchaser requests the return of the excess amount.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 223

An act to amend Sections 69955 and 72195 of the Government Code and to add Section 826.5 to the Welfare and Institutions Code, relating to court records

[Approved by Governor May 7, 1974 Filed with Secretary of State May 7, 1974]

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

SECTION 1. Section 69955 of the Government Code is amended to read:

69955. (a) The reporting notes of both official and pro tempore court reporters are official records of the court. Such notes shall be kept by the reporter taking the notes in such place or places as may be designated by the court, or, upon order of the court, delivered to the clerk of the court.

(b) If the reporting notes of an official court reporter have not

been delivered to the clerk of the court, they shall be delivered by the reporter to the clerk of the court upon the reporter's retirement, resignation, dismissal, or in the case of any other absence for a period of more than 30 days. Upon the order of the court, the notes shall be returned to the reporter upon his return from such absence. In the event of the reporter's death, the notes shall be delivered to the clerk of the court by the reporter's personal representative.

(c) If the reporting notes of a pro tempore court reporter have not been delivered to the clerk of the court, they shall be delivered to the clerk of the court upon the termination of the reporter's appointment.

(d) No official or pro tempore court reporter may destroy the reporting notes taken by him, and no clerk of the court may destroy the reporting notes delivered to him until after five years from the taking of the notes and upon the order of the court.

(e) If reporting notes which have been delivered to the clerk of the court are to be transcribed, the court reporter who took the notes shall be given the first opportunity to make the transcription, unless he is unavailable for any reason or has been dismissed.

SEC. 2. Section 72195 of the Government Code is amended to read:

72195. Sections 69942 to 69955, inclusive, of this code and Section 273 of the Code of Civil Procedure are hereby made applicable to the qualifications, duties, official oath, certification of transcripts, fees, and notes of official reporters of municipal courts, except that the fee for reporting testimony and proceedings in contested cases, except for official reporters of municipal courts where a statute provides otherwise, is fifty-five dollars ($55) a day, or any fractional part thereof.

SEC. 3. Section 826.5 is added to the Welfare and Institutions Code, to read:

826 5. (a) Notwithstanding the provisions of subdivision (a) of Section 826, at any time within a period of five years after the jurisdiction of the juvenile court over a minor is terminated, the judge or clerk of the juvenile court or the probation officer may destroy all records and papers in the proceedings concerning the minor if the records and papers are microfilmed or photocopied prior to destruction. Exhibits shall be destroyed as provided under Sections 1418, 1418.5, and 1419 of the Penal Code. For the purposes of this section, "destroy" means destroy or dispose of for the purpose of destruction.

(b) The juvenile court record, any minute book entries, dockets, and judgment dockets shall not be destroyed.

(c) Every reproduction shall be deemed and considered an original. A transcript, exemplification, or certified copy of any reproduction shall be deemed and considered a transcript, exemplification, or certified copy of the original.

CHAPTER 224

An act to amend Sections 2362, 2363.5, 2364, 2365, and 2371 of the Education Code, relating to school districts.

[Approved by Governor May 7, 1974 Filed with Secretary of State May 7, 1974]

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

SECTION 1. Section 2362 of the Education Code is amended to read:

2362. An action to transfer inhabited territory from an elementary, unified, or community college district to another elementary, unified, or community college district is initiated upon the filing with the county superintendent of schools of a petition for transfer signed by either:

(a) Twenty-five percent of the registered electors residing in the territory proposed to be transferred, or

(b) A majority of the members of the governing board of each school district affected by the proposed change.

A petition to be presented to electors for signature pursuant to subdivision (a) shall contain the proponent's statement of the reason or reasons for the proposed transfer.

This section shall not be applicable to any transfer to which the provisions of Section 2364.1 apply.

SEC. 2. Section 2363.5 of the Education Code is amended to read:

2363.5. Within 20 days after the filing of a petition under subdivision (b) of Section 2363, the county superintendent of schools shall transmit the petition to the governing board of the district to which the territory is to be transferred. Such governing board shall set a date for a hearing on the petition which shall be within 30 days of the receipt of the petition and the county superintendent shall notify the chief petitioner or petitioners of the time and place of the hearing. At the hearing the petitioners and any other interested persons shall be given an opportunity to present their views on the petition. The governing board then shall either approve or deny the petition. No transfer shall be made unless a majority of the members of the governing board sign a statement agreeing to the transfer. Upon completion of the hearing the governing board shall return the petition together with a notice of action of the governing board to the county superintendent of schools.

SEC. 3. Section 2364 of the Education Code is amended to read:

2364. The county superintendent of schools shall within 20 days after the filing of a petition under subdivision (a) or (b) of Section 2362 or subdivision (a) of Section 2363, examine it and, if he finds it to be sufficient and signed as required by law, transmit the petition to the county committee on school district organization.

If the petition is filed under subdivision (b) of Section 2363, accompanied by the statement agreeing to the transfer by the

governing board of the district to which the territory is to be transferred, it shall be transmitted to the county committee on school district organization.

Notwithstanding any provision of this article to the contrary, if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than 5 percent of the territory of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization, provided that this submission may not occur more than once every five years.

SEC. 4. Section 2365 of the Education Code is amended to read:

2365. A petition transmitted to the county committee pursuant to this article shall be considered at the next regular meeting of the committee or at a special meeting called for the purpose.

The county committee shall prepare a report and recommendation. It shall report as to whether or not in the opinion of the committee the proposed transfer would adversely affect the school district organization of the county; whether it is compatible with any master plans approved by the State Board of Education; and how, in the judgment of the committee, the proposed transfer will affect racial or ethnic integration of the schools of the districts affected. The report shall also contain a statement of the committee's findings on the adequacy of the proponent's stated reason or reasons for the proposed transfer, as set forth in the petition pursuant to Section 2362.

The report may include other pertinent matter which the county committee desires to bring to the attention of the State Board of Education, board of supervisors, or county board of education, as the case may be.

SEC. 5. Section 2371 of the Education Code is amended to read:

2371. Notwithstanding any provisions of Section 2370 or other sections to the contrary:

(a) The governing board of the district to which the territory is to be transferred may file written opposition to the transfer with the county superintendent of schools prior to the hearing by the board of supervisors required to be held in accordance with Section 2369. If written opposition to the transfer of inhabited territory is so filed, the county superintendent of schools shall require an election to be held on the question. The election shall be held in the school district to which the territory is to be transferred.

(b) The governing board of the district from which the territory is to be transferred may file written opposition to the transfer with the county superintendent of schools prior to the hearing by the board of supervisors. If written opposition to the transfer of inhabited territory is so filed, the county superintendent of schools shall require an election to be held in the entire school district from which the territory will be taken.

CHAPTER 225

An act to amend Section 34500 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 7, 1974. Filed with Secretary of State May 7, 1974]

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

SECTION 1. Section 34500 of the Vehicle Code is amended to read:

34500. The Department of the California Highway Patrol shall regulate the safe operation of the following vehicles:

(a) Motortrucks of three or more axles.

(b) Truck tractors.

(c) Buses.

(d) Trailers, semitrailers, pole or pipe dollies, auxiliary dollies and logging dollies used in combination with (a), (b), or (c) above.

(e) Any combination of a two-axle truck and any vehicle or vehicles set forth in (d) above, exceeding 40 feet in length when coupled together.

(f) Any truck, or any combination of truck and any other vehicle, transporting materials defined and classified as hazardous by the United States Department of Transportation (49CFR, Parts 172 and 173), unless the transportation of such materials is subject to other provisions of this code.

(g) Trailer coaches which, when moved upon the highway, are required to be moved under a permit as specified in Section 35780 or 35790.

CHAPTER 226

An act to amend Sections 4453, 4455, and 6180 of the Labor Code, relating to workmen's compensation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1974. Filed with Secretary of State May 7, 1974.]

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

SECTION 1. Section 4453 of the Labor Code, as amended by Chapter 1023 of the Statutes of 1973, is amended to read:

4453. In computing average annual earnings for the purposes of temporary disability indemnity and permanent total disability indemnity only, the average weekly earnings shall be taken at not less than fifty-two dollars and fifty cents ($52.50) nor more than one hundred seventy-eight dollars and fifty cents ($178.50). In

computing average annual earnings for purposes of permanent partial disability indemnity, the average weekly earnings shall be taken at not less than thirty dollars ($30) nor more than one hundred five dollars ($105). Between these limits the average weekly earnings, except as provided in Sections 4456 to 4459, shall be arrived at as follows:

(a) Where the employment is for 30 or more hours a week and for five or more working days a week, the average weekly earnings shall be 100 percent of the number of working days a week times the daily earnings at the time of the injury.

(b) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earnings shall be taken as 100 percent of the aggregate of such earnings from all employments computed in terms of one week; but the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(c) If the earnings are at an irregular rate, such as piecework, or on a commission basis, or are specified to be by week, month or other period, then the average weekly earnings mentioned in subdivision (a) above shall be taken as 100 percent of the actual weekly earnings averaged for such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

(d) Where the employment is for less than 30 hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings cannot reasonably and fairly be applied, the average weekly earnings shall be taken at 100 percent of the sum which reasonably represents the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

SEC. 2. Section 4455 of the Labor Code is amended to read:

4455. If the injured employee is under 18 years of age, and his incapacity is permanent, his average weekly earnings shall be deemed, within the limits fixed in Section 4453, to be the weekly sum which under ordinary circumstances he would probably be able to earn at the age of 18 years, in the occupation in which he was employed at the time of the injury or in any occupation to which he would reasonably have been promoted if he had not been injured. If such probable earnings at the age of 18 years cannot reasonably be determined, his average weekly earnings shall be taken at one hundred five dollars ($105).

SEC. 3. Section 6180 of the Labor Code is amended to read:

6180. The committee shall be empowered to act and shall act for two calendar years following the effective date of this division, but not thereafter. On and after two years after the effective date of this division, this division shall be repealed and have no further force or effect, and the committee shall be abolished.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

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

Chapter 1023 of the Statutes of 1973 revised the method of computation of permanent and temporary disability indemnity payments under the workmen's compensation law, and made corresponding revisions in the average weekly earnings figures. Such Chapter 1023 is to become operative April 1, 1974. The changes made by this act are necessary to complete the revision made by Chapter 1023 of the Statutes of 1973, and in order to do so they must become operative as soon as possible at the same time as Chapter 1023. Therefore, it is necessary that this act take effect immediately.

CHAPTER 227

An act to amend Section 919 of the Evidence Code, relating to privileges.

[Approved by Governor May 7, 1974 Filed with Secretary of State May 7, 1974]

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

SECTION 1. Section 919 of the Evidence Code is amended to read:

919. (a) Evidence of a statement or other disclosure of privileged information is inadmissible against a holder of the privilege if:

(1) A person authorized to claim the privilege claimed it but nevertheless disclosure erroneously was required to be made; or

(2) The presiding officer did not exclude the privileged information as required by Section 916.

(b) If a person authorized to claim the privilege claimed it, whether in the same or a prior proceeding, but nevertheless disclosure erroneously was required by the presiding officer to be made, neither the failure to refuse to disclose nor the failure to seek review of the order of the presiding officer requiring disclosure indicates consent to the disclosure or constitutes a waiver and, under these circumstances, the disclosure is one made under coercion.

CHAPTER 228

An act to amend Section 6489 of the Health and Safety Code, to amend Section 21166 of the Water Code, and to amend Sections 12 and 15 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), relating to water and sanitation agencies.

[Approved by Governor May 7, 1974 Filed with Secretary of State May 7, 1974]

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

SECTION 1. Section 6489 of the Health and Safety Code is amended to read:

6489. Each of the members of the board shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of four days in any calendar month, together with any expenses incident thereto. The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board.

SEC. 2. Section 21166 of the Water Code is amended to read:

21166. A director for sitting on the board or acting under its orders shall receive not exceeding:

(a) Fifty dollars ($50) per day, not exceeding six days in any calendar month, except in districts containing over 500,000 acres which shall be governed by Section 22840.

(b) Actual and necessary expenses when acting under the orders of the board.

(c) In districts producing or distributing electric power, fifty dollars ($50) per day or in lieu thereof a monthly salary of not to exceed five hundred dollars ($500) per month except in districts containing over 500,000 acres which shall be governed by Section 22840.

SEC. 3. Section 12 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Desert Water Agency as follows:" The board of directors may enact any ordinance which adopts any code by reference following the procedures, definitions, and provisions of Article 2 (commencing with Section 50020) of Chapter 1, Part 1, Division 1, Title 5 of the Government Code so far as they may be applicable. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses

incident thereto. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director of the agency and shall hold office for the remainder of the unexpired term.

SEC. 4. Section 15 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 15. The Desert Water Agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

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

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

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

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

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

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water outside the boundaries of the agency to the extent that the lands and inhabitants so served are southerly and westerly of the Whitewater River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within

said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

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

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. The agency shall not exercise the power of eminent domain with respect to property situated outside the boundaries of the agency unless it first obtains the consent of the board of supervisors of the county in which such property is located; provided, however, that the agency may exercise the right of eminent domain for the condemnation of property outside the boundaries of the agency for the acquisition of rights-of-way in any county in which territory of the agency is located or in any county adjacent to such county without obtaining the consent thereto of the board of supervisors thereof. When the agency proposes to exercise the power of eminent domain, under this section, for the condemnation of property outside the boundaries of the agency for the acquisition of rights-of-way in any county in which territory of the agency is located or in any county adjacent to such county, it shall give written notice, at least two weeks prior to condemning the property, to the board of supervisors of the county in which the property is located. Such written notice shall contain a description of the property to be condemned. The agency shall have the power to acquire by eminent domain with respect to property situated outside the boundaries of the agency other than the power to acquire by eminent domain any integrated water production, transmission and distribution facilities located partially within and without the boundaries of the agency, provided such integrated facilities are located southerly and westerly of the Whitewater River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. The agency shall not have or exercise power of eminent domain as to any property belonging to a county water district which has more than

50,000 acres of land within its boundaries.

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

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

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

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

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

15. To make contracts, to employ labor, and do all acts necessary

for the full exercise of the foregoing powers;

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

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

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River system are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the Desert Water Agency; provided further that rights to any water made available by the Desert Water Agency are owned and controlled exclusively by the agency, and no person within or outside of the boundaries of the Desert Water Agency shall acquire any property or other right in such water, except as provided by contract with the agency, or pursuant to such rules and regulations as the agency may from time to time establish and enforce.

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

public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Desert Water Agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

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

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

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a

party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency as all or part of the terms and conditions under which the corporate area of the Desert Water Agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

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

24. To use the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by such improvement acts on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Desert Water Agency. In the application of such improvement acts to proceedings instituted by the Desert Water Agency, the terms used in such improvement acts shall have the following meanings:

(a) "City council", "council," or legislative body shall mean the Board of Directors of the Desert Water Agency.

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

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

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

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

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

(g) "Mayor" shall mean the President of the Board of Directors of the Desert Water Agency.

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

(i) "Auditor" means the county auditor.

Any certificates or documents required by such improvement acts to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the Secretary of the Desert Water Agency.

25. To disseminate information concerning the rights, properties, and activities of the agency.

CHAPTER 229

An act to amend Sections 770 and 8201 of the Public Utilities Code, relating to water.

[Approved by Governor May 8, 1974. Filed with Secretary of State May 8, 1974.]

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

SECTION 1. Section 770 of the Public Utilities Code is amended to read:

770. The commission may after hearing:

(a) Ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or service to be furnished, imposed, observed, and followed by all electrical, gas, water, and heat corporations.

(b) Ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage, or other condition pertaining to the supply of the product, commodity, or service furnished or rendered by any such public utility. No standard of the commission relating to water quality, however, shall be applicable to any water corporation which is required to comply with the regulations and standards of the State Department of Health pursuant to Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code.

(c) Prescribe reasonable regulations for the examination and testing of such product, commodity, or service and for the measurement thereof.

(d) Establish reasonable rules, specifications, and standards to secure the accuracy of all meters and appliances for measurements.

(e) Provide for the examination and testing of any and all appliances used for the measurement of any product, commodity, or service of any such public utility.

SEC. 2. Section 8201 of the Public Utilities Code is amended to read:

8201. Any water company having a franchise to use the streets of a city, shall properly and adequately serve with water the inhabitants of the territory for the service of which it has such franchise.

As used in this section, to "properly and adequately serve with water" includes furnishing water of a quality meeting or exceeding standards established by the State Department of Health pursuant to Section 4026 of the Health and Safety Code.

CHAPTER 230

An act to add Section 5666 to the Education Code, relating to high schools.

[Approved by Governor May 8, 1974 Filed with Secretary of State May 8, 1974]

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

SECTION 1. Section 5666 is added to the Education Code, to read:

5666. The last two full weeks in April and the last two full weeks in September shall be known as "high school voter weeks," during which time deputy registrars of voters shall be allowed to register students and school personnel on any high school campus in areas designated by the school administration, which are reasonably accessible to all students.

CHAPTER 23'

An act to amend Section 12505 of the Health and Safety Code, relating to fireworks, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1974 Filed with Secretary of State May 8, 1974]

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

SECTION 1. Section 12505 of the Health and Safety Code is amended to read:

12505. "Dangerous fireworks" includes all of the following:

(a) Any fireworks which contain any of the following:

(1) Arsenic, arsenic sulfide, arsenates, or arsenites.

(2) Phosphorus, red or white.

(3) Thiocyanates.

(4) Magnesium (magnesium/aluminum alloys (magnalium) are permitted).

(5) Mercury salts.

(6) Picrates or picric acid.

(7) Gallates or gallic acid.

(8) Chlorates, except those of alkali and alkaline earth metals.

(9) Boron.

(10) Titanium, except in particle size greater than 100-mesh.

(11) Zirconium.

(12) Gunpowder.

(b) Firecrackers, salutes, and other articles which explode.

(c) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air

during discharge.

(d) Roman candles, including all devices which discharge balls of fire into the air.

(e) Chasers, including all devices which dart or travel about the surface of the ground during discharge.

(f) Sparklers more than 10 inches in length or one-fourth of one inch in diameter.

(g) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.

(h) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.

(i) Torpedoes of all kinds which explode on impact.

(j) Fireworks kits.

(k) Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Fire Advisory Board, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

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

Federal regulations relating to fireworks which will become effective in January of 1974 differ from current state law. In order to minimize enforcement problems, it is necessary that conforming changes in the state law take immediate effect.

CHAPTER 232

An act making an appropriation for the development of Antelope Reservoir for recreation, and in this connection to amend and supplement the Budget Act of 1973 (Chapter 129, Statutes of 1973) by adding Section 2.6A thereto, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1974 Filed with Secretary of State May 8, 1974]

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

SECTION 1. Section 2.6A is added to the Budget Act of 1973 (Chapter 129, Statutes of 1973), to read:

RECREATION AND FISH AND WILDLIFE ENHANCEMENT BOND ACT PROGRAM

Sec. 2.6A. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1973–74, 1974–75 and 1975–76 fiscal years for expenditure only for programs contemplated by the Recreation and Fish and Wildlife Enhancement Bond Act. All such appropriations shall be paid out of the Recreation and Fish and Wildlife Enhancement Fund.

RESOURCES

375A—For capital outlay, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		220,000
Schedule:		
(a) Antelope Reservoir, for development	220,000	

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

The present provisions of the Budget Act of 1973 do not make provision for the development of Antelope Reservoir. In order to provide campground facilities at the reservoir which will be greatly needed during the coming summer months, it is essential that the appropriation for such development is available at the earliest possible date. It is, thus, necessary that this act take immediate effect.

CHAPTER 233

An act to repeal Section 27004 of, and to add Sections 27004, 27005, 27006, 27007, 27008, 27217, and 27517.5 to, the Elections Code, relating to recall.

[Approved by Governor May 8, 1974 Filed with Secretary of State May 8, 1974.]

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

SECTION 1. Section 27004 of the Elections Code is repealed.

SEC. 2. Section 27004 is added to the Elections Code, to read:

27004. Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county, in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk of the county or city and county in which it was circulated. Thirty days after a recall has been initiated, and every 30 days thereafter, the clerk shall determine from the records of registration what number of qualified voters have signed recall petitions. If necessary, the board of supervisors shall allow such clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk, upon the completion of each examination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and submit said petition, except as to the signatures appended thereto, to the Secretary of State and file a copy of said certificate in his office.

SEC. 3. Section 27005 is added to the Elections Code, to read:

27005. When the Secretary of State shall have received from one or more county clerks a petition certified as herein provided to have been signed by the stated number of qualified electors, he shall, within 10 days, transmit to the county clerk of every county or city and county in the state a certificate showing such fact, and showing the total number of signatures collected by the proponents. Such clerk shall thereupon file said certificate for record in his office.

SEC. 4. Section 27006 is added to the Elections Code, to read:

27006. The Governor shall make or cause to be made publication

of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections.

SEC. 5. Section 27007 is added to the Elections Code, to read:

27007. On the official ballot at such election shall be printed, in not more than 200 words, the reasons set forth in the petition for demanding his recall. And in not more than 300 words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county, clerk of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify, unless the vacancy is one which is required to be filled pursuant to subdivision (d) of Section 16 of Article VI of the Constitution.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?", following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (+), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No", said incumbent shall continue in said office. If a majority shall vote "Yes", said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. When appropriate, the canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then, unless otherwise provided by law, the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within 10 days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

SEC. 6. Section 27008 is added to the Elections Code, to read:

27008. Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified

to vote at such recall election, equal in number to at least 1 percent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the Secretary of State not less than 25 days before such recall election.

SEC. 7. Section 27217 is added to the Elections Code, to read:

27217. Counties may provide for the reimbursement of recall election expenses legally and personally incurred by an officer not recalled.

SEC. 8. Section 27517.5 is added to the Elections Code, to read:

27517.5. Cities may provide for the reimbursement of recall election expenses legally and personally incurred by an officer not recalled.

SEC. 9. This act shall only become effective if Assembly Constitutional Amendment No. 29 is adopted by the people, and, in that event, shall become operative at the same time as Assembly Constitutional Amendment No. 29.

CHAPTER 234

An act to amend Sections 9410 and 22511.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 8, 1974 Filed with Secretary of State May 8, 1974.]

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

SECTION 1. Section 9410 of the Vehicle Code is amended to read:

9410. One commercial vehicle which is registered to a person who qualifies for the exemption provided for in Section 22511.5, or one commercial vehicle which is not registered to a disabled person who qualifies for such exemption but which is used primarily for the transportation of such disabled person, is exempted from the weight fees provided for in Section 9400.

SEC. 2. Section 22511.5 of the Vehicle Code is amended to read:

22511.5. Any person who has lost, or has lost the use of, one or more limbs or both hands, or is so severely disabled as to be unable to move without the aid of a mechanical device, shall be allowed to park for unlimited periods in parking zones restricted as to the length of time parking is permitted and shall be allowed to park in any metered parking space without being required to pay any parking meter fees. This section shall have no application to those zones in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege the vehicle shall display a distinguishing license plate which shall be issued for a vehicle registered to the disabled person, or a vehicle which is not registered to such disabled

person, but which is used primarily to transport such disabled person and which would otherwise qualify for such distinguishing license plate if the vehicle were registered to the disabled person. The distinguishing license plate shall be issued without additional fees by the Department of Motor Vehicles pursuant to regulations adopted by that department.

CHAPTER 235

An act to add Section 9015 to the Education Code, relating to listening and recording devices.

[Approved by Governor May 8, 1974. Filed with Secretary of State May 8, 1974.]

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

SECTION 1. Section 9015 is added to the Education Code, to read:

9015. The Legislature finds that the use by any person, including a pupil, of any electronic listening or recording device in any classroom of the elementary and secondary schools without the prior consent of the teacher and the principal of the school given to promote an educational purpose disrupts and impairs the teaching process and discipline in the elementary and secondary schools, and such use is prohibited. Any person, other than a pupil, who willfully violates this section shall be guilty of a misdemeanor.

Any pupil violating this section shall be subject to appropriate disciplinary action.

This section shall not be construed as affecting the powers, rights, and liabilities arising from the use of electronic listening or recording devices as provided for by any other provision of law.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 236

An act to amend Section 986 of the Military and Veterans Code, relating to Cal-Vet loans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1974 Filed with Secretary of State May 8, 1974]

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

SECTION 1. Section 986 of the Military and Veterans Code is amended to read:

986. The department shall prescribe and determine the qualifications of all veterans. Any person deeming himself a veteran and desiring to benefit hereunder, shall submit to the department information, in such form as the department prescribes, which will enable the department to determine his eligibility and qualifications. The department may make further inquiries and investigations in order to determine such eligibility and qualifications. Veterans who are otherwise qualified and who were wounded or disabled as a result of their service shall be given first preference in the benefits conferred by this article. The department shall determine, in each case, whether or not the veteran was wounded or disabled as a result of service.

The following group shall be given second preference in the benefits conferred by this article:

(a) The unremarried spouse of individuals who were members of the armed forces on active military duty, entered active duty while in the State of California, lived in this state for six months immediately preceding his or her entry into active duty, and were killed in the line of duty while on active duty.

(b) Members of the armed forces who entered active military duty while in the State of California, lived in this state for six months preceding his or her entry into active duty, and were held as prisoners of war.

(c) The unremarried spouse of members of the armed forces who entered active military duty while in the State of California, lived in this state for six months preceding his or her entry into active duty, and have been designated by the armed forces as missing in action.

Veterans discharged or released from active duty within 10 years of their application to the department shall be given third preference in the benefits conferred by this article.

Nothing in this section regarding preferences shall affect any eligibility requirement for benefits conferred by this article.

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

In order to extend necessary Cal-Vet loan benefits to persons covered by this act, this act must go into effect immediately.

CHAPTER 237

An act making an appropriation to pay the claim of Mr. and Mrs. Jack Wolsey, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1974 Filed with Secretary of State May 8, 1974]

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

SECTION 1. The sum of nine thousand six hundred eighty dollars ($9,680) is hereby appropriated from the General Fund to the Board of Control for payment of the claim of Mr. and Mrs. Jack Wolsey against the State of California.

The Board of Control shall verify the losses sustained by Mr. and Mrs. Jack Wolsey and make payment to compensate for such losses in an amount not to exceed nine thousand six hundred eighty dollars ($9,680).

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

In order to settle the claim of Mr. and Mrs. Jack Wolsey for damage caused to their property by the Department of Food and Agriculture and thereby alleviate the financial hardship to the damaged persons as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 238

An act to add Sections 17299 and 24436.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor May 10, 1974 Filed with Secretary of State May 10, 1974]

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

SECTION 1. Section 17299 is added to the Revenue and Taxation Code, to read:

17299. (a) Notwithstanding any other provisions in this part to the contrary, in the case of a taxpayer who derives rental income from substandard housing located in this state, no deduction shall be allowed for interest, taxes, depreciation or amortization paid or incurred in the taxable year with respect to such substandard housing, except as provided in subdivision (c).

(b) Substandard housing means housing which (1) has been determined by a state or local government regulatory agency to

violate state law or local codes dealing with health, safety, or building; and (2) after written notice of violation by the regulatory agency has not been brought to a condition of compliance within six months after the date of the notice or the time prescribed in the notice, whichever period is later; or on which good faith efforts for compliance have not been commenced, as determined by the regulatory agency. The regulatory agency may, for good cause shown, extend the compliance date prescribed in a violation notice.

(c) When the period specified in subdivision (b) has expired without compliance, the regulatory agency shall mail to the taxpayer a notice of noncompliance. The notice of noncompliance shall be in such form and shall include such information as may be prescribed by the Franchise Tax Board, shall be mailed by certified mail to the taxpayer at his last known address, and shall advise the taxpayer (1) of an intent to notify the Franchise Tax Board of such noncompliance within 10 days unless an appeal is filed, (2) where an appeal may be filed, and (3) a general description of the tax consequences of such filing with the Franchise Tax Board. Appeals shall be made to the same body and in the same manner as appeals from other actions of the regulatory agency. If no appeal is made within 10 days or after disposition of the appeal if the regulatory agency is sustained, the regulatory agency shall notify the Franchise Tax Board of such noncompliance. No deduction shall be allowed for the items provided in subdivision (a) from the date of the notice of noncompliance until the date the regulatory agency determines that the substandard housing has been brought to a condition of compliance. The regulatory agency shall mail to the Franchise Tax Board and the taxpayer a notice of compliance, which notice shall be in such form and include such information as may be prescribed by the Franchise Tax Board. In the event the period of noncompliance does not cover an entire taxable year, the deductions shall be denied at the rate of one-twelfth for each full month during the period of noncompliance.

(d) For the purposes of this section, a notice of noncompliance shall not be mailed by the regulatory agency to the Franchise Tax Board if:

(1) The rental housing was rendered substandard solely by reason of earthquake, flood or other natural disaster except where such condition remains for more than three years after the disaster, or

(2) The owner of the rental housing has attempted to:

(A) Secure financing to bring such housing into compliance with those laws or codes which have been violated, causing such housing to be classified as substandard; and

(B) Such financing is not available because such housing is located in an area in which lenders have a policy of not making loans for rehabilitation of any structures in such area.

(e) The provisions of this section do not apply to deductions from income derived from property rendered substandard solely by reason of a change in applicable state or local housing standards

unless such violations cause substantial danger to the occupants of such property, as determined by the regulatory agency which has served notice of violation pursuant to subdivision (b).

SEC. 2. Section 24436.5 is added to the Revenue and Taxation Code, to read:

24436.5. (a) In the case of a taxpayer who derives rental income from substandard housing located in this state, no deductions for interest, depreciation, taxes or amortization under Section 24343, 24344, 24345, 24349 or 24354.2 shall be allowed which relate to such substandard housing.

(b) Substandard housing means housing which (1) has been determined by a state or local government regulatory agency to violate state law or local codes dealing with health, safety, or building; and (2) after written notice of violation by the regulatory agency has not been repaired or brought to a condition of compliance within six months after the date of the notice or the time prescribed in the notice, whichever period is longest; or on which good faith efforts for compliance have not been commenced, as determined by the regulatory agency. The regulatory agency may, for good cause shown, extend the compliance date prescribed in a violation notice.

(c) When the period specified in subdivision (b) has expired without compliance, the government regulatory agency shall mail to the taxpayer a notice of noncompliance. The notice of noncompliance shall be in such form and shall include such information as may be prescribed by the Franchise Tax Board, shall be mailed by certified mail to the taxpayer at his last known address, and shall advise the taxpayer (1) of an intent to notify the Franchise Tax Board of such noncompliance within 10 days unless an appeal is filed, (2) where an appeal may be filed, and (3) a general description of the tax consequences of such filing with the Franchise Tax Board. Appeals shall be made to the same body and in the same manner as appeals from other actions of the regulatory agency. If no appeal is made within 10 days or after disposition of the appeal if the regulatory agency is sustained, the regulatory agency shall notify the Franchise Tax Board of such noncompliance. No deduction shall be allowed for the items provided in subdivision (a) from the date of the notice of noncompliance until the date the regulatory agency determines that the substandard housing has been brought to a condition of compliance The regulatory agency shall mail to the Franchise Tax Board and the taxpayer a notice of compliance, which notice shall be in such form and include such information as may be prescribed by the Franchise Tax Board. In the event the period of noncompliance does not cover an entire income year, the deductions shall be denied at the rate of one-twelfth for each full month during the period of noncompliance.

(d) For the purposes of this section, a notice of noncompliance shall not be mailed by the regulatory agency to the Franchise Tax Board if:

(1) The rental housing was rendered substandard solely by reason of earthquake, flood or other natural disaster except where such condition remains for more than three years after the disaster, or

(2) The owner of the rental housing has attempted to:

(A) Secure financing to bring such housing into compliance with those laws or codes which have been violated, causing such housing to be classified as substandard; and

(B) Such financing is not available because such housing is located in an area in which lenders have a policy of not making loans for rehabilitation of any structures in such area.

(e) The provisions of this section do not apply to deductions from income derived from property rendered substandard solely by reason of a change in applicable state or local housing standards unless such violations cause substantial danger to the occupants of such property, as determined by the regulatory agency which has served notice of violation pursuant to subdivision (b).

SEC. 3. On or before July 1, 1978, the Legislative Analyst shall make a written report to the Legislature on the effect of this act, together with comments and recommendations.

SEC. 4. The sum of fifty-three thousand two hundred dollars ($53,200) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, Section 1 of this act shall apply to taxable years beginning on or after January 1, 1975, but shall have no force or effect with respect to taxable years which begin on or after January 1, 1979, and Section 2 of this act shall apply to income years which begin on or after January 1, 1975 but shall have no force or effect with respect to income years beginning on or after January 1, 1979.

CHAPTER 239

An act to add Section 9310 to the Welfare and Institutions Code, relating to aging, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1974 Filed with Secretary of State May 10, 1974]

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

SECTION 1. Section 9310 is added to the Welfare and Institutions Code, to read:

9310. (a) The office shall provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order

that the agencies may provide the vaccine, at a minimal cost, at accessible locations, for all persons 65 years of age or older in this state. The office shall prepare, publish, and disseminate information regarding the availability of such vaccines and the effectiveness of such vaccines in protecting the health of older persons. The office may contract with the State Department of Health to provide services under this section.

(b) The program shall be designed to utilize voluntary assistance from public or private sectors in administering such vaccines. However, local governmental or private, nonprofit agencies may charge and retain a fee not exceeding one dollar ($1) per person to offset administrative operating costs.

(c) Available federal funds shall be used to the maximum extent possible in the program established pursuant to this section.

(d) Administration of the vaccine will be performed either by a physician, registered nurse or a licensed vocational nurse acting under the direction of a physician.

The physician under whose direction the registered nurse or a licensed vocational nurse is acting shall require such nurse to satisfactorily demonstrate familiarity with (1) contraindication for the administration of such immunizing agents, (2) treatment of possible anaphylactic reactions, and (3) the administration of, treatment, and reactions to such immunizing agents.

Nothing in this section shall be construed to require physical presence of a directing or supervising physician, or the examination by a physician of persons to be tested or immunized.

SEC. 2. The sum of four hundred twenty thousand dollars ($420,000) is hereby appropriated from the General Fund to the Office on Aging for expenditure without regard to fiscal year for the purchase of flu vaccine for carrying out the purposes of Section 9310 of the Welfare and Institutions Code.

SEC. 3. This act shall be known and may be cited as the Thurman Act.

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

In order that older persons in this state receive flu vaccines needed to protect their health and that vaccine manufacturers have sufficient advance notification to produce adequate quantities of the appropriate vaccines for immunizations during September, October, and November prior to the usual winter flu season, it is necessary that this act take effect immediately.

CHAPTER 240

An act to amend Section 11676 of the Government Code, relating to executive salaries.

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 11676 of the Government Code is amended to read:

11676. The members of the committee shall be appointed for a period of one year.

CHAPTER 241

An act to add Section 6008 to the Government Code, relating to publication of official advertising.

[Approved by Governor May 14, 1974. Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 6008 is added to the Government Code, to read:

6008. Notwithstanding any provision of law to the contrary, a newspaper is a "newspaper of general circulation" if it meets the following criteria:

(a) It is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers and has been established and published at regular intervals of not less than weekly in the city, district, or judicial district for which it is seeking adjudication for at least three years preceding the date of adjudication.

(b) It has a substantial distribution to paid subscribers in the city, district, or judicial district in which it is seeking adjudication.

(c) It has maintained a minimum coverage of local or telegraphic news and intelligence of a general character of not less than 25 percent of its total inches during each year of the three-year period.

(d) It has only one principal office of publication and that office is in the city, district, or judicial district for which it is seeking adjudication.

For the purposes of Section 6020, a newspaper meeting the criteria of this section which desires to have its standing as a newspaper of general circulation ascertained and established, may, by its publisher, manager, editor, or attorney, file a verified petition in the

superior court of the county in which it is established and published.

As used in this section:

(1) "Established" means in existence under a specified name during the whole of the three-year period, except that a modification of name in accordance with Section 6024, where the modification of name does not substantially change the identity of the newspaper, shall not affect the status of the newspaper for the purposes of this definition.

(2) "Published" means issued from the place where the newspaper is sold to or circulated among the people and its subscribers during the whole of the three-year period.

CHAPTER 242

An act to amend Section 9 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session), relating to the Crestline-Lake Arrowhead Water Agency

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 9 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 9. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and motions may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Crestline-Lake Arrowhead Water Agency as follows:". Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term.

CHAPTER 243

An act to amend Sections 11 and 11.5 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session), relating to the Crestline-Lake Arrowhead Water Agency, and declaring the urgency thereof, to take effect immediately

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 11 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 11. The Crestline-Lake Arrowhead Water Agency incorporated as herein provided, shall have all of the following powers:

(1) To have perpetual succession.

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

(3) To adopt a seal and alter it at pleasure.

(4) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Crestline-Lake Arrowhead Water Agency.

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

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

(7) To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to

the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies, within the agency for use within said agency without any preference and it may whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers

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

(9) To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city, provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. No action in eminent domain to acquire property or interests therein outside the boundaries of the agency shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

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

(11) To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be payable from revenues and taxes legally derived pursuant to any maximum property tax rate procedure; and provided further, that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) but shall not otherwise exceed the lesser of either five hundred thousand dollars ($500,000) or 2 percent of the assessed valuation of the taxable property in the Crestline-Lake Arrowhead Water Agency or, if said assessed

valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate.

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

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

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

(15) To make contracts, to employ labor, and do all acts necessary for the full exercise of the agency's powers.

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

(17) To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

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

(19) To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each

party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Crestline-Lake Arrowhead Water Agency or improvement district thereof incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency or improvement district voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency or improvement district.

(20) To commence, maintain, intervene in, and compromise, in the name of the agency, any action or proceeding involving or affecting the ownership or use of water or water rights within the agency, used or useful for any purpose of the district, or a common benefit to lands within the agency or its inhabitants.

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

(22) To issue bonds under Section 18 of this act for the purpose of

providing money required to be paid to the agency organized under the Metropolitan Water District Act by the board of directors of the agency as all or part of the terms and conditions upon which the corporate area of the Crestline-Lake Arrowhead Water Agency may be annexed to and become a part of said metropolitan water district The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

(23) To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this act.

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

(a) "City council" and "council" shall mean the board of directors of the Crestline-Lake Arrowhead Water Agency.

(b) "Municipality" and "city" shall mean the Crestline-Lake Arrowhead Water Agency

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

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

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

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Crestline-Lake Arrowhead Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Crestline-Lake Arrowhead Water Agency

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

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the Crestline-Lake Arrowhead Water Agency.

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

(26) In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

SEC. 2. Section 11.5 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 11.5. The agency, by ordinance, may fix, on or before the 1st day of July in each calendar year, a water standby or availability charge in any area within the agency boundaries to which wholesale or retail water is made available by the agency, whether the water is actually used or not. The standby charge shall not exceed five dollars ($5) per acre per year for each acre of land or parcel less than one acre within the agency boundaries. The ordinance fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability. If any standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of each affected county is required by law to levy the amount of taxes required for county purposes, the amount of the unpaid standby charge shall be added to and become part of the annual tax levied upon the land to which water for which the standby charge is unpaid was available. The amount of the unpaid standby charge shall constitute a lien on that land as of the same time and in the same manner as does the tax lien securing such annual taxes. All laws applicable to the levy, collection, and enforcement of municipal ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent and unpaid charges relating to such property shall be transferred to the unsecured roll for collection. At least 15 days before the first day of the month in which the board of supervisors of each affected county is required by law to levy the amount of taxes required for county purposes, the board shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the agency upon which a standby charge remains unpaid, together with the amount of the unpaid standby charge on each such parcel of land.

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

In order to permit the Crestline-Lake Arrowhead Water Agency to issue negotiable promissory notes to finance urgently needed

water facilities at the earliest possible time it is necessary that this act go into immediate effect.

CHAPTER 244

An act to amend Section 15001 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 15001 of the Health and Safety Code is amended to read:

15001. "Hospital building," as used in this chapter, means and includes any building used, or designed to be used, for a hospital and shall include all health facilities of a type required to be licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 but shall not include any building which is not physically attached to a health facility and in which only outpatient services are provided.

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

Chapter 1130 of the Statutes of 1972, providing for the regulation of the construction and alteration of hospital buildings for the purpose of assuring structural resistance to earthquakes, was intended to apply to health facilities providing medical care to persons admitted for a 24-hour stay or longer. Application of such standards to nonmedical community care facilities, such as family homes and day centers, would be unduly restrictive and would result in the reduction of facilities needed to maintain such program. Such facilities are greatly needed throughout the state to insure the availability of nonmedical care services for those requiring such services. In order to avert these problems before they result in serious harm to community care programs, it is necessary that this act go into immediate effect.

CHAPTER 245

An act to add Section 8219.5 to the Government Code, relating to notaries public

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 8219.5 is added to the Government Code, to read:

8219.5. (a) Every notary public who advertises in Spanish that he is a notario publico by signs or other means of written communication, with the exception of a single desk plaque, shall post with such advertisement a notice in English and Spanish of the following:

(1) A notary public who is not an active member of the State Bar of California cannot give legal advice

(2) The fees set by statute which a notary public may charge.

(b) The notice required by subdivision (a) shall be printed in block letters equal to two inches in height and shall be proportionate in width.

(c) The Secretary of State shall suspend for a period of not less than one year the commission of any notary public who fails to comply with subdivision (a), provided, however, that on the third offense the license of such notary public shall be revoked permanently.

CHAPTER 246

An act to amend Sections 224, 234, and 237.5 of the Civil Code, relating to minors.

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 224 of the Civil Code is amended to read:

224. A child born before or during the marriage of its parents or within 300 days after the termination of such marriage by judicial decree cannot be adopted without the consent of its parents if living; however, if the father has been awarded custody by judicial decree, or has custody by agreement of the parents, and the mother for a period of one year fails to communicate with such child when able to do so, or the mother has been awarded custody by judicial decree or has custody by agreement of the parents, and the father for a period of one year shall willfully fail to pay for the care, support and

education of such child when able to do so, then the parent having custody alone may consent to such adoption, but only after the parent not having custody has been served with a copy of a citation in the manner provided by law for the service of a summons in a civil act on that requires him or her to appear at the time and place set for the appearance in court under Section 227; failure of the father to pay for the care, support and education of such child for such period of one year or failure of the mother to communicate with such child for such period of one year is prima facie evidence that such failure was willful and without lawful excuse; nor a child born out of wedlock without the consent of its mother if living; except that the consent of a father or mother is not necessary in the following cases:

1. When such father or mother has been judicially deprived of the custody and control of such child (a) by order of the court declaring such child to be free from the custody and control of either or both of his parents pursuant to Chapter 4 (commencing with Section 232) of Title 2 of Part 3 of Division 1 of this code, or (b) by similar order of the court of another jurisdiction, pursuant to any law of that jurisdiction authorizing such order; or when such father or mother has, in a judicial proceeding in another jurisdiction, voluntarily surrendered his right to the custody and control of such child pursuant to any law of that jurisdiction provided for such surrender.

2. Where such father or mother of any child has deserted the child without provision for its identification.

3. Where such father or mother of any child has relinquished such child for adoption as provided in Section 224m; or where such father or mother has relinquished such child for adoption to a licensed or authorized child-placing agency in another jurisdiction pursuant to the law of that jurisdiction.

SEC. 2. Section 234 of the Civil Code is amended to read·

234. Upon the filing of such petition, a citation shall issue requiring any person having the custody or control of such minor person or the person with whom such minor person is, to appear with such minor person at a time and place stated in the citation, except, if the minor is under the age of 12, upon order of the court after necessity being shown. Service of such citation shall be made at least 10 days before the time stated therein for such appearance

SEC. 3. Section 237.5 of the Civil Code is amended to read:

237.5. At the beginning of the proceeding on a petition filed pursuant to this chapter, the judge shall first read the petition to the child's parents, if they are present, and may explain to the child the effect of the granting of the petition and upon request of the minor upon whose behalf the petition has been brought or upon the request of either parent the judge shall explain any term or allegation contained therein and the nature of the proceeding, its procedures, and possible consequences The judge shall ascertain whether the minor and his parents, have been informed of the right of the minor and his parents to be represented by counsel, and if not, the judge shall advise the minor and the parents, if present, of the right of each

of them to have counsel present. The court may appoint counsel to represent the minor whether or not the minor is able to afford counsel. If any parent appears and is unable to afford counsel, the court shall appoint counsel to represent each parent who appears unless such representation is knowingly and intelligently waived The court may continue the proceeding for not to exceed 30 days, as necessary to make an appointment of counsel, or to enable counsel to acquaint himself with the case, or to determine whether the parents are unable to afford counsel at their own expense The court may appoint private counsel or the public defender to represent the minor or the parents.

When the court appoints private counsel to represent either the minor or the parents under the provisions of this section, such counsel shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. Such amount shall be paid by the real parties in interest, other than the minor, in such proportions as the court deems just. However, if the court finds that none of such real parties in interest is able to afford counsel, such amount shall be paid out of the general fund of the county.

CHAPTER 247

An act to amend Section 117c of the Code of Civil Procedure, relating to small claims courts.

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 117c of the Code of Civil Procedure is amended to read:

117c. The claimant shall prepare the claim as is set forth in Section 117b, or, at his request, the clerk or deputy clerk of said court, or the judge if there be no clerk, shall draft the same for him Such claim may be presented by the claimant, at his or her option, in person or sent to the judge or clerk by mail. Upon the receipt of such claim, properly sworn to, the clerk or deputy clerk of said court, or the judge if there be no clerk, shall file the same and make a true and correct copy thereof.

At the same time the judge, or clerk or deputy clerk shall fill in the blanks in the order printed on said copy, sign the order, and immediately thereafter enclose said copy and order in an envelope, address the said envelope to the said defendant at the address so stated in such claim, prepay the postage, and mail said envelope to said defendant by registered mail or certified mail and request a return receipt from addressee only, or said judge, clerk, or deputy

clerk may deliver personally, or cause to be delivered, said copy and order to the defendant in person. The judge, clerk or deputy clerk, shall then attach to the original claim the receipt for the registered letter or certified letter and the return card thereon or other evidence of service of such claim and order

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CHAPTER 248

An act to add Section 317.2 to the Streets and Highways Code, relating to state highways.

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 317.2 is added to the Streets and Highways Code, to read:

317.2. The commission shall program for, and the department shall proceed with, all necessary steps prior to advertising for construction of the improvement of Route 17 from the Richmond-San Rafael Bridge to Route 80 near Albany to freeway standards, including completion of the environmental studies, so that the first construction project may be advertised for bids during the 1977–78 fiscal year. Provided funds are available, as determined by the commission in accordance with its established procedures for determining priority of need, the commission shall budget, and the department shall award, the first construction contract for this improvement during the 1977–78 fiscal year. The commission and the department are requested to grant high priority to the completion of this improvement.

CHAPTER 249

An act to add Section 31462.11 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 31462.11 is added to the Government Code, to read:

31462.11. In any county subject to the provisions of Section 31462.1, every retirement allowance, optional death allowances, or annual death allowance, payable to or on account of any member,

granted prior to the effective date of Section 31462.1 in such county, shall be recalculated as though Section 31462.1 had been in force in such county on the effective date of such allowance.

Any increased allowances resulting from such recalculation shall be payable only prospectively on and after the operative date of this section in that county.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by a majority vote, make the provisions of this section applicable in such county.

CHAPTER 250

An act to amend Section 1158 of the Evidence Code, relating to records

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 1158 of the Evidence Code is amended to read:

1158. Whenever, prior to filing of any action, an attorney at law presents a written authorization therefor signed by an adult patient, by the guardian or conservator of his person or estate, or, in the case of a minor, by a parent or guardian of such minor, or by the personal representative or an heir of a deceased patient, a physician and surgeon, dentist, registered nurse, dispensing optician, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, or clinical laboratory technologist, duly licensed as such under the laws of the state, or a licensed hospital, shall make all of the patient's records under his or its custody or control available for inspection and copying by such attorney at law or his representative, promptly upon the presentation of the written authorization.

Failure to make such records available, during business hours, within five days after the presentation of the written authorization, may subject the person or entity having custody or control of the records to liability for all reasonable expenses, including attorney's fees, incurred in any proceeding to enforce the provisions of this section.

CHAPTER 251

An act to amend Sections 2178 and 2396 of, and to add Sections 2147.1, 2193.71, 2193.72, 2193 75, 2193.77, 2193.78 and 2395.5 to, the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 14, 1974 Filed with Secretary of State May 14, 1974]

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

SECTION 1. Section 2147.1 is added to the Business and Professions Code, to read:

2147.1. Nothing in this chapter shall be construed to prevent a student enrolled in a program of supervised clinical training under the direction of a medical school operated pursuant to Section 2193 75, from treating the sick or afflicted whenever and wherever prescribed as a part of his course of study.

SEC 2. Section 2178 of the Business and Professions Code, as amended by Section 4 of Chapter 888 of the Statutes of 1973, is amended to read:

2178. No person shall be awarded a loan under this chapter unless he complies with all of the following conditions.

(a) He is a resident of California.

(b) He is enrolled in at least the second year of an approved doctor of medicine program in California, is enrolled in a special internship approved pursuant to Article 4.6 (commencing with Section 2185) of this chapter, or is enrolled in a program of supervised clinical training established pursuant to Section 2193.75 and has completed a resident course of medical instruction equivalent to that required in Section 2192 for applicants for a physicians and surgeons certificate in a medical school located outside the United States or Canada.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed with the board to continue his education and training with the intention of practicing medicine in an area deficient in physician services.

(e) He has demonstrated his financial need according to written guidelines published by the board

This section shall remain in effect until December 31, 1974, and as of that date is repealed.

SEC 3. Section 2178 of the Business and Professions Code, as amended by Section 5 of Chapter 888 of the Statutes of 1973, is amended to read:

2178. No person shall be awarded a loan under this chapter unless he complies with all of the following conditions:

(a) He is a resident of California.

(b) He is enrolled in at least the second year of an approved

doctor of medicine program in California, or is enrolled in a program of supervised clinical training established pursuant to Section 2193.75 and has completed a resident course of medical instruction equivalent to that required in Section 2192 for applicants for a physicians and surgeons certificate in a medical school located outside of the United States or Canada.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed with the board to continue his education and training with the intention of practicing medicine in an area deficient in physician services.

(e) He has demonstrated his financial need according to written guidelines published by the board.

SEC. 3. Section 2193.71 is added to the Business and Professions Code, to read:

2193.71. (a) Notwithstanding any other provision of law, a person who is a citizen of the United States shall be eligible for licensure as a physician if he completes the following requirements:

(1) Has completed in a medical school located outside the United States or Canada a resident course of professional instruction equivalent to that required in Section 2192 for a physician and surgeon applicant.

(2) Has presented evidence satisfactory to the board that he has complied with Section 2191

(3) Has completed all of the formal requirements of the foreign medical school for graduation, except internship or social service.

(4) Has attained a score satisfactory to a medical school approved by the board on a qualifying examination acceptable to the board.

(5) Has successfully completed one academic year of supervised clinical training in a program approved by the board pursuant to Section 2193.75. The board shall recognize successful completion of a one-year program of supervised clinical medical internship operated by a medical school pursuant to Section 2193.7 as added by Chapter 85 of the Statutes of 1972 and as amended by Chapter 888 of the Statutes of 1973 as the equivalent of the year of supervised clinical training required by this section. Nothing shall prevent an individual who has successfully completed such supervised clinical special internship from applying for licensure under the provisions of this section, provided such individual meets all of the other requirements of this section.

(6) He has served at least one year in a clinical service satisfactory to the board in a hospital located in the United States or Canada which the board finds provides satisfactory first-year postgraduate training.

(7) Has passed the examination required by the board for all applicants for licensure.

(b) Satisfaction of the requirements of subdivision (a) of this section shall be in lieu of the completion of any foreign internship or social service requirements, and no such requirements shall be a

condition of licensure as a physician in this state.

(c) No hospital licensed by this state, or operated by the state or a political subdivision thereof, or which receives state financial assistance, directly or indirectly, shall require an individual who at the time of his enrollment in a medical school outside the United States is a citizen of the United States, to satisfy any requirements other than those contained in paragraphs (1), (2), (3), (4), and (5) of subdivision (a) of this section prior to commencing the postgraduate training required by paragraph 6 of subdivision (a) which is not required for graduates of approved medical schools in the United States and Canada.

SEC 3.7 Section 2193.72 is added to the Business and Professions Code, to read·

2193.72. Nothing shall preclude an individual applying for licensure under the provisions of Section 2193 or 2193.5, from commencing an internship program required for licensure if such individual has completed the licensing examination required by the board, but has not yet been notified of the score received on such examination. In the event an individual is notified that he has not passed the licensing examination, he shall not be eligible to continue in an internship program, until he has attained a score satisfactory to the board.

SEC 4 Section 2193.75 is added to the Business and Professions Code, to read:

2193.75. The board shall approve programs of supervised clinical training in hospitals for the purpose of providing basic clinical training to students who are graduates of foreign medical schools or have completed all the formal requirements for graduation except for internship or social service Such programs shall be under the direction of medical schools approved by the board.

SEC. 5. Section 2193.77 is added to the Business and Professions Code, to read:

2193.77. (a) The State Scholarship and Loan Commission shall, from funds appropriated by the Legislature for such purpose, allocate the sum of no more than ten thousand dollars ($10,000) for each United States citizen enrolled in an approved program of supervised clinical training established pursuant to Section 2193.75 to the medical school operating such program.

(b) The State Scholarship and Loan Commission shall make grants to medical schools pursuant to this section based upon information provided by medical schools detailing actual incremental costs of operating supervised clinical training programs. The commission may require such information from medical schools as is reasonably necessary to carry out the provisions of this section The commission shall prescribe a standard application form for grants made pursuant to this section, and shall make such application form available to medical schools no later than 30 days after this section takes effect.

(c) The State Scholarship and Loan Commission may make grants

pursuant to this section from funds appropriated by Item 330(f) of Chapter 129 of the Statutes of 1973 for use during 1973–74 and 1974–75 fiscal years.

(d) The State Scholarship and Loan Commission shall maintain statistical records on the expenditures of funds by medical schools for operating supervised clinical training programs, and the numbers of students enrolled in such programs. The commission shall report to the Legislature no later than January 1, 1976, concerning: the numbers of students who have completed or are enrolled in supervised clinical training programs; the medical schools such students attended; the attrition rate of students enrolled in various programs; and recommendations for changes in funding such programs.

SEC. 6. Section 2193.78 is added to the Business and Professions Code, to read:

2193.78. Any person enrolled in a special internship on December 31, 1974, who has not completed the special internship as of that date shall be permitted to complete such special internship and apply for a physicians and surgeons certificate pursuant to the provisions of Section 2193.7 as they existed on December 31, 1974.

Any person who has completed the special internship prior to December 31, 1974, but who has not taken or has not passed the examination for his physicians and surgeons certificate prior to that date, shall be permitted to apply for a physicians and surgeons certificate pursuant to the provisions of Section 2193.7 as they existed on December 31, 1974.

This section shall have no force or effect after January 30, 1976.

SEC. 6.3. Section 2395.5 is added to the Business and Professions Code, to read:

2395.5. Notwithstanding any other provision of law, an individual granted a physician's and surgeon's certificate by the board pursuant to the provisions of this chapter shall be entitled to use of the initials "M.D.".

SEC. 6.6. Section 2396 of the Business and Professions Code is amended to read:

2396. Any person holding a physician's and surgeon's certificate under the jurisdiction of the Board of Osteopathic Examiners of the State of California and a degree of doctor of medicine issued by a medical school located in the State of California at any time prior to September 30, 1962, and approved either by the Board of Osteopathic Examiners of the State of California or the Board of Medical Examiners of the State of California at the time of the issuance of such degree, who applies in writing to the Board of Medical Examiners for permission to utilize his degree of doctor of medicine, shall be authorized to use the term or suffix "M.D.," and such use shall not be unprofessional conduct, so long as such person advises both the Board of Medical Examiners and the Board of Osteopathic Examiners, in writing, that he has elected to use the term or suffix "M D.," and has elected not to use the term or suffix

"D.O." In the event of such election, the use of the term or suffix "D.O." constitutes unprofessional conduct within the meaning of this chapter.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide places for foreign students graduating in June, it is necessary that this act take immediate effect.

CHAPTER 252

An act to amend Section 675 of the Code of Civil Procedure, relating to satisfaction of judgments.

[Approved by Governor May 14, 1974. Filed with Secretary of State May 14, 1974.]

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

SECTION 1. Section 675 of the Code of Civil Procedure is amended to read:

675. (a) Satisfaction of a judgment may be entered upon an execution returned satisfied, or upon an acknowledgment of satisfaction filed with the clerk or with the judge, if there be no clerk, which may recite payment of the judgment in full or the acceptance by the judgment creditor of any lesser sum in full satisfaction thereof, made in the manner of an acknowledgment of a conveyance of real property, by the judgment creditor or assignee of record, or by endorsement by judgment creditor or assignees of record on the face, or on the margin of the record of the judgment, or by the attorney, unless a revocation of his authority is filed. Whenever a judgment is satisfied in fact, otherwise than upon an execution, the party or attorney must give such acknowledgment, or make such endorsement, and, upon motion, the court may compel it, or may order the entry of satisfaction to be made without it.

In the superior court and in municipal courts such entry shall be made in the register of actions; in justice courts, in the docket in the justice court.

(b) Except in cases where demand has been made pursuant to subdivision (c), when an abstract of the judgment has been recorded with the recorder of any county, acknowledgment of satisfaction thereof by execution or other means shall be filed in the manner provided in subdivision (a) or delivered to the judgment debtor by the judgment creditor or assignee not later than 30 days after the judgment has been in fact paid in full. Such acknowledgment shall identify the county in which the abstract has been recorded and the book and page of the official records thereof, and contain a statement

that such acknowledgment will have to be recorded in such county in order to release the judgment lien. Such acknowledgment shall also show the full name of the judgment debtor being released and shall identify the judgment debtor as such. The judgment debtor's name shall appear on the acknowledgment as it appears on the abstract of judgment. Any such judgment creditor or assignee of record who fails without just cause to file or deliver such acknowledgment of satisfaction shall be liable to the judgment debtor or to the owner of the real property, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such failure, and shall also forfeit to him or them the sum of one hundred dollars ($100).

(c) Any judgment creditor or assignee who, for a period of 15 days after actual receipt of a demand in writing for acknowledgment of satisfaction of judgment, which demand is made after the judgment has in fact been paid in full, refuses without just cause to execute, acknowledge and deliver such acknowledgment of satisfaction to the judgment debtor, or to the owner of the real property upon which the judgment has become a lien by reason of the recording of an abstract of a judgment in accordance with Section 674, is liable to the judgment debtor or to the owner of the real property, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such refusal, and shall also forfeit to him or them the sum of one hundred dollars ($100).

(d) Whenever a certificate has been recorded with the recorder of any county by a state agency under Article 4 (commencing with Section 18881), Chapter 19, Part 10, Division 2 of, or Article 2 (commencing with Section 26161), Chapter 23, Part 11, Division 2 of, the Revenue and Taxation Code, or under Article 1 (commencing with Section 1701), Chapter 7, Part 1, Division 1 of the Unemployment Insurance Code, acknowledgment of satisfaction thereof by execution or other means shall be recorded by the state agency no later than 30 days after the delinquency evidenced by such certificate is satisfied.

CHAPTER 253

An act to add Section 432 to the Revenue and Taxation Code, relating to open-space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1974. Filed with Secretary of State May 15, 1974.]

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

SECTION 1. Section 432 is added to the Revenue and Taxation Code, to read:

432. No land shall be valued pursuant to this article unless an enforceable restriction meeting the requirements of Section 422 is signed, accepted and recorded on or before the lien date for the fiscal year to which the valuation would apply. To assure counties and cities time to meet the requirement of this section, the land which is to be subject to a contract shall have been included in a proposal to establish an agricultural preserve submitted to the planning commission or planning department, or the matter of accepting an open-space easement or scenic restriction shall have been referred to such commission or department on or before December 15 preceding the lien date to which the contract, easement or restriction is to apply.

SEC. 2. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Sections 423 and 423.5 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1974–1975 fiscal year, if such land is subject to an instrument meeting the requirements of Section 422 of the Revenue and Taxation Code and such instrument is signed and recorded on or before May 15, 1974; provided, that prior to 5 o'clock p.m. on March 1, 1974, either the land which is subject to a contract was included in a proposal to establish an agricultural preserve submitted to the planning commission or planning department or the matter of accepting an open-space easement or scenic restriction had been referred to such commission or department. This section does not apply to land valued pursuant to Section 423.7 of the Revenue and Taxation Code.

SEC. 3. Section 1 of this act shall apply with respect to assessments for the 1975–76 fiscal year and thereafter.

SEC. 4. It is the intent of the Legislature that land assessed pursuant to the provisions of Section 2 of this act for the 1974–1975 fiscal year shall be included for purposes of computing subventions to local government pursuant to Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Goverment Code for losses due to such assessment procedures for the 1974–1975 fiscal year. Such subventions to local government satisfy the requirements of Section 2229 of the Revenue and Taxation Code.

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

Some counties and cities have inadvertently failed to file the instruments reflecting the true status of property as being eligible for the assessment authorized by the Constitution for open-space lands, and in some cases negotiations to sign such instruments were not completed by the lien date in 1974. As a result, some individuals will be confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the

situation by, in effect, removing the procedural bar to the proper valuation of such property for tax purposes. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit. Further, for the 1975–76 fiscal year and fiscal years thereafter, this act will provide counties, cities and landowners the procedure to be followed to assure timely filing of the required instruments to reflect the true state of property for valuation purposes.

CHAPTER 254

An act to amend Sections 894 and 895 of the Education Code, relating to public schools.

[Approved by Governor May 15, 1974. Filed with Secretary of State May 15, 1974]

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

SECTION 1. Section 894 of the Education Code is amended to read:

894. The county superintendent of schools shall, under the direction of the county board of education, establish and maintain programs for physically handicapped pupils who come within the provisions of Section 6801 or 6802, including orthopedic or other health-impaired, visually handicapped, aurally handicapped, or multihandicapped, and who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not provided nor entered into contract with other districts to provide such programs.

Such program shall, with the approval of the county board of education, be provided in one or more of the following ways:

(a) In special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade.

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county.

(c) By the maintenance of special classes of secondary grade.

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped pupils in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for pupils with speech disorders or defects who are at least three years of age for the purpose of remedying such speech

disorders or defects.

(e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services.

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district

(g) In integrated programs of instruction of elementary or secondary grade.

(h) By the employment of instructors to provide individual instruction, subject to the provision of Section 6812, in schools or in the homes of pupils who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years of age.

The county superintendent of schools may establish and maintain programs for the physically handicapped pupils who come within the provisions of Section 6801 or 6802 and who reside in any district within the county with the approval of the county board of education and the agreement of the local governing board of the school district. Such programs may be carried out in accordance with subdivisions (a), (c), (f), (g), and (h).

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impractical because of the transportation distances existing to bring a sufficient number of physically handicapped pupils within the meaning of Section 6801 or 6802 together in one place to form a school or special class, the county superintendent of schools, upon the annual approval of the Superintendent of Public Instruction, may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain programs for the physically handicapped who come within the provisions of Section 6801 or 6802

The county superintendent of schools required to provide for the education of physically handicapped pupils residing in the county who come within the provisions of Section 6801 or 6802 may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified, or high school district for the latter to provide for the education of such physically handicapped pupils.

SEC. 2. Section 895 of the Education Code is amended to read

895. (a) The county superintendent of schools shall, under the direction of the county board of education, establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the

elementary schools of the district and who come within the provisions of Section 6902. The schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded pupils who come within the provisions of Section 6902.

A county superintendent of schools may enter into an agreement by which a public school in a state adjacent to the county will provide the education required under this subdivision. Attendance resulting from such an agreement shall be reported by the county superintendent of schools to the Superintendent of Public Instruction who shall allow the county superintendent the same amount per unit of average daily attendance as set forth in Section 17656 or Section 17665 and in Section 18102.2. The school district in which a pupil being educated pursuant to such an agreement resides shall make the payments required by Section 885 5 Any costs of the agreement in excess of the computed allowances and the payments made by the school district shall be included in the amount to be raised by a county tax pursuant to Section 895.6.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 901, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of the pupils which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such pupils.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17655.5 and 17664 shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903 Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an

instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded pupils, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded pupils who come within the provisions of Section 6903.

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded pupils residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded pupils.

(d) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and who come within the provisions of Section 6903 and agree with an elementary or unified school district with an average daily attendance of 8,000 or more in the elementary schools of the district and in unified or high school districts with an average daily attendance of 8,000 or more in the high schools of the district for the education by the county superintendent of schools of such pupils residing in such districts. Whenever a special training school or class is established under the provisions of this subdivision, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply for elementary schools, and the foundation program prescribed in Section 17665 shall apply for high schools.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local governments by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 255

An act to amend Section 25258 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor May 15, 1974. Filed with Secretary of State May 15, 1974.]

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

SECTION 1. Section 25258 of the Vehicle Code is amended to read:

25258. (a) An authorized emergency vehicle operating under the conditions specified in Section 21055 may display a flashing white light from a gaseous discharge lamp designed and used for the purpose of controlling official traffic control signals.

(b) An authorized emergency vehicle used by the California Highway Patrol or any sheriff's or municipal police department in the performance of its duties may in addition display a blue warning light, approved by the department, visible from the front, sides or rear thereof.

CHAPTER 256

An act to amend Sections 74192, 74193, 74194, 74195, and 74196 of the Government Code, relating to courts

[Approved by Governor May 15, 1974. Filed with Secretary of State May 15, 1974.]

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

SECTION 1. Section 74192 of the Government Code is amended to read:

74192. (a) There shall be one clerk and administrator who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk and administrator shall receive a biweekly salary at a rate specified in range 932. Appointment to such position shall be at step C. The position of clerk and administrator shall not be deemed to be a civil service position.

(b) There shall be one administrative assistant to the court who shall be appointed by the judges of the court and who shall hold office at their pleasure and perform such duties as may be required of him by the court or the judges. The administrative assistant to the court shall receive a biweekly salary at a rate specified in range 656. The position of administrative assistant to the court shall not be deemed to be a civil service position.

(c) There shall be one senior administrative analyst for the court who shall be appointed by the judges of the court and who shall hold

office at their pleasure and perform such duties as may be required of him by the court or the judges. The senior administrative analyst for the court shall receive a biweekly salary at a rate specified in range 825. Appointment to such position shall be at step C. The position of senior administrative analyst shall not be deemed to be a civil service position.

(d) There shall be two senior legal stenographers for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. The senior legal stenographer for the court shall receive a biweekly salary at a rate specified in range 412. The position of senior legal stenographer shall not be deemed to be a civil service position.

(e) There shall be one senior clerk for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. The senior clerk for the court shall receive a biweekly salary at a rate specified in range 374. The position of senior clerk for the court shall not be deemed to be a civil service position.

(f) There shall be one stenographer-clerk III for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. Each stenographer-clerk III for the court shall receive a salary at a rate specified in range 356. The position of stenographer-clerk III for the court shall not be deemed to be a civil service position.

SEC. 2. Section 74193 of the Government Code is amended to read:

74193. The clerk and administrator shall appoint:

(a) One assistant clerk, who shall receive a biweekly salary at a rate specified in range 695.

(b) Two deputy clerks, who shall be principal deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 580.

(c) One deputy clerk, who shall be a senior legal stenographer, who shall receive a biweekly salary at a rate specified in range 412.

(d) Eighteen deputy clerks, who shall be court clerks, each of whom shall receive a biweekly salary at a rate specified in range 538.

(e) One deputy clerk, who shall be a deputy clerk III, who shall receive a biweekly salary at a rate specified in range 403.

(f) Three deputy clerks, who shall be deputy clerks II, each of whom shall receive a biweekly salary at a rate specified in range 348.

(g) Twenty-four deputy clerks who shall be typist-clerks II, each of whom shall receive a biweekly salary at a rate specified in range 294.

(h) Eighteen deputy clerks, who shall be senior deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 374.

(i) Six deputy clerks, who shall be associate deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 308.

(j) Twelve deputy clerks, who shall be cashier-clerks, each of

whom shall receive a biweekly salary at a rate specified in range 316.

(k) One deputy clerk, who shall be an accountant II, who shall receive a biweekly salary at a rate specified in range 562

(*l*) Four deputy clerks, who shall be account clerks II, each of whom shall receive a biweekly salary at a rate specified in range 356.

(m) Two deputy clerks, who shall be an account clerk I, who shall receive a biweekly salary at a rate specified in range 301.

(n) One deputy clerk, who shall be a data-processing technician III, who shall receive a biweekly salary at a rate specified in range 455.

(o) One deputy clerk, who shall be a data-processing technician I, who shall receive a biweekly salary at a rate specified in range 339

(p) One deputy clerk, who shall be a keypunch supervisor, who shall receive a biweekly salary at a rate specified in range 356.

(q) Eight deputy clerks, who shall be keypunch operators, each of whom shall receive a biweekly salary at a rate specified in range 308.

SEC. 3. Section 74194 of the Government Code is amended to read:

74194. There shall be one marshal, Sacramento County, who shall be appointed by the judges of the court, and who shall receive a biweekly salary at a rate specified in range 909. Initial appointments will be in step C of that range. The position of marshal shall not be deemed to be a civil service position.

SEC. 4. Section 74195 of the Government Code is amended to read:

74195. The marshal shall appoint:

(a) One assistant marshal, who shall receive a biweekly salary at a rate specified in range 729.

(b) One deputy marshal, who shall be a senior marshal's sergeant, who shall receive a biweekly salary at a rate specified in range 640.

(c) Eight deputy marshals, who shall be marshal's sergeants, each of whom shall receive a biweekly salary at a rate specified in range 583.

(d) Twenty deputy marshals, who shall be bailiffs, each of whom shall receive a biweekly salary at a rate specified in range 529.

(e) One deputy marshal, who shall be a principal deputy clerk, who shall receive a biweekly salary at a rate specified in range 580.

(f) One typist-clerk III, who shall receive a biweekly salary at a rate specified in range 365.

(g) Three deputy marshals, who shall be senior deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 374

(h) Four deputy marshals, who shall be associate deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 308

(i) One deputy marshal, who shall be a deputy clerk II, who shall receive a biweekly salary at a rate specified in range 348.

The assistant marshal and all deputy marshals listed in subdivision (a) to (d), inclusive, are authorized incentive pay in addition to the

above rates as follows: 2½ percent more than prescribed in this section when in possession of an intermediate peace officers standards and training certificate or 5 percent more than prescribed in this section when in possession of an advanced peace officers standards and training certificate; an additional 2½ percent more than prescribed in this section when in possession of an associate of arts degree or 5 percent more than prescribed in this section when in possession of a bachelor of arts degree. A maximum of 10 percent additional is authorized for all types of incentive pay. All deputy marshals listed in subdivisions (g) and (h) above, are authorized to receive a 5 percent salary differential in addition to the rates indicated for serving as matrons. The classification indicated in subdivision (i) above, is a holding classification to be replaced by classifications indicated by subdivision (h) when incumbents leave the positions.

SEC. 5. Section 74196 of the Government Code is amended to read:

74196. Whenever reference to a numbered salary range is made in any section of this article, the schedule found in the salary ordinance of the County of Sacramento in effect January 1, 1974, shall apply.

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule incorporated by this article, shall, for the first 52 weeks of service, receive biweekly the rate of compensation specified in the first step of the salary range for the position to which he is appointed. Upon the first day of the biweekly pay period following 52 weeks' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary range for the position occupied. On and after the first day of the biweekly pay period following each ensuing 52 weeks of such service such compensation shall be increased to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in the highest step of the range pertaining to such position.

(b) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered range, he shall receive step 1 of such range if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the range pertaining to such office or position which will provide a one-step increase in his compensation.

(c) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary range applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such range which provides compensation not higher than that

last previously received by such person.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs which local agencies or school districts may incur pursuant to the act, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

CHAPTER 257

An act to amend Sections 12405, 12406, and 12407 of the Education Code, relating to pupils.

[Approved by Governor May 15, 1974. Filed with Secretary of State May 15, 1974]

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

SECTION 1. Section 12405 of the Education Code is amended to read:

12405. The attendance supervisor, a peace officer, or any school administrator or his designee, may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his home and who is absent from school without valid excuse within the county, city, or city and county, or school district.

SEC. 2. Section 12406 of the Education Code is amended to read:

12406. Any person arresting or assuming temporary custody of a minor pursuant to Section 12405 shall forthwith deliver the minor either to the parent, guardian, or other person having control, or charge of the minor, or to the school from which the minor is absent, or, if the minor is found to have been declared an habitual truant, he shall cause the minor to be brought before the probation officer of the county having jurisdiction over minors.

SEC. 3. Section 12407 of the Education Code is amended to read:

12407. Any person taking action pursuant to Sections 12405 and 12406 shall report the matter, and the disposition made by him of the minor to the school authorities of the city, or city and county, or school district and to the minor's parent or guardian.

CHAPTER 258

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

[Approved by Governor May 15, 1974 Filed with Secretary of State May 15, 1974]

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

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

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

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

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

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

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

(b) The term "bonds" means all instruments evidencing an

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

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

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

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

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

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

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

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

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

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

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

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

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

required by such sections.

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

SEC. 10. This act may be cited as the First Validating Act of 1974.

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

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

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

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

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

CHAPTER 259

An act to amend Section 36 of Chapter 1406 of the Statutes of 1972, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor May 20, 1974 Filed with Secretary of State May 20, 1974]

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

SECTION 1. Section 36 of Chapter 1406 of the Statutes of 1972, as amended by Section 61 of Chapter 208 of the Statutes of 1973, is amended to read:

Sec. 36. Gross receipts from the sale of, and the storage, use, or other consumption in this state of material, fixtures, and supplies, obligated pursuant to engineering construction project contract or a building construction contract entered into for a fixed price prior to the effective date of this act, shall not be subject to the additional sales and use tax rate imposed by this act but shall be subject to the rate of tax applicable prior to this act.

For the purposes of this section, tangible personal property shall not be deemed obligated pursuant to a contract for any period of time during which any party to the contract has a right, conditioned only upon notice, to terminate the contract, whether or not the right is exercised.

For the purposes of this section, "supplies" means items of tangible personal property consumed in a one-time use directly in the performance of a construction contract. "Supplies" includes, but is not limited to, such things as: oxygen, acetylene, gasoline, diesel fuel, acid, thread cutting oil, dynamite, blasting caps and fuses. "Supplies" also includes oil filters, drill bits, saw blades, tires, repair parts and form lumber when such items are substantially consumed in the performance of a contract. "Supplies" does not include tools and equipment, but does include equipment leased under a lease which is a continuing sale or a continuing purchase within the meaning of Sections 6006.1 and 6010.1, respectively, of the Revenue and Taxation Code.

For the purposes of this section, a unit price contract under which each unit price is a fixed dollar amount which may not be increased or decreased by reason of any changes in tax rates, cost of materials, fixtures, labor, overhead, or any similar item is a contract entered into for a fixed price.

For the purposes of this section, a guaranteed maximum contract under which the guaranteed maximum amount cannot be increased by reason of changes in tax rates, cost of materials, fixtures, labor, overhead, or any similar item is a contract entered into for a fixed price.

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

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CHAPTER 260

An act to add Article 6 (commencing with Section 8771) to Chapter 3 of Division 7 of the Education Code, relating to bicycle safety instruction.

[Approved by Governor May 20, 1974 Filed with Secretary of State May 20, 1974]

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

SECTION 1. The Legislature hereby finds and declares that although there is a clear need in many areas of the state for bicycle safety instruction, no state program requiring or providing for such instruction currently exists. It is the intent of the Legislature in enacting this act to enable school districts, in the absence of such program, to provide a limited course of bicycle safety instruction in cooperation with local law enforcement agencies.

SEC. 2. Article 6 (commencing with Section 8771) is added to Chapter 3 of Division 7 of the Education Code, to read:

Article 6. Bicycle Safety Instruction

8771. The governing board of any school district having jurisdiction over any elementary, intermediate, or junior high school may provide time and facilities to any local law enforcement agency having jurisdiction over the schools of the district, for bicycle safety instruction.

CHAPTER 261

An act to amend Sections 29121, 29154, 29245, 29248, and 29252 of, and to repeal Section 29247 of, the Food and Agricultural Code, relating to apiaries.

[Approved by Governor May 20, 1974 Filed with Secretary of State May 20, 1974]

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

SECTION 1. Section 29121 of the Food and Agricultural Code is amended to read:

29121. It is unlawful for any person that has relocated any colony of bees within the state from any apiary in which disease has been found within the preceding 60 days or for which a request for notification of pesticides application has been filed to fail to send a notice within five days of such relocation to the commissioner of the county in which the movement originated, and a second notice to the commissioner of the county of destination if the bees are moved from

one county to another. The notice shall include a statement of all of the following:

(a) The number of colonies of bees moved.

(b) The number of colonies of bees left at the point of origin.

(c) The location of the point of origin and the point of destination

(d) The name and address of the apiary operator.

SEC. 2. Section 29154 of the Food and Agricultural Code is amended to read:

29154. The inspector, if he deems it necessary, may enter any premises and make an inspection of any apiary within his jurisdiction He shall report his inspection and findings to the beekeeper in person or by mail within five days. If any disease is found in the apiary, the inspector making the inspection shall plainly mark the hives or combs which contain evidence of disease. If the inspector finds American foulbrood disease has infected more than two hives of 99 colonies or less, or more than 2 percent of colonies of 100 or more, he shall make a complete inspection of all the hives in the apiary and the owner of the hives in the apiary shall pay the cost of the complete inspection.

SEC. 3. Section 29245 of the Food and Agricultural Code is amended to read:

29245. It is unlawful for any person to maintain an apiary on premises other than that of his residence unless the apiary is identified as follows:

(a) By a sign which is prominently displayed on the entrance side of the apiary, that states in black letters not less than one inch in height on a background of contrasting color the name of the owner or person in possession of the apiary, his address and telephone number, or if he has no telephone a statement to that effect.

(b) If the governing body of the county or city in which the apiary is located has provided by ordinance for the identification of apiaries, in the manner which is prescribed in the ordinance

SEC. 4. Section 29247 of the Food and Agricultural Code is repealed.

SEC. 5. Section 29248 of the Food and Agricultural Code is amended to read·

29248. The owner of any apiary equipment may apply to the director for a serial number brand for use on apiary equipment which he owns. The application shall contain the name and address of the applicant and shall be accompanied by a fee of twenty-five dollars ($25).

SEC. 6. Section 29252 of the Food and Agricultural Code is amended to read.

29252. (a) If the purchaser does not have a registered brand number, he may use a brand acquired by purchase, if a bill of sale on such purchased brand number is forwarded by registered mail to the director accompanied by a transfer fee of twenty-five dollars ($25).

(b) If the purchaser has a previously registered brand number, he

may have other brand numbers transferred to his name, without charge, but he shall destroy any and all branding irons or branding devices acquired by such transfer and notify the director of such destruction.

CHAPTER 262

An act to add Sections 40060 and 40060.5 to, and to repeal Sections 40060 and 40076 of, the Public Utilities Code, relating to the Orange County Transit District.

[Approved by Governor May 20, 1974 Filed with Secretary of State May 20, 1974]

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

SECTION 1. Section 40060 of the Public Utilities Code is repealed.

SEC 2. Section 40060 is added to the Public Utilities Code, to read:

40060. (a) On and after July 1, 1975, the district shall be governed by a board of directors consisting of five members, selected as follows:

(1) Two representing the county, appointed by the board of supervisors from their own membership.

(2) Two representing all of the cities in the county, each of whom shall be a mayor or city councilman, appointed by all cities within the district acting jointly.

(3) One representing the general public, who shall be a resident of Orange County and who shall not be or have been for two years previously a mayor or city councilman or a member of the board of supervisors, and who shall be appointed by the other four members of the board otherwise selected in accordance with the provisions of this section.

(b) Until July 1, 1975, the former provisions of this section, as amended by Chapter 389 of the Statutes of 1971, shall continue to govern the qualifications, terms, removal, and filling of vacancies of members of the board of directors.

SEC. 3. Section 40060 5 is added to the Public Utilities Code, to read:

40060.5. (a) All terms of office of members of the board of directors shall terminate on July 1, 1975, and a new board of directors shall be selected for the district. The first four members of the board of directors selected to represent cities and the county on or after July 1, 1975, shall apportion themselves by lot so that one member representing cities and one member representing counties shall each serve a term of two years Each member of the board of directors shall thereafter serve a term of four years.

(b) The appointing authority shall have the power to remove a

member of the board of directors except the public member who may be removed only by the unanimous vote of the other four members. Any vacancy shall be filled by appointment for the unexpired term. In the event that any member of the board of directors representing the county ceases to be a member of the board of supervisors, he also ceases to be a member of the board of directors. In the event that any member of the board of directors representing cities ceases to be a mayor or city councilman, he also ceases to be a member of the board of directors. In the event that the public member of the board of directors becomes a mayor or city councilman or a member of the board of supervisors, he also ceases to be a member of the board of directors.

SEC. 4. Section 40076 of the Public Utilities Code is repealed.

CHAPTER 263

An act to amend Section 2325 of, and add Section 2327 to the Revenue and Taxation Code, relating to reporting of tax rate information by local agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1974 Filed with Secretary of State May 20, 1974]

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

SECTION 1. Section 2325 of the Revenue and Taxation Code is amended to read:

2325. Annually, no later than 15 days after the property tax rate for a local agency has been fixed, each local agency shall report to the Controller, on a form to be specified by the Controller, the property tax rate levied by, or on behalf of, the agency for the current fiscal year. Such information shall show the amount of the rate, if any, levied pursuant to Sections 2260, 2261, 2262, 2262.1, 2263, 2263.1, 2263.2, 2263.3, 2264, 2265, 2266, 2266.1, 2267, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, and 2278. Information with respect to any rate levied pursuant to Section 2270 shall also indicate the rate levied to pay interest and redemption charges on bonded indebtedness, the rate levied to pay the cost of retirement and pension benefits and the rate levied to make payments to special funds as required by charter. The Controller shall, by regulation, require any tax rate exempt from rate limitations imposed by this chapter to be reported in the manner specified by this section.

SEC. 2. Section 2327 is added to the Revenue and Taxation Code, to read:

2327. For the 1973–74 fiscal year, the report required by Section 2325 shall be due by May 15, 1974. In succeeding fiscal years, the provisions of Section 2326 shall be effective.

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

In order to allow proper implementation of Section 2325 of the Revenue and Taxation Code, it is necessary that this act take effect immediately so as to allow local agencies adequate time to comply with the provisions of that section.

CHAPTER 264

An act to amend Section 9891.24 of the Business and Professions Code and to repeal Section 4 of Chapter 870 of the Statutes of 1973, relating to tax preparers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1974 Filed with Secretary of State May 20, 1974]

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

SECTION 1. Section 9891.24 of the Business and Professions Code is amended to read:

9891.24. On or after January 1, 1975, it shall be unlawful for any person to be a tax preparer unless such person is registered in accordance with the provisions of this chapter. Any person who violates this section is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars ($50) or more than five hundred dollars ($500), or jail for a period of not more than 60 days, or both, for each violation of this section.

SEC. 2. Section 4 of Chapter 870 of the Statutes of 1973 is repealed.

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

In order for the Department of Consumer Affairs to take the essential administrative actions to implement commencement of the administration of the Tax Preparers Act it is necessary that this act take effect immediately.

CHAPTER 265

An act to add Article 4 (commencing with Section 5050) to Chapter 1 of Division 5 of the Public Resources Code, relating to the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Article 4 (commencing with Section 5050) is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 4. Hostel Facilities

5050. This article shall be known and may be cited as the Collier-Keene State Hostel Facilities Act.

5051. The Legislature finds that a substantial number of Californians bicycle and walk for recreational enjoyment and that, given safer routes and more suitable accommodations, would choose such travel means to reach and enjoy scenic areas and recreation facilities throughout the state. The Legislature finds that it is in the public interest to provide means for bicyclists and hikers to reach safely, and utilize conveniently, units of the state park system. The Legislature specifically finds that the existing mix of motor vehicles and bicycles on the highways of the state creates hazards to motorists and cyclists alike, and demands immediate remedial action.

5052. As used in this article, unless the context clearly requires a different meaning:

(a) "Hostel facility" means a supervised overnight lodging or sleeping accommodation provided primarily for use by persons, including bicyclists and hikers, arriving at state park system units other than by motor vehicle. Hostel facilities shall include sleeping areas for individuals or groups, water, washrooms, sanitary facilities, and means by which the users of hostel facilities may prepare their own meals.

(b) "Recreational trail" means a pathway situated and constructed so as to provide safe and convenient means for persons, including bicyclists, hikers, and horsemen, to travel to and between state park system units other than by motor vehicle.

5053. The department may provide hostel facilities in any unit of the state park system where consistent with the general development plan for such unit, and may provide for hostel facilities in the general plan for any unit; provided, however, that no hostel facility may be provided in any unit classified as a state wilderness, natural preserve, or state reserve.

5054. The department may acquire land for, develop, and maintain recreational trails to and between units of the state park

system.

5055. The director shall adopt such rules and regulations as are necessary to administer the provisions of this article.

5056. The department shall prepare and submit to the Legislature not later than February 1, 1975, a preliminary plan for the development of hostel facilities in the state park system and for the establishment of recreational trails. In formulating the plan, the department shall specifically consider the matters specified in Section 27304, as they pertain to the purposes of this article, and shall, additionally, consider the recreational trail plans and programs of local agencies to the extent that such plans and programs may contribute to the purposes of this article. The department shall further consider, in formulating the plan, those facility operation procedures provided for in Article 1.5 (commencing with Section 5019.10) of this chapter. The Legislature may comment upon the submitted plan by concurrent resolution as an expression of legislative intent

SEC. 2. There is hereby appropriated from the Abandoned Vehicle Trust Fund in the State Treasury to the General Fund and from the General Fund to the Department of Parks and Recreation the sum of two million one hundred fifty thousand dollars ($2,150,000) for the puposes of Article 4 (commencing with Section 5050) of Chapter 1 of Division 5 of the Public Resources Code in accordance with the following schedule:

Schedule:

(a) Development of hostel facilities in units of the state park system in Butte, Del Norte, Fresno, Humboldt, Kern, Los Angeles, Marin, Mendocino, Monterey, Nevada, Orange, Placer, Plumas, San Diego, San Luis Obispo, San Francisco, San Mateo, Santa Barbara, Santa Cruz, Shasta, Sonoma, Tulare, and Ventura Counties, and for the establishment of recreational trails to and between such units $2,100,000
provided, that an amount equal to that expended for hostel facilities shall be repaid to the Abandoned Vehicle Trust Fund in the State Treasury from hostel facilities use fees

(b) Preparation of a plan for the statewide development of hostel facilities in units of the state park system and for the establishment of recreational trails $50,000
provided, that an amount equal to that expended for the planning of hostel facilities shall be repaid to the Abandoned Vehicle Trust Fund in the State Treasury from hostel facilities use fees.

SEC. 3 Acquisitions made pursuant to this act shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the

Government Code).

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

Restrictions in the availability of motor fuels are forcing an increasing number of Californians to turn to nonmotorized means of recreational travel. The impaction of state highways by bicyclists is creating hazardous highway conditions which can be remedied, in part, by the measures contemplated in this act, and it is, therefore, necessary that this act take immediate effect.

CHAPTER 266

An act to augment the Budget Act of 1973, relating to correctional programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. The sum of seven million seven hundred ninety-five thousand twenty-seven dollars ($7,795,027) is hereby appropriated from the General Fund to the State Controller for augmentation of the Budget Act of 1973 for correctional purposes, to be allocated as follows:

Item 281—For support of Department of Corrections	$4,884,507
Item 285—For support of Department of the Youth Authority	$2,910,520

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

The U. S. Supreme Court Decision in Gagnon v. Scarpelli requires minimum due process and procedural requirements when ordering a parolee back to prison and that paroling authorities provide counsel for indigent parolees upon request. Expanding population has created the need for increased institutional bed capacity and security measures. These requirements pertain to both departments. In addition, the Department of the Youth Authority requires funding for a delinquency prevention program.

CHAPTER 267

An act to amend Section 2941 of the Civil Code, relating to mortgages and deeds of trust.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 2941 of the Civil Code is amended to read:

2941. (a) When any mortgage or deed of trust has been satisified, the mortgagee or beneficiary, or his assignee, must, on the demand of the mortgagor or trustor, or upon the demand of the owner of the land execute, acknowledge, and deliver to him a certificate of the discharge thereof, or a request to the trustee for a full reconveyance, so as to entitle such certificate to be recorded or a full reconveyance to be executed by the trustee, or he must enter satisfaction, or cause satisfaction of such mortgage to be entered of record; and any mortgagee or any beneficiary under a deed of trust, or his assignee, who for a period of 30 days refuses to execute, acknowledge, and deliver to the mortgagor, or, also, to the owner of the land the certificate of discharge, or to enter satisfaction, or cause satisfaction of the mortgage to be entered, as provided in this chapter or to request a full reconveyance from the trustee pursuant to the terms of the deed of trust, is liable to the mortgagor or trustor, or to the owner of the land, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such refusal, and shall also forfeit to him or them the sum of three hundred dollars ($300). The mortgagee or the beneficiary under a deed of trust, his assignee or personal representative, shall deliver to the mortgagor or trustor, his heirs, successors or assigns, the mortgage or deed of trust and the note so paid or satisfied.

(b) Upon execution of a full reconveyance by a trustee under a deed of trust, or of a certificate of discharge by a mortgagee, the trustee or mortgagee shall record or cause to be recorded such full reconveyance or certificate of discharge in the office of the county recorder in which the deed of trust or mortgage is recorded unless (1) the trustee or mortgagee has received instructions to the contrary from the trustor or mortgagor, or the owner of the land, as the case may be, or from the owner of the obligation secured by the deed of trust, his agent or escrow, or (2) such full reconveyance or certificate of discharge is to be delivered to the trustor or mortgagor, or the owner of the land, as the case may be, through an escrow to which such trustor, mortgagor or owner is a party. The failure of a trustee or mortgagee to comply with the provisions of this subdivision shall make him liable to the trustor or mortgagor, or the owner of the land, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such failure, and shall also forfeit to him or them the sum of three hundred dollars

($300).

(c) The trustee, beneficiary or mortgagee may charge a fee to the trustor or mortgagor, or the owner of the land, as the case may be, for all services rendered in connection with the preparation, execution or recordation of a full reconveyance, or request for a full reconveyance, or certificate of discharge of a mortgage. Such fee may be made payable in advance of the performance of any services required by this section.

CHAPTER 268

An act to add Section 5002.5 to the Public Resources Code, relating to the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 5002.5 is added to the Public Resources Code, to read:

5002.5. The department may accept a gift of title to the Chinese Taoist Temple in Hanford, Kings County, for the state park system in the event such gift of title is offered to the department Before title to the Chinese Taoist Temple is offered and accepted pursuant to this section, the department shall enter into an agreement with either a local governmental entity or with a nonprofit organization for the operation of the Chinese Taoist Temple as a unit of the state park system and such agreement shall provide that all operating and maintenance costs associated with the Chinese Taoist Temple shall be at no cost to the state.

SEC. 2. There is hereby appropriated from the Bagley Conservation Fund to the Department of Parks and Recreation the sum of seventy-five thousand dollars ($75,000) for the reconstruction of the Old Eagle Theater in Old Sacramento State Historic Park

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

The Chinese Taoist Temple in Hanford, Kings County, a property of unique historical value, is being proposed to be offered as a gift to the state for administration as a unit of the state park system. Also, the Old Eagle Theater in Old Sacramento State Historic Park is being reconstructed as a property of unique historical value with the assistance of the Junior League of Sacramento. In order to effect state acquisition of the Chinese Taoist Temple and the reconstruction of the Old Eagle Theater so that such properties may be restored and

preserved for future generations of Californians, it is necessary that this act take immediate effect

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CHAPTER 269

An act to amend Sections 537e, 12090 and 12094 of the Penal Code, relating to firearms.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 537e of the Penal Code is amended to read:

537e. (a) Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his possession a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, a safe or vacuum cleaner, dictaphone, watch, watch movement, watch case, or any mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment, from which the manufacturer's name plate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of a misdemeanor.

(b) When property described in subdivision (a) comes into the custody of a peace officer it shall become subject to the provision of Chapter 12 (commencing with Section 1407), Title 10 of Part 2, relating to the disposal of stolen or embezzled property. Property subject to this section shall be considered stolen or embezzled property for the purposes of that chapter, and prior to being disposed of, shall have an identification mark imbedded or engraved in, or permanently affixed to it.

(c) This section does not apply to those cases or instances where any of the changes or alterations enumerated in subdivision (a) have been customarily made or done as an established practice in the ordinary and regular conduct of business, by the original manufacturer, or by his duly appointed direct representative, or under specific authorization from the original manufacturer.

SEC. 2. Section 12090 of the Penal Code is amended to read:

12090. Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the Department of Justice on any pistol, revolver, or any other firearm, without first having secured written permission from the department to make such change, alteration or removal shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

SEC. 3. Section 12094 of the Penal Code is amended to read:

12094. Any person with knowledge of any change, alteration, removal, or obliteration described herein, who buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol, revolver, or other firearm which has had the name of the maker, model, or the manufacturer's number or other mark of identification including any distinguishing number or mark assigned by the Department of Justice changed, altered, removed, or obliterated is guilty of a misdemeanor.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities and school districts which in the aggregate do not result in significant identifiable cost changes.

CHAPTER 270

An act to amend Section 23104.2 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 23104.2 of the Business and Professions Code is amended to read:

23104.2. (a) A retailer may return beer to the seller and the seller may accept the return thereof if the beer is returned in exchange for the identical quantity and brand of beer. No licensee authorized to sell beer to retailers shall accept the return of any beer from a retailer except when the beer delivered was not the brand or size container ordered by the retailer, or the amount delivered was other than the amount ordered, in which case the order may be corrected; or if a package had been broken or otherwise damaged prior to or at the time of actual delivery, a credit memorandum may be issued for the returned package in lieu of exchange for an identical package when such return and corrections are completed within 15 days from the date the beer was delivered to the retailer

(b) Notwithstanding the provisions of subdivision (a), a seller may accept the return of beer from a seasonal or temporary licensee if at the termination of the period of his license he has beer remaining unsold or from an annual licensee operating on a temporary basis if at the termination of such temporary period he has beer remaining unsold.

CHAPTER 271

An act to amend Section 10650 of the Vehicle Code, relating to reports of stored vehicles.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 10650 of the Vehicle Code is amended to read:

10650. (a) Every operator of a towing service and every keeper of a garage or trailer park shall keep a written record of every vehicle of a type subject to registration under this code stored for a period longer than 12 hours.

(b) The record shall contain the name and address of the person storing the vehicle or requesting the towing, the names of the owner and driver of the vehicle, if ascertainable, and a brief description of the vehicle including the name or make, the motor or other number of the vehicle, the nature of any damage to the vehicle, and the license number and registration number shown by the license plates or registration card, if either of the latter is attached to the vehicle in a clearly discernible place.

(c) All records shall be kept for one year from the commencement of storage and shall be open to inspection by any peace officer.

(d) Upon termination of the storage, a statement shall be added to the record as to the disposition of the vehicle, including the name and address of the person to whom the vehicle was released and the date of such release.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 272

An act to amend Section 7459 of the Education Code, relating to regional occupational centers and programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 7459 of the Education Code is amended to read:

7459. A regional occupational center or program established and maintained pursuant to a joint powers agreement pursuant to the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall receive in annual operating funds from each of the participating school districts an amount per unit of average daily attendance equal to the revenue limit per unit of average daily attendance of such district computed pursuant to Article 6 (commencing with Section 20902) of Chapter 3 of Division 16, or the foundation program of such district, whichever is the lesser.

SEC. 2. This act shall become operative July 1, 1974.

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

In order that the revised system of funding the operation of certain regional occupational centers and programs, as provided for in this act, may commence with the 1974–75 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 273

An act to amend Section 386.6 of the Code of Civil Procedure, relating to attorney's fees.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 386.6 of the Code of Civil Procedure is amended to read:

386.6. (a) A party to an action who follows the procedure set forth in Section 386 or 386.5 may insert in his motion, petition, complaint, or cross complaint a request for allowance of his costs and reasonable attorney fees incurred in such action In ordering the discharge of such party, the court may, in its discretion, award such party his costs and reasonable attorney fees from the amount in dispute which has been deposited with the court. At the time of final judgment in the action the court may make such further provision for assumption of such costs and attorney fees by one or more of the adverse claimants as may appear proper.

(b) A party shall not be denied the attorney fees authorized by subdivision (a) for the reason that he is himself an attorney, appeared in pro se, and performed his own legal services.

SEC. 2. This act shall apply only to actions filed on or after January 1, 1975.

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CHAPTER 274

An act to amend Section 11721 of the Vehicle Code, relating to vehicle dealers.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 11721 of the Vehicle Code is amended to read:

11721. The special plates and licenses provided for in this article shall be automatically canceled upon:

(a) The abandonment of the established place of business of the dealer or the change thereof without notice to the department as provided in Section 11712.

(b) The failure of the licensee to maintain an adequate bond or to procure and file another bond as provided in Section 11710 prior to the effective date of the termination by the surety of any existing bond.

(c) The voluntary or involuntary surrender for any cause by the licensee of the special plates and licenses; provided, that such surrender, or the cessation of business by the licensee, or the suspension of the corporate charter of the licensee by the State of California, shall not prevent the filing of an accusation for revocation or suspension of the surrendered license as provided in Section 11705, and the department's decision that such license should be suspended or revoked; and provided further, that such determination may be considered in granting or refusing to grant any subsequent license authorized by this division to such licensee, copartner, or any officer, director, or stockholder of such prior licensee.

(d) Notification that the person designated as licensee has changed, except that the special plates issued to the original licensee may be transferred and the newly designated licensee as transferee thereof shall succeed to the privileges evidenced by said plates until the expiration thereof.

(e) Suspension or cancellation of the corporate charter of the licensee by the State of California

CHAPTER 275

An act to amend Section 21460.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 21460.5 of the Vehicle Code is amended to read:

21460.5. (a) The Department of Transportation and local authorities in their respective jurisdictions may designate a two-way left-turn lane on a highway. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the highway.

(b) Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel dashed double yellow lines on each side of the lane. The Department of Transportation may determine and prescribe standards and specifications governing length, width, and positioning of the distinctive pavement markings in accordance with the procedures set forth in the Administrative Procedure Act (commencing with Section 11370 of the Government Code). All pavement markings designating a two-way left-turn lane shall conform to such standards and specifications.

(c) A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a highway or when preparing for or making a U-turn when otherwise permitted by law. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated.

(d) This section shall not prohibit driving across a two-way left-turn lane.

CHAPTER 276

An act to amend Section 21100 of, and to add Division 15 (commencing with Section 25000) to, the Public Resources Code, and to repeal Chapter 11 (commencing with Section 19870) of Part 3 of Division 13 of the Health and Safety Code, relating to energy resources.

[Approved by Governor May 21, 1974 Filed with Secretary of State May 21, 1974]

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

SECTION 1. Section 21100 of the Public Resources Code is amended to read:

21100. All state agencies, boards, and commissions shall prepare, or cause to be prepared by contract, and certify the completion of an environmental impact report on any project they propose to carry out or approve which may have a significant effect on the environment. Such a report shall include a detailed statement setting forth the following:

(a) The environmental impact of the proposed action.

(b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.

(c) Mitigation measures proposed to minimize the impact including, but not limited to, measures to reduce wasteful, inefficient, and unnecessary consumption of energy.

(d) Alternatives to the proposed action.

(e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.

(g) The growth-inducing impact of the proposed action.

SEC. 2. Division 15 (commencing with Section 25000) is added to the Public Resources Code, to read:

DIVISION 15. ENERGY CONSERVATION AND DEVELOPMENT

CHAPTER 1. TITLE AND GENERAL PROVISIONS

25000. This division shall be known and may be cited as the Warren-Alquist State Energy Resources Conservation and Development Act.

25001. The Legislature hereby finds and declares that electrical energy is essential to the health, safety and welfare of the people of this state and to the state economy, and that it is the responsibility of state government to ensure that a reliable supply of electrical energy is maintained at a level consistent with the need for such energy for protection of public health and safety, for promotion of the general welfare, and for environmental quality protection.

25002. The Legislature further finds and declares that the present rapid rate of growth in demand for electric energy is in part due to wasteful, uneconomic, inefficient, and unnecessary uses of power and a continuation of this trend will result in serious depletion or irreversible commitment of energy, land and water resources, and potential threats to the state's environmental quality.

25003. The Legislature further finds and declares that in planning for future electrical generating and related transmission facilities state, regional, and local plans for land use, urban expansion, transportation systems, environmental protection, and economic

development should be considered.

25004. The Legislature further finds and declares that there is a pressing need to accelerate research and development into alternative sources of energy and into improved technology of design and siting of power facilities.

25005. The Legislature further finds and declares that prevention of delays and interruptions in the orderly provision of electrical energy, protection of environmental values, and conservation of energy resources require expanded authority and technical capability within state government.

25006. It is the policy of the state and the intent of the Legislature to establish and consolidate the state's responsibility for energy resources, for encouraging, developing, and coordinating research and development into energy supply and demand problems, and for regulating electrical generating and related transmission facilities.

25007. It is further the policy of the state and the intent of the Legislature to employ a range of measures to reduce wasteful, uneconomical, and unnecessary uses of energy, thereby reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals.

CHAPTER 2. DEFINITIONS

25100. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

25101. "Applicant" means any person who submits an application for certification pursuant to the provisions of this division.

25102. "Application" means any request for certification of any site and related facility filed in accordance with the procedures established pursuant to this division.

25103. "Coastal zone" means the "coastal zone" as defined in Section 27100.

25104. "Commission" means the State Energy Resources Conservation and Development Commission.

25105. "Construction" means onsite work to install permanent equipment or structure for any facility. "Construction" does not include any of the following:

(a) The installation of environmental monitoring equipment.

(b) A soil or geological investigation.

(c) A topographical survey.

(d) Any other study or investigation to determine the environmental acceptability or feasibility of the use of the site for any particular facility.

(e) Any work to provide access to a site for any of the purposes specified in subdivision (a), (b), (c), or (d).

25106. "Adviser" means the administrative adviser employed by the commission pursuant to Section 25217.

25107. "Electric transmission line" means any electric powerline

carrying electric power from a thermal powerplant located within the state to a point of junction with any interconnected transmission system. "Electric transmission line" does not include any replacement on the existing site of existing electric powerlines with electric powerlines equivalent to such existing electric powerlines or the placement of new or additional conductors, insulators, or accessories related to such electric powerlines on supporting structures in existence on the effective date of this division or certified pursuant to this division.

25108. "Electric utility" means any person engaged in, or authorized to engage in, generating, transmitting, or distributing electric power by any facilities, including, but not limited to, any such person who is subject to the regulation of the Public Utilities Commission.

25109. "Energy" means work or heat that is, or may be, produced from any fuel or source whatsoever.

25110. "Facility" means any electric transmission line or thermal powerplant, or both electric transmission line and thermal powerplant, regulated according to the provisions of this division.

25111. "Account" means the State Energy Resources Conservation and Development Special Account.

25112. "Member" or "member of the commission" means a member of the State Energy Resources Conservation and Development Commission appointed pursuant to Section 25200.

25113. "Notice" means the notice of intent, as further defined in Chapter 6 (commencing with Section 25500), which shall state the intention of an applicant to file an application for certification of any site and related facility.

25114. "Interested party" means any person whom the commission finds and acknowledges as having a real and direct interest in any proceeding or action carried on, under, or as a result of the operation of, this division.

25115. "Permit area" means the "permit area" as defined in Section 27104.

25116. "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company. "Person" also includes any city, county, public district or agency, the state or any department or agency thereof, and the United States to the extent authorized by federal law.

25117. "Plan" means the Emergency Load Curtailment and Energy Distribution Plan.

25118. "Service area" means any contiguous geographic area serviced by the same electric utility.

25119. "Site" means any location on which a facility is constructed or is proposed to be constructed.

25120. "Thermal powerplant" means any stationary or floating electrical generating facility using any source of thermal energy, with a generating capacity of 50 megawatts or more, and any facilities appurtenant thereto.

25121. "Fuel" means petroleum, crude oil, petroleum product, coal, natural gas, or any other substance used primarily for its energy content.

25122. "Gas utility" means any person engaged in, or authorized to engage in, distributing or transporting natural gas, including, but not limited to, any such person who is subject to the regulation of the Public Utilities Commission.

25123. "Modification of an existing facility" means any alteration, replacement, or improvement of equipment that results in a 50-megawatt or more increase in the electric generating capacity of an existing thermal powerplant or an increase of 25 percent in the peak operating voltage or peak kilowatt capacity of an existing electric transmission line.

CHAPTER 3. STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

25200. There is in the Resources Agency the State Energy Resources Conservation and Development Commission, consisting of five members appointed by the Governor subject to Section 25204.

25201. One member of the commission shall have a background in the field of engineering or physical science and have knowledge of energy supply or conversion systems; one member shall be an attorney and a member of the State Bar of California with administrative law experience; one member shall have background and experience in the field of environmental protection or the study of ecosystems; one member shall be an economist with background and experience in the field of natural resource management; and one member shall be from the public at large.

25202. The Secretary of the Resources Agency and the President of the Public Utilities Commission shall be ex officio, nonvoting members of the commission, whose presence shall not be counted for a quorum or for vote requirements.

25203. Each member of the commission shall represent the state at large and not any particular area thereof, and shall serve on a full-time basis.

25204. The Governor shall appoint the members of the commission within 30 days after the effective date of this division. Every appointment made by the Governor to the commission shall be subject to the advice and consent of a majority of the members elected to the Senate.

25205. (a) No person shall be a member of the commission who, during the two years prior to appointment on the commission, received any substantial portion of his income directly or indirectly from any electric utility, or who engages in sale or manufacture of any major component of any facility. No member of the commission shall be employed by any electric utility, applicant, or, within two years after he ceases to be a member of the commission, by any person who engages in the sale or manufacture of any major

component of any facility.

(b) Except as provided in Section 25202, the members of the commission shall not hold any other elected or appointed public office or position.

(c) The members of the commission and all employees of the commission shall comply with all applicable provisions of Section 19251 of the Government Code.

(d) No person who is a member or employee of the commission shall participate personally and substantially as a member or employee of the commission, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, hearing, application, request for a ruling, or other determination, contract, claim, controversy, study, plan, or other particular matter in which, to his knowledge, he, his spouse, minor child, or partner, or any organization in which he is serving, or has served as officer, director, trustee, partner, or employee while serving as a member or employee of the commission or within two years prior to his appointment as a member of the commission, has a direct or indirect financial interest.

(e) No person who is a partner, employer, or employee of a member or employee of the commission shall act as an attorney, agent, or employee for any person other than the state in connection with any judicial or other proceeding, hearing, application, request for a ruling, or other determination, contract, claim, controversy, study, plan, or other particular matter in which the commission is a party or has a direct and substantial interest.

(f) The provisions of this section shall not apply if the Attorney General finds that the interest of the member or employee of the commission is not so substantial as to be deemed likely to affect the integrity of the services which the state may expect from such member or employee.

(g) Any person who violates any provision of this section is guilty of a felony and shall be subject to a fine of not more than ten thousand dollars ($10,000) or imprisonment in the state prison for not more than two years, or both.

25206. The terms of office of the members of the commission shall be for five years, except that the members first appointed to the commission shall classify themselves by lot so that the term of office of one member shall expire at the end of each one of the five years following the effective date of this division. Any vacancy shall be filled by the Governor within 30 days of the date on which a vacancy occurs for the unexpired portion of the term in which it occurs or for any new term of office.

If the Governor fails to make an appointment for any vacancy within such 30-day period, the Senate Rules Committee may make the appointment to fill the vacancy for the unexpired portion of the term in which the vacancy occurred or for any new term of office, subject to the provisions of Section 25204.

25207. The members of the commission shall receive an annual salary as prescribed by Section 11552 of the Government Code.

Each member of the commission shall receive the necessary traveling and other expenses incurred in the performance of his official duties. When necessary, the members of the commission and its employees may travel within or without the state.

25208. Before entering upon the duties of his office each member of the commission shall execute an official bond to the state in the penal sum of twenty-five thousand dollars ($25,000), conditioned upon the faithful performance of his duties.

25209. Each member of the commission shall have one vote. Except as provided in Section 25211, the affirmative votes of at least three members shall be required for the transaction of any business of the commission.

25210. The commission may hold any hearings and conduct any investigations in any part of the state necessary to carry out its powers and duties prescribed by this division and for such purposes has the same powers as is conferred upon heads of departments of the state by Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

25211. The commission may appoint a committee of not less than two members of the commission to carry on investigations, inquiries, or hearings which the commission has power to undertake or to hold. Every order made by such committee pursuant to such inquiry, investigation, or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be the order of the commission.

25212. Every two years the Governor shall designate a chairman and vice chairman of the commission from among its members.

25213. The commission shall adopt rules and regulations, as necessary, to carry out the provisions of this division in conformity with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code. The commission shall make available to any person upon request copies of proposed regulations, together with summaries of reasons supporting their adoption.

25214. The commission shall maintain its headquarters in the City of Sacramento and may establish branch offices in such parts of the state as the commission deems necessary. The commission shall hold meetings at such times and at such places as shall be determined by it. All meetings and hearings of the commission shall be open to the public, and opportunity to be heard with respect to the subject of the hearings shall be afforded to any person. Upon request, an interested party may be granted reasonable opportunity to examine any witness testifying at the hearing. The first meeting of the commission shall be held within 30 days after the confirmation of the last member of the commission pursuant to Section 25204. The Governor shall designate the time and place for the first meeting of the commission.

25215. Any member of the commission may be removed from

office by the Legislature, by concurrent resolution adopted by a majority vote of all members elected to each house, for dereliction of duty or corruption or incompetency.

25216. In addition to other duties specified in this division, the commission shall do all of the following:

(a) Undertake a continuing assessment of trends in the consumption of electrical energy and other forms of energy and analyze the social, economic, and environmental consequences of these trends; carry out directly, or cause to be carried out, energy conservation measures specified in Chapter 5 (commencing with Section 25400) of this division; and recommend to the Governor and the Legislature new and expanded energy conservation measures as required to meet the objectives of this division.

(b) Collect from electric utilities, gas utilities, and fuel producers and wholesalers and other sources forecasts of future supplies and consumption of all forms of energy, including electricity, and of future energy or fuel production and transporting facilities to be constructed; independently analyze such forecasts in relation to statewide estimates of population, economic, and other growth factors and in terms of the availability of energy resources, costs to consumers, and other factors; and formally specify statewide and service area electrical energy demands to be utilized as a basis for planning the siting and design of electric power generating and related facilities.

(c) Carry out, or cause to be carried out, under contract or other arrangements, research and development into alternative sources of energy, improvements in energy generation, transmission, and siting, fuel substitution, and other topics related to energy supply, demand, public safety, ecology, and conservation which are of particular statewide importance.

25216.3. (a) The commission shall compile relevant local, regional, state, and federal land use, public safety, environmental, and other standards to be met in designing, siting, and operating facilities in the state; except as provided in subdivision (d) of Section 25402, adopt standards, except for air and water quality, to be met in designing or operating facilities to safeguard public health and safety, which may be different from or more stringent than those adopted by local, regional, or other state agencies, or by any federal agency if permitted by federal law; and monitor compliance and ensure that all facilities are operated in accordance with this division.

(b) The local, regional, and other state agencies shall advise the commission as to any change in its standards, ordinances, or laws which are pertinent and relevant to the objective of carrying out the provisions of this division.

25216.5. The commission shall do all of the following.

(a) Prescribe the form and content of applications for facilities; conduct public hearings and take other actions to secure adequate evaluation of applications; and formally act to approve or disapprove applications, including specifying conditions under which approval

and continuing operation of any facility shall be permitted.

(b) Prepare an integrated plan specifying actions to be taken in the event of an impending serious shortage of energy, or a clear threat to public health, safety, or welfare.

(c) Evaluate policies governing the establishment of rates for electric power and other sources of energy as related to energy conservation, environmental protection, and other goals and policies established in this division, and transmit recommendations for changes in power-pricing policies and rate schedules to the Governor, the Legislature, to the Public Utilities Commission, and to publicly owned electric utilities.

(d) Serve as a central repository within the state government for the collection and storage of data and information on all forms of energy supply, demand, conservation, public safety, and related subjects.

25217. The commission shall do all of the following:

(a) Appoint an executive director with administration and fiscal experience, who shall serve at its pleasure and whose duties and salary shall be prescribed by the commission.

(b) Appoint an administrative adviser, to serve at the pleasure of the commission, who shall be an attorney admitted to practice law in this state, and who shall carry out the provisions of Section 25222, as well as other duties prescribed by the commission.

(c) Employ and prescribe the duties of other staff members as necessary to carry out the provisions of this division.

25217.5. The chairman of the commission shall direct the adviser, the executive director, and other staff in the performance of their duties in conformance with the policies and guidelines established by the commission.

25218. In addition to other powers specified in this division, the commission may do any of the following:

(a) Apply for and accept grants, contributions, and appropriations.

(b) Contract for professional services if such work or services cannot be satisfactorily performed by its employees or by any other state agency.

(c) Be sued and sue.

(d) Request and utilize the advice and services of all federal, state, local, and regional agencies.

(e) Adopt any rule or regulation, or take any action, it deems reasonable and necessary to carry out the provisions of this division.

(f) Adopt rules and regulations, or take any action, it deems reasonable and necessary to ensure the free and open participation of any member of the staff in proceedings before the commission.

25218.5. The provisions specifying any power or duty of the commission shall be liberally construed, in order to carry out the objectives of this division.

25219. As to any matter involving the federal government, its departments or agencies, which is within the scope of the power and

duties of the commission, the commission may represent its interest or the interest of any county, city, state agency, or public district upon its request, and to that end may correspond, confer, and cooperate with the federal government, its departments or agencies.

25220. The commission may participate as a party, to the extent that it shall determine, in any proceeding before any federal or state agency having authority whatsoever to approve or disapprove any aspect of a proposed facility, receive notice from any applicant of all applications and pleadings filed subsequently by such applicants in any of such proceedings, and, by its request, receive copies of any of such subsequently filed applications and pleadings that it shall deem necessary.

25221. Upon request of the commission, the Attorney General shall represent the commission and the state in litigation concerning affairs of the commission, unless the Attorney General represents another state agency, in which case the commission shall be authorized to employ other counsel.

25222. The adviser shall insure that full and adequate participation by all interested groups and the public at large is secured in the planning, site and facility certification, energy conservation, and emergency allocation procedures provided in this division. The adviser shall insure that timely and complete notice of commission meetings and public hearings is disseminated to all interested groups and to the public at large. The adviser shall also advise such groups and the public as to effective ways of participating in the commission's proceedings. The adviser shall recommend to the commission additional measures to assure open consideration and public participation in energy planning, site and facility certification, energy conservation, and emergency allocation proceedings.

25223. The commission shall make available any information filed or submitted pursuant to this division under the provisions of the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7, Title 1 of the Government Code.

25224. The commission and other state agencies shall, to the fullest extent possible, exchange records, reports, material, and other information relating to energy resources and conservation and power facilities siting, or any areas of mutual concern, to the end that unnecessary duplication of effort may be avoided.

CHAPTER 4. PLANNING AND FORECASTING

25300. Every electric utility in the state shall prepare and transmit to the commission within one year after the effective date of this division, and every two years thereafter, a report specifying 5-, 10-, and 20-year forecasts or assessments of loads and resources for its service area. The report shall set forth the facilities which, as determined by the electric utility, will be required to supply electric power during the forecast or assessment periods. The report shall be

in a form specified by the commission and shall include all of the following:

(a) A tabulation of estimated peak loads, resources, and reserve margins for each year during the 5- and 10-year forecast or assessment periods, and an estimate of peak load, resources, and reserve margins for the last year in the 20-year forecast or assessment period.

(b) A list of existing electric generating plants in service, with a description of planned and potential generating capacity at existing sites.

(c) A list of facilities which will be needed to serve additional electrical requirements identified in the forecasts or assessments, the general location of such facilities, and the anticipated types of fuel to be utilized in the proposed facilities.

(d) A description of additional system capacity which might be achieved through, among other things, improvements in (1) generating or transmission efficiency, (2) importation of power, (3) interstate or interregional pooling, and (4) other improvements in efficiencies of operation.

(e) An estimation of the availability and cost of fuel resources for the 5-, 10-, and 20-year forecast or assessment periods with a statement by the electric utility describing firm commitments for supplies of fuel required during the forecast or assessment periods.

(f) An annual load duration curve and a forecast of anticipated peak loads for each forecast or assessment period for the residential, commercial, industrial, and such other major demand sectors in the service area of the electric utility as the commission shall determine.

(g) A description of projected population growth, urban development, industrial expansion, and other growth factors influencing increased demand for electric energy and the bases for such projections.

25301. The commission shall establish and every electric utility shall utilize, for purposes of the report, a common methodology for preparing forecasts of future loads and resources. After applying the commission's established methodology to the mandatory elements of the report specified in Section 25300, any electric utility may transmit to the commission supplementary information and forecasts based upon an alternative methodology. If such alternate methodology is employed, the electric utility shall fully describe the data and other components of the methodology, and shall specify the reasons why the approach is considered more accurate than that established by the commission. The commission may waive the requirements of subdivision (d) or (g) of Section 25300 for any electric utility which the commission determines is not primarily engaged in the business of generating or selling electricity, when the commission determines that the collection and accumulation of any such information from such electric utilities is unnecessary for purposes of carrying out the provisions of this chapter.

25302. Upon receipt of a report required under Section 25300

from an electric utility, the commission shall forward copies thereof to the Legislature, the Public Utilities Commission, the Secretary of the Resources Agency, the Director of the Office of Planning and Research, and other concerned state and federal agencies. The report shall also be made available, at cost, to any person upon request. The commission shall also forward copies of the report to each city and county within the service area covered by the report, and shall request that the city and county review and comment on the report in relation to estimates of population growth and economic development, patterns of land use and open space, and and conservation and other appropriate elements of the adopted city or county general plan. A copy of the report shall be maintained on file for public inspection in each county.

25303. For a period of four months after the receipt of the reports required under Section 25300 the commission shall receive the comments of any person on the reports. Within such period, the Public Utilities Commission shall submit its independent evaluation and analysis of the reports to the commission.

25304. The commission shall review and evaluate the electric utilities' forecasts of loads and resources, and the comments of the Public Utilities Commission on such forecasts, in relation to the population growth estimates prepared by the Department of Finance, Population Research Unit, and in relation to statewide and regional land use, transportation, and economic development programs and forecasts. The commission shall also examine the implications of the forecast level of loads and resources on, among other things, all of the following:

(a) Critical environmental and other resources of the state, including air and water quality, coastal, natural, and other unique areas, and energy resources.

(b) Public health and safety, general welfare, and the state's economy.

(c) Capital requirements for new facilities and costs to consumers of electricity and other forms of energy.

(d) Other significant factors which relate to the provision of electrical energy in the amounts and in the manner proposed by the electric utilities.

The commission shall also consider reasonable alternative methods to those proposed by the electric utilities to meet forecasted electrical energy requirements.

25305. Within six months after receipt of the reports specified in Section 25300, the commission shall prepare and distribute a preliminary report, setting forth its findings and conclusions regarding the accuracy and acceptability of the electric utilities' forecasts. The report shall be based upon information and views presented in the comments received under Section 25303 and the commission's independent analysis, and shall contain all of the following:

(a) The commission's evaluation of the probable service area and

statewide, environmental, and economic impact and the health and safety aspect of constructing and operating the facilities proposed by the electric utilities and a description of the measures considered necessary by the commission to avoid or ameliorate any adverse impacts.

(b) Any proposed alternative methods for meeting the electrical energy requirements identified by the electric utilities.

(c) The anticipated 5- and 10-year level of demand for energy to be utilized as a basis for certification of facilities, and an anticipated 20-year level of demand for energy to be utilized as a basis for recommending energy conservation policies and actions.

(d) Identification, on a statewide and service area basis, of required electric facilities consistent with the anticipated level of demand, both before and after consideration of the possible impacts of recommended conservation measures.

(e) An analysis and evaluation of the means by which the projected annual rate of demand growth of electrical energy may be reduced, together with an estimate of the amount of such reduction to be obtained by each of the means analyzed and evaluated, including a statement of the impact of such reduction on the factors reviewed by the commission set forth in Section 25304 and subdivision (a) of this section.

25306. The commission shall distribute the report required under Section 25305 to the same persons, and under the same conditions, as prescribed in Section 25302.

25307. Within three months after distribution of the commission's preliminary report pursuant to Section 25305, the commission shall hold public hearings of which at least one shall be in the City of Sacramento to obtain the views and comments of the electric utilities, governmental agencies, private groups, and any other person on the commission's proposals and recommendations in the preliminary report.

25308. Within 12 months after receipt of the reports required in Section 25300, the commission shall include within its biennial report to the Governor and the Legislature, as specified in Section 25309, its final report on the accuracy and acceptability of the electric utilities' forecasts and on the commission's independent analyses and evaluations, as specified in Section 25305.

25309. Beginning January 1, 1977, and every two years thereafter, the commission shall transmit to the Governor and the Legislature a comprehensive report designed to identify emerging trends related to energy supply, demand, and conservation and public health and safety factors, to specify the level of statewide and service area electrical energy demand for each year in the forthcoming 5-, 10-, and 20-year periods, and to provide the basis for state policy and actions in relation thereto, including, but not limited to, approval of new sites for additional facilities. The report shall include, but not be limited to, all of the following:

(a) An overview, looking 20 years ahead, of statewide growth and

development as they relate to future requirements for energy, including patterns of urban metropolitan expansion, statewide and service area economic growth, shifts in transportation modes, modifications in building types and design, and other trends and factors which, as determined by the commission, will significantly affect energy consumption and need to be considered in formulating state energy policy and programs.

(b) The level of statewide and service area electrical energy demand for the forthcoming 5- and 10-year forecast or assessment period which, in the judgment of the commission, will reasonably balance requirements of state and service area growth and development, protection of public health and safety, preservation of environmental quality, maintenance of a sound economy, and, as may be provided by law, conservation of energy and resources. Such 5- and 10-year forecasts or assessments established by the commission shall serve as the basis for planning and certification of facilities proposed by electric utilities.

(c) The anticipated level of statewide and service area electrical energy demand for 20 years, which shall serve as the basis for recommendations by the commission to the Governor, the Legislature, and other appropriate public and private agencies in the following:

(1) Demand-reducing policies.

(2) Conservation of energy.

(3) Development of potential sources of energy.

(4) Other policies and actions designed to affect the rate of growth in demand for electrical energy.

(d) A list, including maps, of existing electrical power generating sites, indicating those where the commission has determined that expansion is feasible within the forthcoming 10-year period.

(e) A list, including maps, of possible areas appropriate for additional electrical generating sites, including the generating capacity to be installed at the sites and the type of fuel and other general characteristics of the facilities which, as determined by the commission, will be required to meet the 10-year level of electrical energy demand established by the commission as specified in subdivision (b) of this section.

(f) Based upon the commission's 20-year forecasts or assessment of growth trends in energy consumption and production, identification of potential adverse social, economic, or environmental impacts which might be imposed by continuation of the present trends, including, but not limited to, the costs of electricity and other forms of energy to consumers, significant increases in air, water, and other forms of pollution, threats to public health and safety, and loss of scenic and natural areas.

(g) Assessment of the energy resources available to the state, including among others, fossil fuels and nuclear, solar, and geothermal energy resources; assessment of the potential of, and examination of the availability of, commercially developable fuels,

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including imported fuels, during the forthcoming 10- and 20-year periods; and recommendations regarding measures to be applied to conserve energy and fuels.

(h) An analysis and evaluation of the means by which the projected annual rate of demand growth of energy may be reduced, together with an estimate of the amount of such reduction to be obtained by each of the means analyzed and evaluated, including, but not limited to, a statement of the impact of such reduction on the factors reviewed by the commission set forth in Section 25304 and subdivision (a) of this section.

(i) The status of the commission's ongoing research and development program directed to energy supply, demand, and conservation and description of new projects which have been proposed for funding as specified in Chapter 7 (commencing with Section 25600) of this division.

(j) Description of the commission's adopted plan for emergency measures to be applied in the event of impending serious shortage of electrical and other forms of energy as provided in Chapter 8 (commencing with Section 25700) of this division.

(k) Recommendations to the Governor and the Legislature for administrative and legislative actions based on the results of commission studies and evaluations as specified in this section and in Chapter 5 (commencing with Section 25400).

(*l*) A list, including maps, of sites and potential multiple-facility sites which have been found to be acceptable by the commission pursuant to Sections 25516 and 25516.5, including the generating capacity to be installed at the site and the type of fuel and other general characteristics of the facilities at such sites.

CHAPTER 5. ENERGY RESOURCES CONSERVATION

25400. The commission shall conduct an ongoing assessment of the opportunities and constraints presented by all forms of energy. The commission shall encourage the balanced use of all sources of energy to meet the state's needs and shall seek to avoid possible undesirable consequences of reliance on a single source of energy.

25401. The commission shall continuously carry out studies, research projects, data collection, and other activities required to assess the nature, extent, and distribution of energy resources to meet the needs of the state, including but not limited to, fossil fuels and solar, nuclear, and geothermal energy resources. It shall also carry out studies, technical assessments, research projects, and data collection directed to reducing wasteful, inefficient, unnecessary, or uneconomic uses of energy, including, but not limited to, all of the following:

(a) Pricing of electricity and other forms of energy.

(b) Improved building design and insulation.

(c) Restriction of promotional activities designed to increase the use of electrical energy by consumers.

(d) Improved appliance efficiency.

(e) Advances in power generation and transmission technology.

(f) Comparisons in the efficiencies of alternative methods of energy utilization.

The commission shall survey pursuant to this section all forms of energy on which to base its recommendations to the Governor and Legislature for elimination of waste or increases in efficiency for sources or uses of energy. The commission shall transmit to the Governor and the Legislature, as part of the biennial report specified in Section 25309, recommendations for state policy and actions for the orderly development of all potential sources of energy to meet the state's needs, including, but not limited to, fossil fuels and solar, nuclear, and geothermal energy resources, and to reduce wasteful and inefficient uses of energy.

25402. Within 18 months after the effective date of this division, the commission shall, after one or more public hearings, do all of the following, in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy:

(a) Prescribe, by regulation, lighting, insulation, climate control systems, and other building design and construction standards which increase the efficient use of energy. Such standards shall be economically feasible in that the resultant savings in energy procurement costs shall be greater than the cost of the energy conserving requirements amortized over the economic life of the building. In prescribing standards for insulation, the commission shall take into consideration the standards developed pursuant to Chapter 11 (commencing with Section 19870) of Part 3, Division 13 of the Health and Safety Code, which standards shall only be operative until the date one year after the date that the commission adopts regulations for energy insulation for residential buildings pursuant to this subdivision. One year after the commission adopts the regulations pursuant to this subdivision, no city, county, city and county, or state agency shall issue any building permit unless the standards prescribed by the commission pursuant to this section are satisfied. Whenever the provisions of this subdivision and the provisions of Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code, as to adoption and enforcement of standards for "nonresidential buildings" as defined by Section 19878.1 of the Health and Safety Code, are in conflict, the commission shall be governed by the provisions of such chapter of the Health and Safety Code to the extent of such conflict.

(b) Recommend per unit energy requirement allotments based on square footage for various classes of buildings which would reduce the growth rate of electrical energy consumption and which are technically feasible and will provide adequate safeguards for public health, safety, and welfare. No city, county, city and county, or state agency shall issue any permit for the construction of any building unless the applicant certifies that consideration has been given to such energy requirement allotments, which certification shall

include a statement specifying the extent to which conformance with the relevant recommended allotment will be achieved.

(c) By regulation, prescribe standards for minimum levels of operating efficiency, based on a reasonable use pattern, for all appliances whose use, as determined by the commission, requires a significant amount of energy on a statewide basis. Such minimum levels of operating efficiency shall be based on feasible and attainable efficiencies or feasible improved efficiencies which will reduce the electrical energy consumption growth rate. One year after the date of the adoption of such standards, no new appliance may be sold or offered for sale in the state which is not certified by the manufacturer thereof to be in compliance with such standards. Such standards shall be drawn so that they do not result in any added total costs to the consumer over the designed life of the appliances concerned.

(d) Recommend minimum standards of efficiency for the operation of any new facility at a particular site which are technically and economically feasible. No site and related facility shall be certified pursuant to Chapter 6 (commencing with Section 25500) of this division, unless the applicant certifies that standards recommended by the commission have been considered, which certification shall include a statement specifying the extent to which conformance with the recommended standards will be achieved.

Whenever the provisions of this section and the provisions of Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code are in conflict, the commission shall be governed by the provisions of such chapter of the Health and Safety Code to the extent of such conflict.

25403. The commission shall submit to the Public Utilities Commission and to any publicly owned electric utility, recommendations designed to reduce wasteful, unnecessary, or uneconomic energy consumption resulting from practices including, but not limited to, differential rate structures, cost-of-service allocations, the disallowance of a business expense of advertising or promotional activities which encourage the use of electrical power, peakload pricing, and other pricing measures. The Public Utilities Commission or publicly owned electric utility shall review and consider such recommendations and shall, within six months after the date it receives them, as prescribed by this section, report to the Governor and the Legislature its actions and reasons therefor with respect to such recommendations.

25404. The commission shall cooperate with the Office of Planning and Research, the Resources Agency and other interested parties in developing procedures to ensure that mitigation measures to minimize wasteful, inefficient, and unnecessary consumption of energy are included in all environmental impact reports required on local projects as specified in Section 21151.

25405. A city, county, or city and county may by ordinance or resolution prescribe a schedule of fees sufficient to pay the costs incurred in the enforcement of standards adopted pursuant to this

chapter.

CHAPTER 6. POWER FACILITY AND SITE CERTIFICATION

25500. In accordance with the provisions of this division, the commission shall have the exclusive power to certify all sites and related facilities in the state, except for any site and related facility proposed to be located in the permit area, whether a new site and related facility or a change or addition to an existing facility. The issuance of a certificate by the commission shall be in lieu of any permit, certificate, or similar document required by any state, local or regional agency, or federal agency to the extent permitted by federal law, for such use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.

After the effective date of this division, no construction of any facility or modification of any existing facility shall be commenced without first obtaining certification for any such site and related facility by the commission, as prescribed in this division.

25500.5. The commission shall certify sufficient sites and related facilities which are required to provide a supply of electric power sufficient to accommodate the demand projected in the most recent forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309.

25501. The provisions of this chapter do not apply to any site and related facility which meets either of the following requirements:

(a) For which the Public Utilities Commission has issued a certificate of public convenience and necessity before the effective date of this division.

(b) For which construction is planned to commence within three years from the effective date of this division.

25501.3. A proposed site and related facility shall be deemed to be one for which construction is planned to commence within three years from the effective date of this division within the meaning of subdivision (b) of Section 25501, if all of the following are satisfied:

(a) The planned operating date and the planned capacity are consistent with the forecast of electric loads either set forth in a report submitted under Sections 2 and 3 of General Order 131 of the Public Utilities Commission as of March 31, 1974, or otherwise disclosed in a report of a public agency as of March 31, 1974.

(b) The need to commence construction within three years from the effective date of this division is reasonably related to the planned operating date of such site and related facility.

(c) Substantial funds have been expended or committed for planning, site investigations, site acquisition, or equipment procurement for such site and related facility prior to the effective date of this division.

25501.5. The Legislature finds and declares that the following

proposed sites and facilities with the associated estimated generating capacities meet the requirements of subdivision (b) of Section 25501:

(a) As designated in the report of the Pacific Gas and Electric Company submitted to the Public Utilities Commission on March 1, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, three gas turbine powerplants, each having a generating capacity of 52 megawatts, commonly known as Potrero Unit 4, Potrero Unit 5 and Potrero Unit 6, to be located in the City and County of San Francisco; a gas turbine powerplant having a generating capacity of 52 megawatts, commonly known as Hunters Point Unit 1, to be located in the City and County of San Francisco; a gas turbine powerplant having a generating capacity of 200 megawatts, commonly known as Station C; a geothermal powerplant having a generating capacity of 106 megawatts, commonly known as Geysers Unit 12, to be located in Sonoma County; a geothermal powerplant having a generating capacity of 110 megawatts, commonly known as Geysers Unit 14, to be located in Sonoma County; a geothermal powerplant having a generating capacity of 55 megawatts, commonly known as Geysers Unit 15, to be located in Sonoma County; a geothermal powerplant having a generating capacity of 135 megawatts, commonly known as Geysers Unit 13, to be located in Lake County; a geothermal powerplant having a generating capacity of 110 megawatts, planned for operation in 1978, to be located in Sonoma County or Lake County; a geothermal powerplant having a generating capacity of 110 megawatts, planned for operation in 1979, to be located in Sonoma County or Lake County; a combined-cycle powerplant having a generating capacity of 800 megawatts, commonly known as Thermal 78, to be located in Contra Costa County near the City of Pittsburg; two combined-cycle powerplants, each having a generating capacity of 800 megawatts, commonly known as Thermal 79 and Thermal 81, to be located in Contra Costa County or Solano County; and a nuclear powerplant having a generating capacity of 1,100 megawatts, commonly known as Nuclear A to be located in Region 1, as shown on page 27 of the report of the Pacific Gas and Electric Company submitted March 1, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, or at the location commonly known as Diablo Canyon in San Luis Obispo County.

(b) As described in the report of the Southern California Edison Company submitted to the Public Utilities Commission on March 8, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, two combined-cycle powerplants, each with a generating capacity of 236 megawatts, commonly known as Cool Water Unit 3 and Cool Water Unit 4, to be located in San Bernardino County; six combined-cycle powerplants, each having a generating capacity of 236 megawatts, commonly known as Huntington Beach Unit 6, Huntington Beach Unit 7, Huntington Beach Unit 8, Huntington Beach Unit 9, Huntington Beach Unit 10 and Huntington Beach Unit 11, to be located in the City of

Huntington Beach; three combined-cycle powerplants, each with a generating capacity of 414 megawatts, commonly known as Lucerne Valley Unit 1, Lucerne Valley Unit 2 and Lucerne Valley Unit 3, to be located in San Bernardino County; and two nuclear powerplants, each having a generating capacity of 760 megawatts, commonly known as the Desert Nuclear Project.

(c) As described in the report of the San Diego Gas and Electric Company submitted to the Public Utilities Commission on March 22, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, two gas turbine powerplants, each having a generating capacity of 64 megawatts, commonly known as South Bay Gas Turbine Unit 3 and South Bay Gas Turbine Unit 4, to be located in San Diego County; a fossil-fueled powerplant having a generating capacity of 292 megawatts, commonly known as Encina Unit 5, to be located in San Diego County; a combined-cycle powerplant having a generating capacity of 404 megawatts, planned for operation in 1979, to be located in San Diego County; and a nuclear powerplant having a generating capacity of 1,200 megawatts, commonly known as the Desert Nuclear Project, to be located in Riverside County.

(d) As described in the report of the Pacific Gas and Electric Company to the Public Utilities Commission submitted March 1, 1974, in response to Sections 2 and 3 of the General Order 131 of the Public Utilities Commission, a gas turbine powerplant having a generating capacity of 150 megawatts, commonly known as SMUD Gas Turbines, to be located in Sacramento County; and a nuclear powerplant having a generating capacity of 1,100 megawatts, commonly known as Rancho Seco Unit 2, to be located in Sacramento County.

(e) As described in the report of the Department of Water and Power of the City of Los Angeles submitted to the Public Utilities Commission on March 18, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, a nuclear powerplant having a generating capacity of 1,300 megawatts, commonly known as the San Joaquin Nuclear Project, to be located in Kern County near the City of Wasco.

(f) Four geothermal powerplants, each having a generating capacity of 55 megawatts, presently planned to be constructed by the City of Burbank and to be located in Imperial County.

(g) Four geothermal powerplants, each having a generating capacity of 55 megawatts, presently planned to be constructed by the City of Burbank and located in Inyo County.

(h) Two geothermal powerplants, each having a generating capacity of 110 megawatts, presently planned to be constructed by the Northern California Power Agency and located in Sonoma County.

Nothing in this section shall be construed to indicate that the sites and facilities specified in this section are approved by the Legislature. The inclusion of any site and related facility in this

section means that the provisions of this chapter do not apply to any such site or facility, to the extent that Section 25501.7 or 25502.3 is made applicable, and that such site and related facility is subject to any and all other provisions of law.

25501.7. Any person proposing to construct a facility or a site to which Section 25501 applies may waive the exclusion of such site and related facility from the provisions of this chapter by submitting to the commission a notice to that effect on or after July 1, 1976, and any and all of the provisions of this chapter shall apply to the construction of such facility.

25502. Each person proposing to construct a thermal powerplant or electric transmission line on a site shall submit to the commission notice of intention to file an application for the certification of such site and related facility or facilities. The notice shall be an attempt primarily to determine the suitability of the proposed sites to accommodate the facilities and to determine the general conformity of the proposed sites and related facilities with standard of the commission and forecasts adopted pursuant to Sections 25216.3 and 25309. The notice shall be in the form prescribed by the commission and shall be supported by such information as the commission may require.

Any site and related facility once found to be acceptable pursuant to Section 25516 is, and shall continue to be, eligible for consideration in an application for certification without further proceedings required for a notice under this chapter.

25502.3. Except as provided in Section 25501.7, any person proposing to construct a facility excluded from the provisions of this chapter may waive such exclusion by submitting to the commission a notice of intention to file an application for certification, and any and all of the provisions of this chapter shall apply to the construction of such facility.

25502.5. The notice is not required to contain three alternative sites and related facilities for additional generating facilities on land owned by an electric utility before the effective date of this division at existing sites east of the town of Clay Station in Sacramento County, in the location commonly known as Diablo Canyon in San Luis Obispo County, and near the City of Pittsburg in Contra Costa County.

25503. Each notice of intention to file an application shall contain at least three alternative sites and related facilities, at least one of which shall not be located in whole or in part in the coastal zone. In addition, the alternative sites and related electrical facilities may be proposed from an inventory of sites which have previously been approved by the commission in a notice of intent or may be proposed from sites previously examined. If modification of an existing facility is proposed, the commission may require that alternative methods of providing the additional service or making the proposed modification be specified in the notice.

25504. The notice of intention shall include a statement by the

applicant describing the location of the proposed sites by section or sections, range and township, and county; a summary of the proposed design criteria of the facilities; the type or types of fuels to be used; the methods of construction and operation; the proposed location of facilities and structures on each site; a preliminary statement of the relative economic, technological, and environmental advantages and disadvantages of the alternative site and related facility proposals; a statement of need for the facility and information showing the compatibility of the proposals with the most recent biennial report issued pursuant to Section 25309; and any other information that an electric utility deems desirable to submit to the commission.

25504.5. An applicant may, in the notice, propose a site to be approved which will accommodate a potential maximum electric generating capacity in excess of the capacity being proposed for the initial approval of the commission. If such a proposal is made, the notice shall include, but not be limited to, in addition to the information specified in Section 25504, all of the following:

(a) The number, type, and energy source of electric generating units which the site is proposed ultimately to accommodate and the maximum generating capacity for each unit.

(b) The projected installation schedule for each unit.

(c) The impact at the site when fully developed, on the environment and public health and safety.

(d) The amount and sources of cooling water needed at the fully developed site.

(e) The location and specifications of auxiliary facilities planned for each state of development including, but not limited to, pipelines, waste storage facilities, fuel storage facilities, switchyards, coolant lines, coolant outfalls, and cooling ponds, lakes, or towers.

25505. Upon receipt of a notice, the commission shall cause a summary of the notice to be published in a newspaper of general circulation in each county in which the sites and related facilities, or any part thereof, designated in the notice are proposed to be located. The commission shall also transmit a copy of the notice to the Public Utilities Commission, for sites and related facilities requiring a certificate of public convenience and necessity, and to other federal, state, regional, and local agencies having an interest in matters pertinent to the proposed facilities at any of the alternative sites. A copy of the notice shall also be transmitted to the Attorney General.

25506. The commission shall request the appropriate local, regional, state, and federal agencies to make comments and recommendations regarding the design, operation, and location of the facilities designated in the notice, in relation to environmental quality, public health and safety, and other factors on which they may have expertise.

25506.5. The commission shall request the Public Utilities Commission, for sites and related facilities requiring a certificate of public convenience and necessity, to make comments and recommendations regarding the design, operation, and location of

the facilities designated in the notice in relation to the economic, financial, rate, system reliability, and service implications of the proposed facilities.

25507. If any alternative site and related facility proposed in the notice is proposed to be located, in whole or in part, within the coastal zone and if a permit for such a site and related facility is required to be obtained from the California Coastal Zone Conservation Commission, the commission shall transmit a copy of the notice to the California Coastal Zone Conservation Commission. The commission shall request that the California Coastal Zone Conservation Commission complete an analysis of any coastal zone site and related facility and forward preliminary findings of the acceptability of any such site and related facility prior to completion of the preliminary report required by Section 25510.

25508. The commission shall cooperate with, and render advice to, the California Coastal Zone Conservation Commission and any appropriate regional coastal zone conservation commission in studying applications for any site and related facility proposed to be located, in whole or in part, within the permit area, if requested by the California Coastal Zone Conservation Commission or a regional coastal zone conservation commission, and may invite the members of the California Coastal Zone Conservation Commission and regional coastal zone conservation commissions to participate in public hearings on the notice and on the application for site and related facility certification, in connection with matters of mutual concern, as interested parties in such proceedings.

25509. The commission shall conduct a public informational hearing or hearings in the county of the proposed sites and related facilities no earlier than 60 nor later than 90 days from receipt of a notice of intention to file an application. The place of such public informational hearing or hearings shall be as close as practicable to the proposed sites. Any person may participate to the extent deemed reasonable and relevant by the presiding member of the commission, in any such hearing. Such hearings on the original three sites and related facilities shall be concluded within 90 days of their commencement. Such hearings shall be conducted in order to accomplish all of the following purposes:

(a) To set forth the electrical demand basis for the proposed site and related facility.

(b) To provide knowledge and understanding of proposed facilities and sites.

(c) To obtain the views and comments of the public and concerned governmental agencies on the environmental, public health and safety, economic, social, and land use impacts of the facility at the proposed sites.

(d) To solicit information regarding reasonable alternative sources of the electric generating capacity or energy to be provided by alternative sites and related facilities, or combinations thereof, which will better carry out the policies and objectives of this division.

25510. Within 90 days after the conclusion of such hearing or hearings, the commission shall prepare and make public a preliminary report on the notice of intention to file an application. Such report shall contain the comments and recommendations of local authorities as to the construction of any thermal powerplant or electric transmission line on a particular site. The commission may include within the preliminary report any other alternatives proposed by the commission or presented to the commission at a public hearing prior to preparation of the preliminary report. The preliminary report shall be published and made available to the public and to interested local, regional, state, and federal agencies.

25511. The commission shall review the factors related to safety and reliability of the facilities at each of the alternative sites designated in the notice. In addition to other information requested of the applicant, the commission shall, in determining the appropriateness of sites and related facilities, require detailed information on proposed emergency systems and safety precautions, plans for transport, handling and storage of wastes and fuels, proposed methods to prevent illegal diversion of nuclear fuels, special design features to account for seismic and other potential hazards, proposed methods to control density of population in areas surrounding nuclear powerplants, and such other information as the commission may determine to be relevant to the reliability and safety of the facility at the proposed sites. The commission shall analyze the information provided by the applicant, supplementing it, where necessary, by onsite investigations and other studies. The commission shall determine the adequacy of measures proposed by the applicant to protect public health and safety, and shall include its findings in the preliminary report required by Section 25510.

25512. The preliminary report shall be based upon testimony presented during any hearing on the notice, the comments transmitted by the Public Utilities Commission and local, regional, state, and federal agencies and the public to the commission, and the independent studies conducted by the commission's staff. The preliminary report shall include findings and conclusions, within the limitation of the information required in Sections 25502, 25503, 25504, and 25511, with respect to all of the following:

(a) The degree to which each alternative site and related facility proposal designated in the notice or presented at a hearing and considered by the commission is in conformity with both of the following:

(1) The forecast of statewide and service area electric power demands adopted pursuant to Section 25309, except as provided in Section 25514.5.

(2) Applicable local, regional, state, and federal standards, ordinances, and laws.

(b) The relative merit of each alternative site and related facility proposal designated in the notice or presented at a public hearing and considered by the commission.

(c) The safety and reliability of the facility or facilities at each of the sites designated in the notice as determined by the commission pursuant to Section 25511.

25513. Within 30 days of the publication of the preliminary report, a copy of the report will be distributed to any person requesting the report prior to distribution. Any such person may respond in writing to the preliminary report. Such response shall be submitted to the commission no later than 60 days after distribution of the report.

25514. No later than 120 days after distribution of the preliminary report, a final report shall be prepared and distributed. The final report shall include, but not be limited to, all of the following:

(a) The findings and conclusions of the commission regarding the conformity of alternative sites and related facilities designated in the notice or presented at the informational hearing or hearings and reviewed by the commission with both of the following:

(1) The 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309, except as provided in Section 25514.5.

(2) The provisions of any state law or local or regional ordinance or regulation, including any long-range land use plans or guidelines adopted by the state or by any local or regional planning agency, which would be applicable but for the exclusive authority of the commission to certify sites and related facilities; and the standards adopted by the commission pursuant to Section 25216.3.

(b) Any findings and comments submitted by the California Coastal Zone Conservation Commission or any regional coastal zone conservation commission regarding conformity of any siting alternative proposed in the coastal zone with policies, regulations, or guidelines established by the commission. Such findings and comments, however, shall not constitute approval of any permit required from any regional coastal zone conservation commission or California Coastal Zone Conservation Commission on appeal.

(c) The commission's findings on the acceptability of each alternative siting proposal designated in the notice or presented at the hearings and reviewed by the commission. In its findings on any alternative siting proposal, the commission may specify modification in the design, construction, location, or other conditions which will meet the standards, policies, and guidelines established by the commission.

(d) Any conditions, modifications, or criteria proposed for any site and related facility proposal resulting from the commission's evaluation pursuant to subdivision (c) of Section 25512.

25514.3. In specifying any modifications, conditions, or criteria pursuant to Section 25514, for sites and related facilities requiring a certificate of public convenience and necessity, the commission shall request the comments and recommendations of the Public Utilities Commission on the economic, financial, rate, system reliability, and service implications of such modifications, conditions, or criteria.

25514.5. In considering the acceptability of a site proposed to accommodate ultimately additional power-generating capacity, the commission, in determining, pursuant to Sections 25514 and 25512, the conformity of the facilities proposed in the notice with the 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309, shall base its determination only on such initial facilities as are proposed for operation within the forthcoming 10-year period. Additional facilities projected to be operating at the site at a time beyond the forthcoming 10-year period shall not be considered in the determination of conformity with the electric power demand forecast.

25515. No later than 30 days after the final report is distributed, a hearing or hearings on the final report shall be commenced. Such hearings shall be concluded within 30 days of their commencement.

25516. The approval of the notice by the commission shall be based upon findings pursuant to Section 25514. The commission's decision shall be issued within 60 days after the conclusion of the hearings on the final report. The notice shall not be approved unless the commission finds at least two alternative site and related facility proposals considered in the commission's final report as acceptable. If the commission does not find at least two sites and related facilities acceptable, additional sites and related facilities may be proposed by the applicant which shall be considered in the same manner as those proposed in the original notice.

If the commission finds that a good faith effort has been made by the person submitting the notice to find an acceptable alternative site and related facility and that there is only one acceptable site and related facility among those submitted, the commission may approve the notice based on the one site and related facility. If a notice is approved based on one site and related facility, the commission may require a new notice to be filed to identify acceptable alternative sites and related facilities for the one site and related facility approved.

If the commission finds that additional electric generating capacity is needed to accommodate the electric power demand forecast pursuant to subdivision (b) of Section 25309 and, after the commission finds that a good faith effort was made by the person submitting the notice to propose an acceptable site and related facility, it fails to find any proposed site and related facility to be acceptable, the commission shall designate, at the request of and at the expense of the person submitting the notice, a feasible site and related facility for providing the needed electric generating capacity.

25516.5. On a notice which proposes an expanded ultimate electric generating capacity for a site, the commission may, based upon findings pursuant to Section 25514, either approve the notice only for the initial facility or facilities proposed for operation within the forthcoming 10-year period or may approve the notice for the

initial facility or facilities and find the site acceptable for additional generating capacity of the type tentatively proposed. The maximum allowable amount and type of such additional capacity shall be determined by the commission.

If a notice is approved which includes a finding that a particular site is suitable to accommodate a particular additional generating capacity, the site shall be designated a potential multiple-facility site. The commission may, in determining the acceptability of a potential multiple-facility site, specify conditions or criteria necessary to insure that future additional facilities will not exceed the limitations of the site.

25517. Except as provided in Sections 25501 and 25501.3, after the effective date of this division, no construction of any thermal powerplant or electric transmission line shall be commenced by any electric utility without first obtaining certification as prescribed in this division. Any onsite improvements not qualifying as construction may be required to be restored as determined by the commission as necessary to protect the environment, if certification is denied.

25518. Except as provided in subdivision (b) of Section 25501, the Public Utilities Commission shall issue no certificate of public convenience and necessity for a site or related electrical facilities unless the utility has obtained a certificate from the commission.

25518.5. Nothing in this division shall preclude the concurrent initiation of an application for a certificate of public convenience and necessity from the Public Utilities Commission subject to the condition specified in Section 25518.

25519. (a) In order to obtain certification for a site and related facility, an application for certification of such site and related facility shall be filed with the commission. Such application shall be in a form prescribed by the commission and shall be filed with the commission no later than 18 months before any construction is to commence. Such application shall be for a site and related facility which has been found to be acceptable by the commission pursuant to Section 25516, or for an additional facility at a site which has been designated a potential multiple-facility site pursuant to Section 25514.5 and found to be acceptable pursuant to Sections 25516 and 25516.5. An application for an additional facility at a potential multiple-facility site shall be subject to the conditions and review specified in Section 25520.5. An application may not be filed for a site and related facility, if there is no suitable alternative for the site and related facility which was previously found to be acceptable by the commission, unless the commission has approved the notice based on the one site as specified in Section 25516.

(b) The commission, upon its own motion or in response to the request of any party, may require the applicant to submit any information, document, or data, in addition to the attachments required by subdivision (i), which it determines is reasonably necessary to make any decision on the application.

(c) Upon receipt of the application, the commission shall

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undertake studies and investigations necessary to comply with the environmental impact reporting procedures established pursuant to Section 21100. For purposes of preparation and approval of the environmental impact report on a proposed site and related facility, the commission shall be the lead agency as provided in Section 21165, except as to any site and related facility proposed to be located within the permit area if a permit from the California Coastal Zone Conservation Commission is required. Except as otherwise provided in Division 13 (commencing with Section 21000), the environmental impact report shall be completed within one year after receipt of the application.

(d) If the site and related facility specified in the application is proposed to be located in the coastal zone and a permit is required from the California Coastal Zone Conservation Commission, the commission shall transmit a copy of the application to the California Coastal Zone Conservation Commission for its review and comments.

(e) Upon receipt of an application, the commission shall forward the application to local governmental agencies having land use and related jurisdiction in the area of the proposed site and related facility. Such local agencies shall review the application and submit comments on, among other things, the design of facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.

(f) Upon receipt of an application, the commission shall cause a summary of the application to be published in a newspaper of general circulation in the county in which the site and related facilities, or any part thereof, designated in the application, is proposed to be located. The commission shall transmit a copy of the application to each federal and state agency having jurisdiction or special interest in matters pertinent to the proposed site and related facilities, and to the Attorney General.

(g) The adviser shall require that adequate notice is given to the public and that the procedures specified by this division are complied with.

(h) For any proposed site and related facility requiring a certificate of public convenience and necessity, the commission shall transmit a copy of the application to the Public Utilities Commission and request the comments and recommendations of the Public Utilities Commission on the economic, financial, rate, system reliability, and service implications of the proposed site and related facility. In the event the commission requires modification of the proposed facility, the commission shall consult with the Public Utilities Commission regarding the economic, financial, rate, system reliability, and service implications of such modifications.

(i) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but

which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each such agency. The commission shall request any relevant laws, ordinances, or regulations which any such agency has promulgated or administered.

(j) An application for certification of any site and related facilities shall contain a listing of every federal agency from which any approval or authorization concerning the proposed site is required, specifying the approvals or authorizations obtained at the time of the application and the schedule for obtaining any approvals or authorizations pending.

25520. The application shall contain the following and such other information as the commission by regulation may require:

(a) A detailed description of the design, construction, and operation of the proposed facility.

(b) Safety and reliability information, including, in addition to documentation previously provided pursuant to Section 25511, planned provisions for emergency operations and shutdowns.

(c) Available site information, including maps and descriptions of present and proposed development and, as appropriate, geological, aesthetic, ecological, seismic, water supply, population and load center data, and justification for the particular site proposed.

(d) Such other information relating to the design, operation, and siting of the facility as the commission may specify.

(e) A statement of need providing information showing compatibility of the proposed facility with the most recent biennial report issued by the commission pursuant to Section 25309.

(f) A description of the facility, the cost of the facility, the fuel to be used, the source of fuel, fuel cost, plant service life and capacity factor, and generating cost per kilowatt hour.

(g) A description of any electric transmission lines including the estimated cost of the proposed electric transmission line; a map in suitable scale of the proposed routing showing details of the rights-of-way in the vicinity of settled areas, parks, recreational areas, and scenic areas, and existing transmission lines within one mile of the proposed route; and justification for the route and a preliminary description of the effect of the proposed electric transmission line on the environment, ecology, and scenic, historic and recreational values.

25520.5. (a) In reviewing an application for an additional facility at a potential multiple-facility site, the commission shall undertake a reconsideration of its prior determinations in the final report on the notice for the site issued pursuant to Section 25514, based on current conditions and other reasonable and feasible alternatives to the proposed facility.

(b) Within 180 days of the filing of the application for an additional facility at a potential multiple-facility site and after adequate public hearings, the commission shall issue its decision on the acceptability of the proposed facility based on the

reconsideration specified in subdivision (a) of this section. A negative determination shall be the final decision of the commission on the application and subject to judicial review pursuant to Section 25531. An affirmative determination shall not be a final decision of the commission on the application.

(c) The decision of the commission on an application for an additional facility at a potential multiple-facility site receiving a favorable determination pursuant to subdivision (b) of this section shall be issued within 24 months after the filing of the application or at such later time as is mutually agreed upon by the commission and the applicant.

25521. No earlier than 90 nor later than 240 days after the date of the filing of an application, the commission shall commence a public hearing or hearings thereon in Sacramento, San Francisco, Los Angeles, or San Diego, whichever city is nearest the proposed site. Additionally, the commission may hold a hearing or hearings in the county in which the proposed site and related facilities are to be located.

25522. Except as provided in subdivision (c) of Section 25520.5, within 18 months of the filing of an application for certification or at such later time as is mutually agreed by the commission and the applicant, the commission shall issue a written decision as to such application.

25523. The commission shall prepare a written decision after a public hearing or hearings on an application, which shall include all of the following:

(a) Specific provisions relating to the manner in which the proposed facility is to be designed, sited, and operated in order to protect environmental quality and assure public health and safety.

(b) Findings regarding the conformity of the proposed site and related facilities with standards adopted by the commission pursuant to Section 25216.3 and subdivision (d) of Section 25402, with public safety standards and the applicable air and water quality standards, and with other relevant local, regional, state, and federal standards, ordinances, or laws. If the commission finds that there is noncompliance with any state, local, or regional ordinance or regulation in the application, it shall consult and meet with the state, local, or regional governmental agency concerned to attempt to correct or eliminate the noncompliance. If the noncompliance cannot be corrected or eliminated, the commission shall inform the state, local, or regional governmental agency if it makes the findings required by Section 25525.

(c) Provision for restoring the site as necessary to protect the environment, if the commission denies approval of the application.

(d) Findings regarding the conformity of the proposed facility with the 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309.

25524. The commission shall not certify any facility contained in the application, unless its findings with respect to subdivision (d) of

Section 25523 are in the affirmative.

25524.5. The commission shall not certify any facility which adds generating capacity to a potential multiple-facility site in excess of the maximum allowable capacity established by the commission pursuant to Section 25516.5, unless the commission finds that exceeding the maximum allowable capacity will not increase adverse environmental impacts or create technological, seismic, or other difficulties beyond those already found acceptable in the commission's findings on the notice for that site pursuant to Sections 25516 and 25516.5.

25525. The commission shall not certify any facility contained in the application when it finds, pursuant to subdivision (b) of Section 25523, that the facility does not conform with any applicable state, local, or regional standards, ordinances, or laws, unless the commission determines that such facility is required for public convenience and necessity and that there are not more prudent and feasible means of achieving such public convenience and necessity. In no event shall the commission make any finding in conflict with applicable federal law or regulation. The basis for such findings shall be reduced to writing and submitted as part of the record pursuant to Section 25523.

25526. The commission may certify any facility contained in the application which is proposed to be located, in whole or in part, within the permit area unless a permit from the California Coastal Zone Conservation Commission is required, in which case such permit shall be obtained before the certificate may be granted. Approval of a permit by any regional coastal zone conservation commission, or the California Coastal Zone Conservation Commission on appeal, shall not affect the authority of the commission to deny certification for any facility contained in the application, as provided in this division.

25527. The following areas of the state shall not be approved as a site for a facility, unless the commission finds that such use is not inconsistent with the primary uses of such lands and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such lands is obtained:

(a) State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas in existence on the effective date of this division.

(b) Estuaries in an essentially natural and undeveloped state.

In considering applications for certification, the commission shall give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites; lands of hazardous concern; and areas under consideration by the state or the United States for wilderness, or wildlife and game reserves.

25528. (a) The commission shall require, as a condition of certification of any site and related facility, that the applicant acquire, by grant or contract, the right to prohibit development of privately owned lands in the area of the proposed site which will result in population densities in excess of the maximum population densities which the commission determines, as to the factors considered by the commission pursuant to Section 25511, are necessary to protect public health and safety. The power of condemnation is hereby granted to the applicant to acquire such development rights and the requirement of the commission that any such rights be acquired is a conclusive finding of the public necessity of such condemnation; provided, however, that nothing in this division grants or extends a right of condemnation to any person or applicant who has not otherwise been granted such right under any other provision of law prior to the effective date of this division.

(b) In the case of an application for a nuclear facility, the area and population density necessary to insure the public's health and safety designated by the commission shall be that as determined from time to time by the United States Atomic Energy Commission, if the commission finds that such determination is sufficiently definitive for valid land use planning requirements.

(c) The commission shall waive the requirements of the acquisition of development rights by an applicant to the extent that the commission finds that existing governmental land use restrictions are of a type necessary and sufficient to guarantee the maintenance of population levels and land use development over the lifetime of the facility which will insure the public health and safety requirements set pursuant to this section.

(d) No change in governmental land use restrictions in such areas designated in subdivision (c) of this section by any government agency shall be effective until approved by the commission. Such approval shall certify that the change in land use restrictions is not in conflict with requirements provided for by this section.

(e) It is not the intent of the Legislature by the enactment of this section to take private property for public use without payment of just compensation in violation of the United States Constitution or the Constitution of California.

25529. When a facility is proposed to be located in the coastal zone or any other area with recreational, scenic, or historic value, the commission shall require, as a condition of certification of any facility contained in the application, that an area be established for public use, as determined by the commission. Lands within such area shall be acquired and maintained by the applicant and shall be available for public access and use, subject to restrictions required for security and public safety. The applicant may dedicate such public use zone to any local agency agreeing to operate or maintain it for the benefit of the public. If no local agency agrees to operate or maintain the public use zone for the benefit of the public, the applicant may dedicate such zone to the state. The commission shall also require

that any facility to be located along the coast or shoreline of any major body of water be set back from the shoreline to permit reasonable public use and to protect scenic and aesthetic values.

25530. The commission may order a reconsideration of all or part of a decision or order on its own motion or on petition of any party. Any such petition shall be filed within 30 days after adoption by the commission of a decision or order. The commission shall not order a reconsideration on its own motion more than 30 days after it has adopted a decision or order. The commission shall order or deny reconsideration on a petition therefor within 30 days after the petition is filed.

A decision or order may be reconsidered by the commission on the basis of all pertinent portions of the record together with such argument as the commission may permit, or the commission may hold a further hearing, after notice to all interested persons. A decision or order of the commission on reconsideration shall have the same force and effect as an original order or decision.

25531. (a) The decisions of the commission on any application of any electric utility for certification of a site and related facility shall be subject to judicial review in the same manner as the decisions of the Public Utilities Commission on the application for a Certificate of Public Convenience and Necessity for the same site and related facility.

(b) No new or additional evidence may be introduced upon review and the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the United States Constitution or the California Constitution. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review, except as provided in this article. Such questions of fact shall include ultimate facts and the findings and conclusions of the commission. A report prepared by, or an approval of, the commission pursuant to Section 25510, 25514, 25516, or 25516.5, or subdivision (b) of Section 25520.5, shall not constitute a decision of the commission subject to judicial review.

(c) Subject to the right of judicial review of decisions of the commission, no court in this state shall have jurisdiction to hear or determine any case or controversy concerning any matter which was, or could have been, determined in a proceeding before the commission, or to stop or delay the construction or operation of any thermal powerplant except to enforce compliance with the provisions of a decision of the commission.

25532. The commission shall establish a monitoring system to assure that any facility certified under this division is constructed and is operating in compliance with air and water quality, public health and safety, and other applicable regulations, guidelines, and conditions adopted or established by the commission or specified in

the written decision on the application. In designing and operating the monitoring system, the commission shall seek the cooperation and assistance of the State Air Resources Board, the State Water Resources Control Board, the Department of Health, and other state, regional, and local agencies which have an interest in environmental control.

25534. The commission may after hearings amend the conditions of, or revoke the certification for, any facility for any of the following reasons:

(a) For any material false statement set forth in the application, presented in proceedings of the commission, or included in supplemental documentation provided by the applicant.

(b) For other than insignificant failure to comply with the terms or conditions of approval of the application as specified by the commission in its written decision.

(c) For violation of any provision of this division or any regulation or order issued by the commission under this division.

25535. Such cost as the applicant incurs to comply with the decision of the commission shall be allowed for ratemaking purposes.

25536. Pending completion of the statewide and service area forecasts of electric power demand specified in Section 25309, the commission shall utilize as an interim forecast for purposes of determining the acceptability of alternative site and related facility proposals as provided in subdivision (a) of Section 25514 and subdivision (d) of Section 25523, the 10-year forecast of loads and resources prepared by the Public Utilities Commission from reports required or submitted as of March 31, 1974, under Sections 2 and 3 of General Order 131 of the Public Utilities Commission. On the first June 1st and the second June 1st following the effective date of this division, the commission shall commence public hearings, at least one of which shall be in the City of Sacramento. Any person may participate in any such hearings. The hearing shall be conducted to secure the views and comments of the public, the electric utilities, other state and federal agencies, and city and county governments regarding revision of the interim forecasts based on the considerations specified in Section 25304 and on updated information regarding forecast loads and resources submitted by any electric utility. Such hearings shall be concluded within 30 days from the date of their commencement. Within 60 days of the conclusion of the hearings specified in this section, the commission shall issue a final report specifying the revisions, if any, to the interim forecast. The report shall be based upon the information and views presented at the public hearings and the commission's independent analysis.

25537. Upon approval of an application, the commission shall forward to the Atomic Energy Commission, the Environmental Protection Agency, and to other appropriate federal agencies, the results of its studies including the environmental impact report on the facility, the written decision on the facility contained in the application, and the commission's determination of facility safety and

reliability as provided in Section 25511.

25538. Upon receiving the commission's request for review under subdivision (e) of Section 25519 and Section 25506, the local agency may request a fee from the commission to reimburse the local agency for the actual and added costs of such review by the local agency. The commission shall reimburse the local agency for such added costs that shall be actually incurred by the local agency in complying with the commission's request. The commission may request a fee from the person proposing the project or may devote a special fund in its budget for the reimbursement of costs incurred by local agencies.

25539. In reviewing notices and applications for certification of modifications of existing facilities, the commission shall adopt rules and regulations as necessary to insure that relevant duties pursuant to this division are carried out.

25540. If a person proposes to construct a geothermal powerplant and related facility or facilities on a site, the commission shall not require three alternative sites and related facilities to be proposed in the notice. In considering the proposed construction of a geothermal powerplant and related facilities on a site, the commission shall issue its findings on the notice as specified in Section 25516 within nine months from the date of filing of such notice, and shall issue its final and decision on the application as specified in Section 25523 within nine months from the date of filing of the application for certification, or at such later time as is mutually agreed by the commission and the applicant or person submitting the notice.

25541. The commission may exempt from the provisions of this chapter thermal powerplants with a generating capacity of up to 100 megawatts and modifications to existing generating facilities which do not add capacity in excess of 100 megawatts, if the commission finds both of the following:

(a) No substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications.

(b) Generating capacity will not be added which is substantially in excess of the forecast of electrical energy demands adopted pursuant to subdivision (b) of Section 25309.

25542. In the case of any site and related facility or facilities for which the provisions of this division do not apply, the exclusive power given to the commission pursuant to Section 25500 to certify sites and related facilities shall not be in effect.

CHAPTER 7. RESEARCH AND DEVELOPMENT

25600. The commission shall develop and coordinate a program of research and development in energy supply, consumption, and conservation and the technology of siting facilities and shall give priority to those forms of research and development which are of particular importance to the state, including, but not limited to, all

of the following:

(a) Methods of energy conservation specified in Chapter 5 (commencing with Section 25400).

(b) Increased energy use efficiencies of existing thermal electric and hydroelectric powerplants and increased energy efficiencies in designs of thermal electric and hydroelectric powerplants.

(c) Exploration and accelerated development of alternative sources of energy, including geothermal and solar energy resources.

(d) Improved methods of construction, design, and operation of facilities to protect against seismic hazards.

(e) Improved methods of energy demand forecasting.

25601. The commission shall carry out technical assessment studies on all forms of energy and energy related problems, in order to influence federal research and development priorities and to be informed on future energy options and their impacts, including, in addition to those problems specified in Section 25600, but not limited to, the following:

(a) Advanced nuclear powerplant concepts, fusion, and fuel cells.

(b) Total energy concepts.

(c) New technology related to coastal and offshore siting of facilities.

(d) Expanded use of wastewater as cooling water and other advances in powerplant cooling.

(e) Improved methods of power transmission to permit interstate and interregional transfer and exchange of bulk electric power.

(f) Measures to reduce wasteful and inefficient uses of energy.

(g) Shifts in transportation modes and changes in transportation technology in relation to implications for energy consumption.

(h) Methods of recycling, extraction, processing, fabricating, handling, or disposing of materials, especially materials which require large commitments of energy.

(i) Expanded recycling of materials and its effect on energy consumption.

(j) Implications of government subsidies and taxation and ratesetting policies.

(k) Utilization of waste heat.

(*l*) Use of hydrogen as an energy form.

(m) Use of agricultural products, municipal wastes, and organic refuse as an energy source.

Such assessments may also be conducted in order to determine which energy systems among competing technologies are most compatible with standards established pursuant to this division.

25602. For research purposes, the commission shall, in cooperation with other state agencies, participate in the design, construction, and operation of energy conserving buildings using data developed pursuant to Section 25401, in order to demonstrate the economic and technical feasibility of such designs.

25603. Beginning with, and for, the 1976–77 fiscal year, the commission shall submit to the Governor for inclusion in the state

budget an integrated program of proposed research and development and technical assessment projects set forth on an item-by-item basis including the priority items established in Sections 25600, 25601, and 25602. The commission shall describe for each item the objectives and anticipated end product of each project, funding and staff requirements, timing and other information which is necessary to describe the projects adequately. As part of each submission, the commission shall describe the progress of its programs.

25604. For purposes of carrying out the provisions of this chapter, the commission may contract with any person for materials and services that cannot be performed by its staff or other state agencies, and may apply for federal grants or any other funding.

CHAPTER 8. ENERGY SHORTAGE CONTINGENCY PLANNING

25700. The commission shall, in accordance with the provisions of this chapter, develop contingency plans to deal with possible shortages of electrical energy or fuel supplies to protect public health, safety, and welfare.

25701. (a) Within six months after the effective date of this division, each electric utility, gas utility, and fuel wholesaler or manufacturer in the state shall prepare and submit to the commission a proposed emergency load curtailment plan or emergency energy supply distribution plan setting forth proposals for identifying priority loads or users in the event of a sudden and serious shortage of fuels or interruption in the generation of electricity.

(b) The commission shall encourage electric utilities to cooperate in joint preparation of an emergency load curtailment plan or emergency energy distribution plan. If such a cooperative plan is developed between two or more electric utilities, such utilities may submit such joint plans to the commission in place of individual plans required by subdivision (a) of this section.

(c) The commission shall collect from all relevant governmental agencies, including, but not limited to, the Public Utilities Commission and the Office of Emergency Services, any existing contingency plans for dealing with sudden energy shortages or information related thereto.

25702. The commission shall, after one or more public hearings, review the emergency load curtailment program plans or emergency energy supply distribution plans submitted pursuant to Section 25701, and, within one year after the effective date of this division, the commission shall approve and recommend to the Governor and the Legislature plans for emergency load curtailment and energy supply distribution in the event of a sudden energy shortage. Such plans shall be based upon the plans presented by the electric utilities, gas utilities, and fuel wholesalers or manufacturers,

information provided by other governmental agencies, independent analysis and study by the commission and information provided at the hearing or hearings. Such plans shall provide for the provision of essential services, the protection of public health, safety, and welfare, and the maintenance of a sound basic state economy. Provision shall be made in such plans to eliminate wasteful, uneconomic, and unnecessary uses of energy in times of shortages and to differentiate curtailment of energy consumption by users on the basis of ability to accommodate such curtailments. Such plans shall also specify the authority of and recommend the appropriate actions of state and local governmental agencies in dealing with energy shortages.

25703. Within four months after the date of certification of any new facility, the commission shall review and revise the recommended plans based on additional new capacity attributed to any such facility. The commission shall, after one or more public hearings, review the plans at least every five years from the approval of the initial plan as specified in Section 25702.

25704. The commission shall carry out studies to determine if potential serious shortages of electrical, natural gas, or other sources of energy are likely to occur and shall make recommendations to the Governor and the Legislature concerning administrative and legislative actions required to avert possible energy supply emergencies or serious fuel shortages, including, but not limited to, energy conservation and energy development measures, to grant authority to specific governmental agencies or officers to take actions in the event of a sudden energy shortage, and to clarify and coordinate existing responsibilities for energy emergency actions.

25705. If the commission determines that all reasonable conservation, allocation, and service restriction measures will not alleviate an energy supply emergency, and upon a declaration by the Governor or by an act of the Legislature that a threat to public health, safety, and welfare exists and requires immediate action, the commission may authorize the construction and use of generating facilities not to exceed 250 megawatts net electrical generating capacity per unit under such terms and conditions as specified by the commission to protect the public interest.

Within 60 days after the authorization of construction and use of such generating facilities, the commission shall issue a report detailing the full nature, extent, and estimated duration of the emergency situation and making recommendations to the Governor and the Legislature for further energy conservation and energy supply measures to alleviate the emergency situation as alternatives to use of such generating facilities.

The commission shall include, among the recommendations specified in Section 25704, suggestions for modifying the maximum size limit for generating facilities specified in this section.

CHAPTER 9. STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT SPECIAL ACCOUNT

25800. There is in the General Fund in the State Treasury the State Energy Resources Conservation and Development Special Account. On and after the effective date of this division, each electric utility shall add a surcharge of one-tenth of a mill ($0.0001) per kilowatt-hour to the cost of electric power sold to consumers in the state; provided, however, that after January 1, 1976, the State Board of Equalization shall establish a surcharge rate in accordance with the following schedule which shall be sufficient to provide the revenue necessary to fund expenditures from the account appropriated by the Legislature in the Budget Act for the 1975–76 fiscal year and each fiscal year thereafter; and provided, further, that such increases shall become effective on September 1 of the year in which the State Board of Equalization establishes that an increase or decrease in accordance with the following schedule is necessary to produce sufficient revenues to fund the appropriations contained in the Budget Act:

Schedule.

One-tenth of a mill ($0.0001).
Eleven hundredths of a mill ($0.00011).
Twelve hundredths of a mill ($0.00012).
Thirteen hundredths of a mill ($0.00013).
Fourteen hundredths of a mill ($0.00014).
Fifteen hundredths of a mill ($0.00015).
Sixteen hundredths of a mill ($0.00016).
Seventeen hundredths of a mill ($0.00017).
Eighteen hundredths of a mill ($0.00018).
Nineteen hundredths of a mill ($0.00019).
Two-tenths of a mill ($0.0002).

The State Board of Equalization shall notify every electric utility of the rate established pursuant to this section, and every electric utility shall report all surcharges in the manner and on the forms as prescribed by the State Board of Equalization.

25801. Every electric utility shall make quarterly payments, commencing on April 1, 1975, to the State Board of Equalization of all surcharges applicable under the provisions of Section 25800.

25802. Each person who submits to the commission a notice of intent for any proposed generating facility shall accompany the notice with a fee of one cent ($0.01) per kilowatt of net electric capacity of the proposed generation facility. Such fee shall only be paid on one of the alternate proposed facility sites which has the highest electrical designed capacity. In no event shall such fee be less than one thousand dollars ($1,000) nor more than twenty-five thousand dollars ($25,000).

For any other facility, the notice shall be accompanied by a fee of five thousand dollars ($5,000). Such fee shall only be paid on one of the alternate proposed facility sites.

25803. All funds received by the State Board of Equalization pursuant to Sections 25800 and 25801, and the funds received by the commission pursuant to Section 25802, shall be remitted to the State Treasurer for deposit in the account. All funds in the account shall be expended for purposes of carrying out the provisions of this division, when appropriated by the Legislature in the Budget Act.

CHAPTER 10. ENFORCEMENT AND JUDICIAL REVIEW

25900. Except as provided in Section 25531, whenever the commission finds that any provision of this division is violated or a violation is threatening to take place which constitutes an emergency requiring immediate action to protect the public health, welfare, or safety, the Attorney General, upon request of the commission, shall petition a court to enjoin such violation. The court shall have jurisdiction to grant such prohibitory or mandatory injunctive relief as may be warranted by way of temporary restraining order, preliminary injunction, and permanent injunction.

25901. (a) Within 30 days after the commission issues its determination on any matter specified in this division, except as provided in Section 25531, any aggrieved person may file with the superior court a petition for a writ of mandate for review thereof. Failure to file such an action shall not preclude a person from challenging the reasonableness and validity of a decision in any judicial proceedings brought to enforce such decision for other civil remedies.

(b) The evidence before the court shall consist of the record before the commission, and any other relevant facts which, in the judgment of the court, should be considered in determining the validity of any decision of the commission.

(c) Except as otherwise provided herein, the provisions of subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern proceedings pursuant to this section.

25902. Any evaluations in the reports required by Sections 25309 and 25536 and any findings and determinations on the notice of intent pursuant to Chapter 6 (commencing with Section 25500) of this division shall not be construed as a final evaluation, finding, or determination by the commission and a court action may not be brought to review any such evaluation, finding, or determination.

25903. If any provision of subdivision (a) of Section 25531, with respect to judicial review of the decision on certification of a site and related facility, is held invalid, judicial review of such decisions shall be conducted in the superior court subject to the conditions of subdivision (b) of Section 25531. The superior court shall grant priority in setting such matters for review, and the appeals from any such review shall be given preference in hearings in the Supreme

Court and courts of appeal.

SEC. 3. Chapter 11 (commencing with Section 19870) of Part 3 of Division 13 of the Health and Safety Code is repealed.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act for the following reasons:

(a) The duties, obligations or responsibilities imposed on local governmental entities as consumers of electric power in the form of the special surcharge are minor in nature and will not cause any financial burden on local government.

(b) Self-financing authority is provided in the form of rate increases by Section 12809 of the Public Utilities Code.

(c) The Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable cost changes.

SEC. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 6. The Legislature hereby declares that the enactment of Chapter 9 (commencing with Section 25800) of Division 15 of the Public Resources Code by this act does not preempt the field of taxation upon the use of electrical energy and shall not affect the validity of any such tax imposed by a chartered city.

SEC. 7. This act shall become operative on January 7, 1975; except that Section 3 of this act shall not become operative until the date one year after the date the State Energy Resources Conservation and Development Commission adopts regulations for energy insulation for residential buildings pursuant to subdivision (a) of Section 25402 of the Public Resources Code.

CHAPTER 277

An act to amend Section 1277.5 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. Section 1277.5 of the Unemployment Insurance Code is amended to read:

1277.5. In determining, under Section 1277, whether a new claim

is valid, if the individual had some work during the 52-week period immediately following the effective date of the previous valid claim, then twice the amount which an individual was entitled to receive under Part 2 (commencing with Section 2601) of this division or under Division 4 (commencing with Section 3201) of the Labor Code, or under any workmen's compensation law, employer's liability law, or disability insurance law of any other state or of the federal government, during the 52-week period immediately following the effective date of the previous valid claim, shall be considered as wages paid to the individual during that 52-week period for purposes of meeting the eligibility requirements of subdivision (a) of Section 1281. The amounts so included shall not be considered wages for the purpose of computing the weekly benefit amount of the individual under Section 1280 or the maximum amount payable to the individual under Section 1281.

CHAPTER 278

An act to amend Sections 2290.1 and 2290.7 of the Civil Code, relating to management of institutional funds.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974.]

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

SECTION 1. Section 2290.1 of the Civil Code is amended to read:

2290.1. In this chapter:

(1) "Institution" means a private incorporated or unincorporated organization organized and operated exclusively for educational purposes and accredited by the Association of Western Colleges and Universities to the extent that it holds funds exclusively for any of such purposes.

(2) "Institutional fund" means a fund held by an institution for its exclusive use, benefit, or purposes, but does not include (i) a fund held for an institution by a trustee that is not an institution or (ii) a fund in which a beneficiary that is not an institution has an interest, other than possible rights that could arise upon violation or failure of the purposes of the fund.

(3) "Endowment fund" means an institutional fund, or any part thereof, not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument.

(4) "Governing board" means the body responsible for the management of an institution or of an institutional fund.

(5) "Historic dollar value" means the aggregate fair value in dollars of (i) an endowment fund at the time it became an endowment fund, (ii) each subsequent donation to the fund at the time it is made, and (iii) each accumulation made pursuant to a

direction in the applicable gift instrument at the time the accumulation is added to the fund.

(6) "Gift instrument" means a will, deed, grant, conveyance, agreement, memorandum, writing, or other governing document (including the terms of any institutional solicitations from which an institutional fund resulted) under which property is transferred to or held by an institution as an institutional fund.

SEC. 2. Section 2290.7 of the Civil Code is amended to read:

2290.7. (a) With the written consent of the donor, the governing board may release, in whole or in part, a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund.

(b) If written consent of the donor cannot be obtained by reason of his death, disability, unavailability, or impossibility of identification, the governing board may apply in the name of the institution to the superior court of the county in which the principal activities of the institution are conducted, or other court of competent jurisdiction for release of a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund. No court shall have jurisdiction to modify any use of an institutional fund under this chapter unless the Attorney General is a party to the proceedings. If the court finds that the restriction is obsolete, or impracticable, it may by order release the restriction in whole or in part. A release under this subdivision may not change an endowment fund to a fund that is not an endowment fund.

(c) A release under this section may not allow a fund to be used for purposes other than the educational, religious, charitable, or other eleemosynary purposes of the institution affected.

(d) This section does not limit the application of the doctrine of cy pres.

CHAPTER 279

An act to amend Section 25505.9 of the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. Section 25505.9 of the Education Code is amended to read:

25505.9. The governing board of a necessary small community college district, as defined in Section 17666.3, which has constructed and is operating student dormitories financed under provisions of the

Community College Revenue Bond Act of 1961 (Article 2 (commencing with Section 25545) of Chapter 5 of this division) or with district funds may elect to be exempted from the provisions of Section 25505.8 until January 1, 1980, provided that such governing board shall charge a nonresident tuition fee equal to the statewide average current expenditure for education in the preceding fiscal year. The same per unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college district.

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

In order that certain necessary small community college districts may elect to exempt nonresident students from the general nonresident tuition fee if student dormitories financed with certain specified funds are being constructed or operated, on or before the commencement of the 1974–75 school year, it is essential that this act take immediate effect.

CHAPTER 280

An act to amend Sections 20065 and 20067 of the Education Code, relating to community colleges.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. Section 20065 of the Education Code is amended to read:

20065. On or before November 1, 1967, the governing board of each community college district shall prepare and submit to the chancellor a plan for capital construction for community college purposes of the district for the 10-year period commencing with that date. After January 1, 1975, the plan shall reflect capital construction for community college purposes of the district for the five-year period commencing with the next proposed year of funding. The plan shall be subject to continuing review by the governing board and each year shall be extended one year, and there shall be submitted to the chancellor, on or before the first day of November in each succeeding year, a report outlining the required modifications or changes, if any, in the plan.

SEC. 2. Section 20067 of the Education Code is amended to read:

20067. The chancellor shall, on or before March 1, 1968, review, and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the

elements of the capital construction program specified in Section 20066, and shall, on the basis of such review and evaluation, make such revision and changes therein as are appropriate, and approve the same. A similar review and evaluation of continuing five-year plans for capital construction submitted by the governing board of each district maintaining a community college shall be made on or before each succeeding first day of December. The chancellor shall, promptly after such approval, notify the governing board of each community college district of the approved form and content of the district's plan for capital construction.

CHAPTER 281

An act to amend Section 1013 of the Code of Civil Procedure, relating to service by mail.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. Section 1013 of the Code of Civil Procedure is amended to read:

1013. In case of service by mail, the notice or other paper must be deposited in a post office, mailbox, sub-post office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service, in a sealed envelope, with postage paid, addressed to the person on whom it is to be served, at his office address as last given by him on any document which he has filed in the cause and served on the party making service by mail; otherwise at his place of residence. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised, or an act is to be done by the adverse party, the time within which such right may be exercised or act be done, is extended five days if the place of address is within the State of California, 10 days if the place of address is outside the State of California but within the United States, and 20 days if the place of address is outside the United States, but such extension shall not apply to extend the time for filing notice of intention to move for new trial, notice of intention to move to vacate judgment pursuant to Section 663a of this code or notice of appeal.

SEC. 2. Section 1013 of the Code of Civil Procedure is amended to read:

1013. (a) In case of service by mail, the notice or other paper must be deposited in a post office, mailbox, sub-post office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service, in a sealed envelope, with postage paid, addressed to the person on whom it is to be served, at

his office address as last given by him on any document which he has filed in the cause and served on the party making service by mail; otherwise at his place of residence. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised, or an act is to be done by the adverse party, the time within which such right may be exercised or act be done, is extended five days if the place of address is within the State of California, 10 days if the place of address is outside the State of California but within the United States, and 20 days if the place of address is outside the United States, but such extension shall not apply to extend the time for filing notice of intention to move for new trial, notice of intention to move to vacate judgment pursuant to Section 663a of this code or notice of appeal.

(b) The copy of the notice or other paper served by mail pursuant to this chapter shall bear a notation of the date and place of mailing or be accompanied by an unsigned copy of the affidavit or certificate of mailing. The provisions of this subdivision are directory.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1694 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 1013 of the Code of Civil Procedure, and this bill is chaptered after Senate Bill No. 1694, that Section 1013 of the Code of Civil Procedure, as amended by Section 1 of Senate Bill No. 1694, be further amended on the effective date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 1013 proposed by this bill. Therefore, if this bill and Senate Bill No. 1694 are both chaptered and become effective on or before January 1, 1975, and Senate Bill No. 1694 is chaptered before this bill and amends Section 1013, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

CHAPTER 282

An act to amend Sections 1013 and 1013a of the Code of Civil Procedure, relating to civil procedure, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. Section 1013 of the Code of Civil Procedure is amended to read:

1013. (a) In case of service by mail, the notice or other paper must be deposited in the United States post office, or a mailbox, sub-post office, substation or mail chute, or other like facility regularly maintained by the government of the United States, in a

sealed envelope, with postage paid, addressed to the person on whom it is to be served, at his office address as last given by him on any document which he has filed in the cause and served on the party making service by mail; otherwise at his place of residence. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised, or an act is to be done by the adverse party, the time within which such right may be exercised or act be done, is extended two days, together with one day additional for every full 100 miles distance between the place of deposit and the place of address, if served by different post offices, but such extension shall not exceed 30 days in all nor shall it apply to extend the time for filing notice of intention to move for new trial, notice of intention to move to vacate judgment pursuant to Section 663a of this code or notice of appeal.

(b) The copy of the notice or other paper served by mail pursuant to this chapter shall bear a notation of the date and place of mailing or be accompanied by an unsigned copy of the affidavit or certificate of mailing. The provisions of this subdivision are directory.

SEC. 2. Section 1013 of the Code of Civil Procedure is amended to read:

1013. (a) In case of service by mail, the notice or other paper must be deposited in a post office, mailbox, sub-post office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service, in a sealed envelope, with postage paid, addressed to the person on whom it is to be served, at his office address as last given by him on any document which he has filed in the cause and served on the party making service by mail; otherwise at his place of residence. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised, or an act is to be done by the adverse party, the time within which such right may be exercised or act be done, is extended five days if the place of address is within the State of California, 10 days if the place of address is outside the State of California but within the United States, and 20 days if the place of address is outside the United States, but such extension shall not apply to extend the time for filing notice of intention to move for new trial, notice of intention to move to vacate judgment pursuant to Section 663a of this code or notice of appeal.

(b) The copy of the notice or other paper served by mail pursuant to this chapter shall bear a notation of the date and place of mailing or be accompanied by an unsigned copy of the affidavit or certificate of mailing. The provisions of this subdivision are directory.

SEC. 3. Section 1013a of the Code of Civil Procedure is amended to read:

1013a. Proof of service by mail may be made by one of the following methods:

(1) An affidavit affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and residence or business address of the person making the service,

showing that he is a resident of or employed in the county where the mailing occurs, that he is over the age of 18 years and not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(2) A certificate affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and business address of the person making the service, showing that he is an active member of the State Bar of California and is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(3) In case of service by the clerk of a court of record, a certificate by said clerk affixed to the original, or to a true copy of the document served and filed in the cause, showing the name of the clerk and the name of the court of which he is the clerk, and that he is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 1680 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 1013 of the Code of Civil Procedure, and this bill is chaptered after Senate Bill No. 1680, that Section 1013 of the Code of Civil Procedure, as amended by Section 1 of this act shall remain operative only until the operative date of Senate Bill No. 1680, and that on the operative date of Senate Bill No. 1680 Section 1013 of the Code of Civil Procedure as amended by Section 1 of this act be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 1013 proposed by Senate Bill No. 1680. Therefore, Section 2 of this act shall become operative only if Senate Bill No. 1680 is chaptered before this bill and amends Section 1013, and in such case Section 2 of this act shall become operative on the operative date of Senate Bill No. 1680.

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

Chapter 302 of the Statutes of 1973 amended Section 1013a of the Code of Civil Procedure by adding the last paragraph thereof, relating to placing a notation of the date and place of mailing on every copy of a paper served or accompanying the copy by an unsigned copy of the affidavit or certificate of mailing. Questions have arisen concerning both the applicability of such requirements in proceedings other than civil actions and the effect of noncompliance with such requirements, including the question whether noncompliance invalidates the notice. Provisions for service

by mail or giving notice by mail affect many proceedings of a civil nature. Unless the law is clarified, confusion and uncertainty will exist. To avoid this confusion and uncertainty, it is necessary that this act be effective immediately.

CHAPTER 283

An act relating to county service and conservation areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. Notwithstanding Sections 54902 and 54903 of the Government Code, any formation of a county service area which is completed on January 30, 1974, and any consolidation of resource conservation districts which are completed prior to February 26, 1974, shall be effective for assessment and taxation purposes for the 1974–75 fiscal year if the filing requirements of Section 54902 are completed on or before March 1, 1974.

SEC. 2. Notwithstanding Sections 54902 and 54903 of the Government Code, any reorganization of a county service area which is completed on May 15, 1974, shall be effective for assessment and taxation purposes for the 1974–75 fiscal year if the filing requirements of Section 54902 are completed on or before June 15, 1974.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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

In order for proper and orderly taxation, and to allow such resource conservation and county service areas to assess property taxes for the 1974–75 fiscal year, it is essential that this act take effect immediately.

CHAPTER 284

An act to amend Sections 4831 and 4836.5 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. Section 4831 of the Revenue and Taxation Code is amended to read:

4831. (a) When it can be ascertained from an inspection of the property, the records of the assessee, or from the roll or any papers in the assessor's office what was intended, or what should have been assessed, defects in description or form or clerical errors of the assessor on the roll or other errors of the assessor not involving the exercise of judgment as to value which result in the entry on the roll of assessed values other than those intended by the assessor, or which result in the assessment of nonexistent improvements or personal property, may be corrected under this article at any time after the roll is delivered to the auditor and prior to the expiration of four years after the making of the assessment which is being corrected.

(b) This section shall also be applicable in the case of the assessment of improvements or personal property which are subsequently determined not to have existed on the lien date, notwithstanding the fact that some improvements or personal property were in existence and were assessed relative to a particular parcel or account.

(c) Taxes which do not create, impose or constitute a lien or charge on the property assessed may be transferred from the secured roll to the unsecured roll of the corresponding year by the county auditor on order of the board of supervisors with the written consent of the district attorney and shall be collected in the same manner as other delinquent taxes on the unsecured roll and shall be subject to delinquent penalties in the same manner as taxes transferred to the unsecured roll under Section 4986. The statute of limitations for the collection of such taxes shall commence to run from the date of transfer.

(d) Any liens created pursuant to this section prior to the effective date of Chapter 1190 of the Statutes of 1973 (January 1, 1974), shall have the force, effect and priority of a judgment lien, and shall continue for 10 years from the time of recording of the certificate authorized under this section unless sooner released or otherwise discharged.

SEC. 2. Section 4836.5 of the Revenue and Taxation Code is amended to read:

4836.5. In the event any correction authorized under this article has the effect of increasing the assessment, the board of supervisors shall apply a tax rate to such increase at whatever tax rate was in

existence in the year in which the error was made. All increased amounts of taxes shall be entered on the roll prepared or being prepared for the current assessment year and shall thereafter be treated and collected like other taxes on said roll; provided, however, that if the correction affects taxes on the secured roll for any year and subsequent to the entry of the original assessment but prior to the date of such correction the real property on which such taxes constitute a lien has been transferred or conveyed to a bona fide purchaser for value or becomes subject to a bona fide encumbrance for value, such increased amount of taxes shall not create, impose or constitute a lien on such real property but shall be collected as follows:

(a) The assessor or tax collector may record with the county recorder of any county a certificate which shall set forth the name of the person who was the assessee in the year for which such correction was made and the amount or amounts of any such correction. From the date of the recording of such certificate, a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded for the amount of such taxes, which lien shall have the force, effect and priority of a judgment lien, and shall continue for 10 years from the time of the recording of such certificate unless sooner released or discharged.

(b) Where, in the opinion of the assessor, there is no real property sufficient to secure such taxes they shall be entered on the unsecured roll in the name of the assessee at the time the error was made.

The entry on the unsecured roll shall be followed with "Correction to account or Parcel Number _____ for the 19__-19__ assessment year pursuant to Section(s) _____ of the Revenue and Taxation Code." The foregoing entry may be made on a document separate from the roll if reference is made on the roll to the document wherein the entry is made.

SEC. 3. It is the intent of the Legislature, by amending Section 4831 of the Revenue and Taxation Code in Section 1 of this act, to supersede the amendment of Section 4831 made by Chapter 46 of the Statutes of 1974, and, together with the amendment of Section 4836.5 of the Revenue and Taxation Code in Section 2 of this act, to give effect to Chapters 842 and 1190 of the Statutes of 1973 and Chapter 46 of the Statutes of 1974, taken as a whole.

CHAPTER 285

An act to amend Section 16750 of the Education Code, relating to child development programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. Section 16750 of the Education Code is amended to read:

16750. The governing board of any school district maintaining a children's center program may include in its budget the amount necessary to carry out its program pursuant to this chapter and the board of supervisors shall levy a school district tax necessary to raise such amount. The tax shall be in addition to any other school district tax authorized by law to be levied.

The revenue derived from taxes levied pursuant to this section may be used to purchase real property and fixtures, to make alterations or additions to existing buildings, and to purchase furniture, apparatus or equipment for children's center facilities maintained by the taxing school district. As used in this section, "purchase" includes the acquisition of property under a lease-purchase agreement.

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

In order that school districts may at the earliest possible time, take necessary steps to plan, budget, and levy a tax for urgently needed children's center facilities, it is necessary that this act, authorizing the use of tax revenues for such facilities, take effect immediately

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CHAPTER 286

An act to amend Section 21100.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. Section 21100.5 of the Vehicle Code is amended to read:

21100.5. Notwithstanding any other provisions of law, local authorities of any city which is on a natural island with an area in excess of 20,000 acres and which is within a county having a population in excess of 4,000,000, may, if they determine such rules and regulations to be necessary in view of the special problem existing thereon with respect to the size and nature of the streets of the city and with respect to the characteristics and nature of the city itself, adopt rules and regulations by ordinance or resolution on the following matters:

(a) Regulating the size of vehicles used on streets under their

jurisdiction.

(b) Regulating the number of vehicles permitted on streets under their jurisdiction.

(c) Prohibiting the operation, on streets under their jurisdiction, of designated classes of vehicles.

(d) Establishing noise limits, which are different from those prescribed by this code, for vehicles operated on streets under their jurisdiction and prohibiting the operation of vehicles which exceed such limits.

(e) Establishing a maximum speed limit lower than that which the local authority otherwise permitted by this code to establish.

This section shall not apply to vehicles of utilities which are under the jurisdiction of the Public Utilities Commission while engaged in maintenance and construction type service work.

CHAPTER 287

An act relating to homeowners' property tax relief, and making an appropriation therefor in augmentation of Item 84 of the Budget Act of 1973, to take effect immediately.

[Approved by Governor May 28, 1974 Filed with Secretary of State May 28, 1974]

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

SECTION 1. The sum of ten million twenty-six thousand dollars ($10,026,000) is hereby appropriated from the General Fund to the State Controller for reimbursement of local taxing authorities in augmentation of Item 84 of the Budget Act of 1973.

SEC. 2. (a) On or before May 31, 1974, the auditor of each county and of each city for which taxes are not collected by the county shall file a supplemental claim with the State Controller in the same manner and form as required by Sections 29100.6 and 29100.7 of the Government Code. Such supplemental claims shall contain a statement of 1973–74 property tax revenues lost by reason of the operation of this chapter.

(b) On or before June 30, 1974, the Controller shall pay, from the funds appropriated from Item 84 of the Budget Act of 1973 as augmented by this act to the auditor of each city or county that amount claimed on supplemental claims made under subdivision (a), in addition to the amounts required to be paid pursuant to Section 16120 of the Government Code. Upon the receipt of such payments, such auditors shall apportion the reimbursement proceeds to the county and cities in accordance with the claims made under subdivision (a).

SEC. 3. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the

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Constitution and shall go into immediate effect.

CHAPTER 288

An act to add Article 5 (commencing with Section 570) to Chapter 6 of Part 1 of Division 1 of the Insurance Code, relating to insurance covering real property.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974]

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

SECTION 1. Article 5 (commencing with Section 570) is added to Chapter 6 of Part 1 of Division 1 of the Insurance Code, to read:

Article 5. Certain Insurance Covering Real Property

570. Except in the event that the insurer has previously obtained a release on a loss, each insurer which issues, amends, or renews, on or after January 1, 1975, a policy of insurance covering repair or reconstruction work on commercial, industrial, or residential real property and appurtenances thereon, shall, in the event of covered work being performed by a licensee under the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), make payment by check or draft directly to the contractor performing the work, and not to the owner of the property, in every case in which all of the following conditions are present and the insurer has actual knowledge thereof:

(a) The property owner of record has, in a writing signed by him and transmitted to the insurer, stated all of the following:

(1) The work completed meets with his satisfaction.

(2) The insurer, upon direct payment to the contractor, is released from liability.

(3) The writing was not completed or signed by him until after all work was completed.

(b) The property owners of record, the named insured, and any loss payee have consented in writing to such direct payment and release from liability.

(c) The completed work has been certified by the appropriate public agency or authority as conforming to existing building, electrical, and construction codes.

(d) Each subcontractor of the contractor, and each materialman, to whom direct payment is to be made by the insurer has executed, and filed of record, releases of any and all claims, including, but not limited to, mechanic's liens, which the subcontractor and materialman might have against the property or any appurtenance thereof, the property owners of record, the named insured, and any

loss payee named in the policy, for any work the subcontractor performed, or material the materialman furnished, upon the property under the contract for which such payment is being made. The property owner or the contractor, as the case may be, shall submit to the insurer proof, satisfactory to it, of such execution and filing prior to the insurer's making any direct payment provided for by this article.

CHAPTER 289

An act to amend Section 4028 of the Health and Safety Code, relating to water.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 4028 of the Health and Safety Code is amended to read:

4028. After 60 days from the date of first notification by the department, as provided in Section 4027, that the quality of domestic water fails to comply with the standards or requirements established by the department and the person who furnishes or supplies the water fails to bring the water system or drinking water into compliance or fails to have a reasonable plan for bringing the water system and the drinking water into compliance, the department shall bring an action in the superior court where such person shall be required to establish that he is not in violation of these requirements or that he has a reasonable plan for bringing the water system and the drinking water into compliance. If this is not established, a cease and desist order shall be issued to prevent any new service connection by such person until such time that the standards or requirements are met.

If a reasonable plan is established, but is not being complied with, the department shall request that the court review the person's actions. If the court determines that the plan is not being complied with, a cease and desist order shall be issued as described above.

An action brought pursuant to this section shall take special precedence over all other civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

CHAPTER 290

An act to add Chapter 7.5 (commencing with Section 8680) to Division 1 of Title 2 of, and to repeal Article 6 (commencing with Section 54150) of Chapter 5 of Part 1 of Division 2 of Title 5 of, the Government Code, and to repeal Sections 186.9, 186.95, and 186.96 of the Streets and Highways Code, relating to natural disaster assistance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974]

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

SECTION 1. Chapter 7.5 (commencing with Section 8680) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 7.5. NATURAL DISASTER ASSISTANCE ACT

Article 1. General Provisions and Definitions

8680. This chapter shall be known and may be cited as the Natural Disaster Assistance Act.

8680.1. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter.

8680.2. "Local agency" means any city, city and county, county, or special district.

8680.3. "Natural disaster" means a fire, flood, storm, tidal wave, earthquake, or other similar public calamity resulting from natural causes.

8680.4. "Project" means the repair or restoration, or both, other than normal maintenance, or the replacement of, public real property of a local agency, including but not limited to, buildings, levees, flood control works, channels, irrigation works, city streets, county roads, bridges, and other public works, except those facilities used solely for recreation purposes, that are damaged or destroyed by a natural disaster. Except as provided in Section 8686.3, the completion of all or part of a project prior to application for funds pursuant to this chapter shall not disqualify such project or any part thereof.

8680.5. "Project application" means the written application made by a local agency to the director for state financial assistance, which shall include: (a) in the case of a public facilities project, all damage to public real property which resulted from a natural disaster within the total jurisdiction of the local agency making application; or (b) in the case of a street and highway project, all damage to streets and highways which resulted from a natural disaster within the total jurisdiction of the local agency making

application.

8380.6. (a) "Street and highway project" means a project for the repair or restoration, or both, or the replacement of streets, roads, or bridges of a city or county.

(b) "Public facilities project" means any project, other than a street and highway project. District roads and similar access facilities not eligible for gas tax apportionments shall be considered "public facilities."

8680.7. "Director" means the Director of the Office of Emergency Services.

8680.8. "State agency" means the Department of Transportation, the Department of Water Resources, the Department of General Services, the Department of Health, the Department of Finance, or other state agency or office. The Department of Transportation's area of responsibility concerns streets, roads, bridge and mass transit repairs. The Department of Water Resources' area of responsibility concerns dams, levees, flood control works, channels, irrigation works, and other similar projects. The Department of General Services' area of responsibility concerns buildings, sewer, water systems, and district road and access facility construction, alteration, repair and improvement thereof, and all other projects. The director shall assign applications to the appropriate agencies for investigation.

8680.9. "Local emergency" means a condition of extreme peril to persons or property declared as such by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency Services.

Article 2. Administration

8382. The director shall administer this chapter. The director may delegate any power or duty vested in him under this chapter to a state agency or to any other officer or employee of the Office of Emergency Services.

8382.2. To the extent that funds are allocated therefor, a state agency, when requested by the director, shall render services and perform duties within its area of responsibility when considered necessary to carry out the purposes of this chapter.

8382.6. The project proposal executed between a local agency and the director pursuant to Section 8685.6 shall contain a provision under which the local agency agrees to hold the state harmless from damages due to the work for which funds are allocated.

8682.8. When certified by the director, claims of local agencies for payment shall be presented to the State Controller for payment out of funds made available therefor.

Article 3. Allocations to State Agencies

8683. Whenever funds are available for purposes of this chapter, the director, shall make allocations therefrom in such amounts as he

determines to be necessary to state agencies for expenditure for making the investigations, estimates, and reports required by this chapter. Such allocations may also be made to provide for preliminary investigations, estimates, and reports, or to reimburse the state agencies for expenditures made in anticipation of actual applications by local agencies. Allocations may also be made for the purpose of making such investigations, estimates, and reports as may be necessary to enable local agencies to obtain federal aid for natural disaster relief purposes, regardless of whether or not such aid is available for projects that are eligible for state allocations pursuant to this chapter. The director may make allocations to any state agency or office from such funds, or other funds available therefor, in such amounts as are necessary to administer the provisions of this chapter.

Article 4. Allocations to Local Agencies

8685. From any money appropriated for that purpose, and subject to the conditions specified in this article, the Department of Finance shall allocate funds to meet the cost of any one or more projects as defined in Section 8680.4.

8685.2. An allocation may be made to a local agency for a project when within 10 days after the actual occurrence of a natural disaster the local agency has declared a local emergency and such declaration is acceptable to the director and, if the Legislature has appropriated money for allocation for purposes of this chapter.

8685.4. A local agency shall make application to the director for state financial assistance within 60 days after the date of the declaration of a local emergency; provided, that the director may extend the time for such filing only under unusual circumstances. No financial aid shall be provided until a state agency, upon the request of the director, has first investigated and reported upon the proposed work, has estimated the cost of the work, and has filed its report thereon with the director within 60 days from the date the local agency made application, unless the director extends the time because of unusual circumstances. The estimate of cost of the work may include expenditures made by the local agency for such work prior to the making of such estimate. If the reporting state agency fails to report its findings within the 60-day period, and time is not extended by the director, the director may complete the investigation and recover a proportionate amount allocated to the state agency for the balance of the investigation. "Unusual circumstances," as used above, are unavoidable delays which result from recurrence of a disaster, prolonged severe weather within a one-year period, or other conditions beyond the control of the applicant. Delays resulting from administrative procedures are not unusual circumstances which warrant extensions of time.

8685.6. No money shall be allocated for a project until the local agency has indicated in writing its acceptance of the project proposal

and the cost-sharing related thereto in such form as the director prescribes. The project proposal shall provide for the performance of the work by the local agency, or by the state agency in whose area of responsibility such work falls, if the local agency and such state agency determine that the work should be performed by the state agency. The project proposal shall also provide for the methods of handling the funds allocated and the matching funds provided by the local agency. It shall also contain such other provisions as are deemed necessary to assure completion of the work included in the project and the proper expenditure of funds as provided herein.

8685.7. Any work performed by a state agency at the request of a local agency shall be agreed upon in writing and be subject to the State Contract Act. Work performed by a local agency shall be subject to the law governing the performance of such work by the local agency. Neither the state nor any officer or employee thereof shall have any responsibility in connection with any work performed by a local agency.

8685.8. Under procedures to be prescribed by the director, a local agency may receive an advance of funds to initiate a project. Such advances shall be limited to not more than 75 percent of the estimated state's share of the project, as determined pursuant to Section 8686.

8686. Funds under this chapter shall be made available for projects as follows:

(a) As to street and highway projects, the director shall determine the respective amounts which the state and the local agency shall contribute, using the following criteria as a guide:

(1) The state shall make no allocation as to that portion of the damage equal to 3 percent or less of the total amount apportioned by the state to the local agency from the Highway Users Tax Fund during the fiscal year prior to the disaster declaration. The state shall make no allocation for any project application resulting in a state share of less than five hundred dollars ($500). If the state share amounts to five hundred dollars ($500) or more, and the project otherwise qualifies for financial assistance, the allocation shall be made notwithstanding the amount of administrative costs necessary to process the project application.

(2) As to damage exceeding 3 percent but not exceeding 50 percent of such amount apportioned, the state shall allocate 60 percent of the cost.

(3) As to damage exceeding 50 percent but not exceeding 150 percent of such amount apportioned, the state shall allocate 80 percent of the cost.

(4) As to damage over 150 percent of such amount apportioned, the state shall allocate 95 percent of the cost.

(b) As to public facilities projects, the director shall determine the respective amounts which the state and the local agency shall contribute, using the following criteria as a guide:

(1) The state shall make no allocation as to that portion of the

damage equal to one-half of 1 percent or less of the revenue, exclusive of funds received from any federal or state agency, of the local agency during the fiscal year prior to the disaster declaration as determined by the director. The state shall make no allocation for any project application resulting in a state share of less than five hundred dollars ($500). If the state share amounts to five hundred dollars ($500) or more, and the project otherwise qualifies for financial assistance, the allocation shall be made notwithstanding the amount of administrative costs necessary to process the project application.

(2) As to damage exceeding one-half of 1 percent but not exceeding 50 percent of such revenue, the state shall allocate 60 percent of the cost.

(3) As to damage exceeding 50 percent but not exceeding 150 percent of such revenue, the state shall allocate 80 percent of the cost.

(4) As to damage over 150 percent of such revenue, the state shall allocate 95 percent of the cost.

(c) Expenditures incurred by a local agency prior to the effective date of the allocation for work otherwise eligible shall be considered in determining the rate of contribution between the state and the local agency under the above criteria.

8686.2. When the United States or any agency thereof is to provide funds for any portion of the cost of a project, the amount so provided shall be deducted from the cost of the project in determining the amount to be allocated by the state and the amount to be contributed by the local agency under Section 8686. It shall not be required that the funds to be provided from federal sources shall be paid into the State Treasury, but the director shall, if state funds are available, authorize the work to be commenced when the director has received assurance, adequate in his opinion, that the federal matching funds will be made available for expenditure for the work, or for payment to the state for performance thereof.

8686.3. Local agencies shall undertake to recover maximum federal participation in funding street and highway projects and public facility projects. State contributions for such projects as determined by Section 8686 will be reduced by an amount equal to the amount local agencies would have recovered from federal sources if they had applied for such funding and had programmed their work to conform to federal requirements. When a local agency applies for federal funds, the director shall inform the agency of available state funds.

8686.4. Whenever the local agency and the director determine for public facility projects that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility, the director shall authorize such replacement, including, in the case of a public

building, an increase in the square footage of the building replaced, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency, and such excess cost shall be excluded in determining the amount to be allocated by the state. The state contribution shall not exceed the net cost of restoring each such facility on the basis of the design of such facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards.

8686.6. Money allocated to a local agency for a street and highway project may, when recommended by the Department of Transportation, be used for the purpose of repairing, restoring, or replacing local streets, roads, or bridges to present-day standards and to accommodate present traffic.

8686.8. If the director determines that a local agency is financially unable to meet the matching requirements set forth in Section 8686, or unable to provide funds for replacement of a facility pursuant to Section 8686.4, the director may, if such loan would not result in a violation of Section 40 of Article XIII of the California Constitution and out of any state money made available for purposes of this chapter, lend funds, for the completion of a project or projects. The local agency shall be required by the director to make its contribution by means of deferred payments. Such deferred payments shall be made in such amounts and at such times as may be provided by the agreement executed in connection with the application, but in any event providing full repayment within 10 years, and shall include a charge to be fixed by the director in an amount estimated by him to equal the revenue which the state would have derived by investing the total amounts loaned at the interest rate prevailing for legal state investments as of the date of the loan.

8687. Deferred payments made by a local agency pursuant to Section 8686.8 shall be made by the agency:

(a) Out of the current revenues of the local agency.

(b) If the current revenues of a city, county, or city and county, prove insufficient to enable the agency to meet such payments, the director may order the State Controller to withhold from the local agency funds which the local agency would be entitled to under the Alcoholic Beverage Control Law and Cigarette Tax Law, or, as to street and highway projects, from the Motor Vehicle License Fee Fund to the extent necessary to meet the deficiency.

Such sums shall be credited to the funds in the State Treasury from which the loans were made.

8687.2. Notwithstanding the provisions of Section 8686, whenever the director determines that a local agency to which funds are proposed to be allocated for a public facilities project is financially unable to meet the matching requirements set forth in Section 8686 due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 8686 shall not apply, and the

director may allocate funds to pay all of the cost of the project or such portion of such cost as the director determines is necessary to accomplish the project, taking into consideration the financial ability of the local agency to meet the matching requirements of Section 8686, less any money provided by the United States or any agency thereof for any portion of the cost of the project.

8687.4. Whenever the director determines that a local agency which would otherwise be eligible for funds under the formula of Section 8686 is unable to finance a street and highway project due to exhaustion of its financial resources because of disaster expenditures, the director may allocate funds to pay such portion of the cost of the project as the director determines is necessary to accomplish the projects.

8687.6. If the local agency, under Section 8687.4, is a county, the amount contributed by such county shall not be reduced to less than an amount of money equal to the amount allocated to such county for the fiscal year prior to the disaster declaration pursuant to Section 2110.5 of the Streets and Highways Code.

8687.8. If the local agency, under Section 8687.4, is a county, the director, in determining whether the county's financial resources are exhausted, shall ascertain whether the county has levied, during the then current year (the year of the disaster), the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the director under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

Article 5. Funds

8690. As used in this article:

(a) "Fund" means the Natural Disaster Assistance Fund created by Section 8690.2.

(b) "Public Facilities Account" means the special account established in the fund pursuant to subdivision (a) of Section 8690.4.

(c) "Street and Highway Account" means the special account established in the fund pursuant to subdivision (b) of Section 8690.4.

8690.2. The Natural Disaster Assistance Fund is hereby created as a special fund in the State Treasury. The fund is the successor to the funds appropriated by Section 4 of Chapter 624 of the Statutes of 1973 and to the Street and Highway Disaster Fund, which funds are hereby abolished, effective the 61st day after final adjournment of

the 1973–74 Regular Session of the Legislature. All of the assets, liabilities, and surpluses of the two abolished funds shall, on order of the State Controller and as of the effective date of their abolition, be transferred to and become assets, liabilities and surpluses of the Natural Disaster Assistance Fund except that all assets, liabilities and surplus of the portion of the Street and Highway Disaster Fund relating to state highways shall be transferred to the State Highway Fund. The existing appropriations from either of such funds shall continue to be available for allocation, encumbrance and expenditure in the same manner and for the same purposes and periods from the Natural Disaster Assistance Fund. Any reference in any law or regulation to the Street and Highway Disaster Fund shall be deemed to refer to the Street and Highway Account of the Natural Disaster Assistance Fund.

Any moneys received by the director or any state agency after the effective date of this section which, by law, would otherwise be required to be deposited in either of such funds, shall on order of the State Controller, be deposited in the State Treasury in the Natural Disaster Assistance Fund except that all funds which would be subject to subdivision (2) of Section 186.95 of the Streets and Highways Code shall be deposited in the Street and Highway Account of the Natural Disaster Assistance Fund.

8690.4. The State Controller shall establish the following two special accounts in the Natural Disaster Assistance Fund:

(a) The Public Facilities Account, into which shall be paid all resources of the appropriation made by Section 4 of Chapter 624 of the Statutes of 1973, any money hereafter appropriated by the Legislature for allocation for public facilities projects, and any income from investment of moneys in the account and payments by local agencies in reimbursement of moneys disbursed from the account, including deferred payments with charges, pursuant to Section 8686.8.

(b) The Street and Highway Account, into which shall be paid all resources transferred from the Street and Highway Disaster Fund, any money received from the federal government as reimbursement to any city or county for expenditures from funds allocated, transferred or expended pursuant to this chapter for a street and highway project, any money hereafter appropriated by the Legislature for allocation for street and highway projects, and any income from investment of moneys in the account and payments by local agencies in reimbursement of moneys disbursed from the account including deferred payments with charges, pursuant to Section 8686.8.

8690.5. Income from investment of moneys in the fund and all payments by local agencies in reimbursement of moneys disbursed from the fund, including deferred payments with charges, and all other moneys deposited therein pursuant to law, shall be available for expenditure, transfer and allocation pursuant to this chapter.

8691. Any money in the Street and Highway Account which the

director determines is not needed for immediate use for the purposes otherwise specified in this chapter shall be available for transfer by the Department of Finance to the State Highway Fund for allocation and expenditure for construction of state highways, but any amount so transferred shall, after receipt by the Department of Transportation of written demand from the Department of Finance, be returned from the State Highway Fund to the Street and Highway Account upon determination by the Department of Finance of the necessity of such money for the purposes of this chapter within a period of not to exceed three months in such installments as may be agreed upon by the Department of Finance and the Department of Transportation.

SEC. 2. Article 6 (commencing with Section 54150) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code is repealed.

SEC. 3. Section 186.9 of the Streets and Highways Code is repealed.

SEC. 4. Section 186.95 of the Streets and Highways Code is repealed.

SEC. 5. Section 186.96 of the Streets and Highways Code is repealed.

SEC. 6. It is the intent of the Legislature that the provisions of this act shall be applicable to the administration of funds hereafter appropriated by the Legislature covering natural disasters occurring subsequent to July 1, 1974.

Notwithstanding the repeal of Article 6 (commencing with Section 54150) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code and Sections 186.9, 186.95, and 186.96 of the Streets and Highways Code, any programs of state assistance with respect to natural disasters occurring on or before the 61st day after final adjournment of the 1973–74 Regular Session of the Legislature, being administered pursuant to those statutory provisions shall continue to be administered pursuant to those statutory provisions.

SEC. 7. The provisions of Sections 2, 3, 4, and 5 of this act shall become operative the 61st day after final adjournment of the 1973–74 Regular Session of the Legislature.

SEC. 7.5. The sum of thirteen thousand three hundred five dollars ($13,305) is hereby appropriated from the General Fund to the Office of Emergency Services for the purposes of administering the provisions of this act during the last half of fiscal year 1974–75.

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

The present law providing for natural disaster assistance, Chapter 624 of the Statutes of 1973, expires June 30, 1974, and in order to carry out the intent of the Legislature that the provisions of this act be applicable to the administration of funds hereafter appropriated by the Legislature covering natural disasters occurring subsequent to July 1, 1974, this act must take effect immediately.

CHAPTER 291

An act to add Section 25.1 to the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley Water District.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 25.1 is added to the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), to read:

Sec. 25.1. In addition to proceedings authorized under Sections 13, 14, 15, 16, 17, 18 and 24 of this act, whenever the board determines that it is in the public interest, it may borrow money to provide funds to pay the cost of any work or improvement in the district or in any zone or zones thereof by the issuance of revenue bonds pursuant to the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1, Division 2, Title 5 of the Government Code). If the work or improvement is determined by the board to be for a zone or zones comprising less than all the district, the election at which the proposition to issue such revenue bonds is submitted shall be held only in such zone or zones. Proceeds from the sale of any such revenue bonds shall be expended only in the zone or zones in which the proposition to issue such revenue bonds is approved. In the case of any conflict between the provisions of this act and the provisions of the Revenue Bond Law of 1941, the provisions of the Revenue Bond Law of 1941 shall control.

CHAPTER 292

An act to amend Sections 31206, 31242, 31264, and 31295.3 of the Education Code, and to amend Section 4709 of the Labor Code, relating to higher education.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 31206 of the Education Code is amended to read:

31206. A scholarship award winner may use his scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year junior college or four-year college course and is accredited or is a candidate for accreditation by the Western Association of Schools and Colleges. A scholarship award winner may use his scholarship at the California Maritime Academy established

pursuant to Chapter 3 (commencing with Section 25951), Division 19 of this code. Nothing contained in this chapter (commencing at Section 31201) shall be interpreted to require any such institution to admit into such institution, or once admitted to continue in such institution, an award winner.

SEC. 2. Section 31242 of the Education Code is amended to read:

31242. The program for granting fellowships for graduate study shall be conducted under the general supervision of the commission, with the aid and advice of a committee of nine members appointed by the commission and composed of college and university teachers and graduate deans from the colleges and universities in California which are accredited or are candidates for accreditation by the Western Association of Schools and Colleges.

The commission shall prescribe the forms for all applications and certificates required in connection with the fellowship program. The commission shall, from time to time, adopt such rules and regulations as it may determine not in conflict with this chapter as may be necessary, or appropriate, for effecting the provisions of this chapter.

SEC. 3. Section 31264 of the Education Code is amended to read:

31264. To be eligible for a grant under this chapter, a student shall meet all of the following:

(a) Be a disadvantaged student under criteria to be established by the State Scholarship and Loan Commission, which shall take into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions which tend to make difficult the gaining access to and persisting in postsecondary programs.

(b) Be in need of financial assistance to attend college.

(c) Have demonstrated substantial potential for successfully participating at an institution of higher education and for future leadership in the community.

(d) Be a resident of the State of California, as defined in subdivision (a) of Section 31203.

(e) Be a citizen of the United States or have been admitted to permanent residence.

(f) Be admitted to and enroll in a California public community college which is either accredited by or is a candidate for accreditation by the Western Association of Schools and Colleges, or be admitted to and enroll in a California public or private college which is accredited or is a candidate for accreditation by the Western Association of Schools and Colleges as a full-time undergraduate student, or be admitted to and enroll in the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951) of Division 19.

(g) Maintain satisfactory progress toward a degree and eligibility as defined by the State Scholarship and Loan Commission.

SEC. 4. Section 31295.3 of the Education Code is amended to read:

31295.3. To be eligible for an occupational education and training

grant under this chapter, an applicant shall meet all of the following requirements:

(a) Be a resident of the State of California, as defined in subdivision (a) of Section 31203.

(b) Be a citizen of the United States or have been admitted to permanent residence.

(c) Have not attained his 30th birthday. This age limitation does not apply in the case of renewed grants. Although grants may be given within this limitation, it is the intent of the Legislature that the major effort of the program be directed to applicants who have recently completed high school.

(d) Demonstrate occupational achievement or aptitude and financial need. In determining occupational achievement or aptitude, the commission may use acceptable testing procedures to the extent these are available. In determining financial need of an applicant, the commission shall expect each student to make a self-help contribution toward occupational or technical training costs and the financial status of his parents shall be taken into consideration.

(e) Use his grant for occupational or technical training in California in institutions which are either accredited or are candidates for accreditation by the Western Association of Schools and Colleges or by a national accrediting association recognized by the U.S. Office of Education or in the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951) of Division 19. As used in this section, "occupational or technical training" shall mean that phase of education coming after the completion of a secondary school program and leading toward recognized occupational goals approved by the commission.

(f) Have applied for a state occupational education and training grant and have met the criteria established by the commission for eligibility for such grant.

(g) Have complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of state occupational education and training grants adopted pursuant to this chapter.

SEC. 5. Section 4709 of the Labor Code is amended to read:

4709. Notwithstanding any other provisions of law to the contrary, each dependent of any chief of police, police officer, sheriff, deputy sheriff, marshal or deputy marshal of the municipal courts, or member of the California Highway Patrol who is killed in the performance of his duty or who dies or is totally disabled as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, when such death, accident or injury is compensable under this division or Division 4.5 (commencing with Section 6100) shall be entitled to a scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year junior college or four-year college course and is accredited or is a candidate for accreditation by the

Western Association of Schools and Colleges. Such scholarship is to include payment of tuition and fees, monthly allowance, books and supplies, to a maximum of six thousand dollars ($6,000) over a period not to exceed six years, with a maximum of one thousand five hundred dollars ($1,500) per year if he has demonstrated his financial need for such scholarship. This shall not preclude any other benefits provided by law.

Each dependent of an officer or employee of the Department of Corrections or the Department of Youth Authority described in Section 20017.77 of the Government Code who is killed in the performance of his duty, or who dies or is totally disabled as a result of an accident or an injury incurred in the performance of his duty, when such death, accident, or injury is caused by the direct action of an inmate, and is compensable under this division or Division 4.5 (commencing with Section 6100), shall also be entitled to a scholarship specified in this section.

Nothing in this section shall be interpreted to allow the admittance of such dependent into a college or university unless such dependent is otherwise qualified to gain admittance to such college or university.

As used in this section, "dependent" means the children (natural or adopted), at the time of his death, of the peace officer or law enforcement officer who is killed, or who receives injuries which result in his subsequent death.

CHAPTER 293

An act to amend Section 23512 of the Elections Code, relating to filing for office.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 23512 of the Elections Code is amended to read:

23512. Forms for petitions required for nomination to all district offices shall be obtained from either the district secretary's office or the office of the county clerk. The forms shall first be available on the 89th day prior to the general district election and shall be filed not later than 5 p.m. on the 64th day prior to the general district election in the office of the county clerk during regular office hours or may be filed by certified mail so that the forms reach the clerk's office no later than the deadline for filing in that office. At the time of issuance of such forms, there shall be filled in the name of the candidate and the office for which he is a candidate. The form shall be marked "Official Filing Petition" and signed by either the secretary or the

county clerk. The petition shall be signed by not less than 10 nor more than 20 voters or by not less than 25 percent nor more than 50 percent of the voters if the same be less than 40. The county clerk shall record the date of filing upon the first page of each petition filed pursuant to this section. No candidate shall withdraw his nomination paper after 5 p.m. on the 64th day prior to the general district election.

On request of the district secretary, the county clerk shall provide the secretary a copy of each nominating petition filed pursuant to this section.

CHAPTER 294

An act to amend Section 14401 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 14401 of the Public Utilities Code is amended to read:

14401. Before any rates and charges for commodities or service furnished by a district are fixed or changed the general manager shall file with the board a report and recommendation thereon in writing. Within 40 days thereafter the board shall hold a public hearing on the report and recommendation. Prior to the hearing, notice of the time and place of hearing shall be published within the district pursuant to Section 6066 of the Government Code.

CHAPTER 295

An act to amend Section 13653.1 of the Education Code, relating to classified school employee's benefits.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 13653.1 of the Education Code is amended to read:

13653.1. Governing boards of school districts may allow permanent classified employees to interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, provided the employee supplies adequate notice

and relevant supporting information regarding the basis for such interruption or termination.

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

CHAPTER 296

An act to amend Sections 40704, 40812, 40813, 40844, 40846, 40847, and 40961 of, and to add Section 40848 to, the Food and Agricultural Code, relating to tomato color standards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 40704 of the Food and Agricultural Code is amended to read:

40704. The director shall establish by regulation the minimum requirement for color of tomatoes suitable for canning purposes based on comminuted raw product sampling. The requirement for color as established shall accurately reflect the quality and maturity of tomatoes used for canning purposes and shall provide the consumer with an acceptable commodity.

SEC. 2. Section 40812 of the Food and Agricultural Code is amended to read:

40812. If the director finds that the tomatoes which are being delivered conform with the standards of Article 6 (commencing with Section 40841) of this chapter as being suitable for canning purposes, he shall issue a certificate which shows all of the following:

(a) The percentage of tomatoes that are suitable for canning purposes for each delivery.

(b) Separately, the percentage of tomatoes in each delivery which are not suitable for canning under subdivisions (a), (b), and (g), and the total percentage of all defects, under Section 40844.

(c) The comminuted raw product color.

SEC. 3. Section 40813 of the Food and Agricultural Code is amended to read:

40813. If the director finds that any delivery of tomatoes is not suitable for canning purposes, he shall issue a rejection order pursuant to Sections 40845 to 40848, inclusive. Except as otherwise provided in Sections 40814 to 40816, inclusive, inspection shall be performed at the cannery or at a receiving station which is established or designated by the canner.

SEC. 4. Section 40844 of the Food and Agricultural Code is amended to read:

40844. A tomato shall not be regarded as suitable for canning purposes if, as established by inspection of a representative sample, it has any of the following defects:

(a) Any worm or worm damage is present which has penetrated the flesh of the tomato.

(b) In excess of 10 percent of the weight of the tomato cannot be used for canning purposes due to the presence of mold.

(c) In excess of 20 percent of the weight of the tomato cannot be used for canning purposes due to the presence of rot.

(d) In excess of 25 percent of the weight of the tomato cannot be used for canning purposes due to the presence of sunburn, sunscald, growth cracks, insect bites, pest infections, hail damage, or other imperfections which are not specified in this article.

(e) The tomato is sufficiently overripe to make it useless for canning purposes.

(f) The tomato is shriveled, frozen, or frosted.

(g) The external surface of the tomato is green, with no visible shade of red color.

SEC. 5. Section 40846 of the Food and Agricultural Code is amended to read:

40846. Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if in excess of 15 percent of the delivery, by weight, does not comply with subdivisions (a) to (g), inclusive, of Section 40844.

SEC. 6. Section 40847 of the Food and Agricultural Code is amended to read:

40847. Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if more than 2 percent of the delivery by weight is green as defined in subdivision (g) of Section 40844.

SEC. 7. Section 40848 is added to the Food and Agricultural Code, to read:

40848. Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if the load does not meet the minimum requirements for color based on comminuted raw product sampling.

SEC. 8. Section 40961 of the Food and Agricultural Code is amended to read:

40961. It is unlawful for any person to make delivery or for any person to accept delivery of tomatoes for canning purposes, or to can or to process any tomatoes, which have not first been inspected and certified as provided in Article 5 (commencing with Section 40811) of this chapter, or which have been rejected as provided in Sections 40845 to 40848, inclusive.

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

The harvest and marketing season for canning tomatoes will begin

before the normal effective date of legislation enacted at this session of the Legislature. In order to meet the needs of this year's harvest and marketing season of canning tomatoes, it is necessary that the provisions of this act become effective immediately.

CHAPTER 297

An act to amend Sections 19700.80, 19700.84, and 19700.85 of the Education Code, relating to regional occupational centers and programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 19700.80 of the Education Code is amended to read:

19700.80. Not to exceed four million dollars ($4,000,000) of the amount of the proceeds of bonds issued under the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 may be expended pursuant to this article. The funds shall be allocated by the State Allocation Board to the Santa Cruz County Career Education Center Joint Power Board, hereafter referred to as the entity, for the establishment and construction of a permanent campus for a regional occupational center, or regional occupational program, to be located in Santa Cruz County, such facility to be operated and maintained by the County Superintendent of Schools of Santa Cruz County and the Cabrillo Community College District. The said funds shall be available for allocation to such entity for a period of not more than three years from the effective date of this article and during such period the entity shall apply for such funds as are necessary to accomplish the purposes of this article. No funds shall be made available for allocation until the voters of the territory to be affected have approved of the repayment of such funds pursuant to Section 19700.85.

Only Sections 19551 through 19555, inclusive, and Sections 19559, 19562, 19563, 19565, 19611, 19618, 19619, 19623, 19623.1, 19626, and 19628 of this chapter shall be applicable to the administration of this article except to the extent that the context of this article, as determined by the State Allocation Board, requires otherwise.

SEC. 2. Section 19700.84 of the Education Code is amended to read:

19700.84. On or before the first day of January of each fiscal year, the State Controller shall determine the annual repayment due and shall compute that portion of such amount applicable to each

participating school district, including the Cabrillo Community College District, in accordance with the ratio certified under Section 19700.83. Each participating school district shall be individually liable for repayment of the amount so computed.

The county superintendent of schools shall reimburse each participating school district for all amounts repaid by them pursuant to this article and may levy a tax under the authority of Section 20453 for this purpose.

Such tax may be levied and collected notwithstanding any limitation prescribed by Chapter 3 (commencing with Section 20450) of Division 15 of this code or by Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code.

SEC. 3. Section 19700.85 of the Education Code is amended to read:

19700.85. (a) The County Superintendent of Schools of Santa Cruz County shall order a special election to be held in the territory to be affected by the provisions of this article. The special election shall be held in order to give the electors of the territory affected an opportunity to approve or disapprove of a ballot proposition as provided by subdivision (b).

(b) The ballot proposition used in the election shall contain the words "For the repayment of not to exceed $_____ (amount of repayment) for the establishment of the Santa Cruz Regional Occupational Center" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice.

SEC. 4. If an election is held pursuant to Section 19700.85 of the Education Code, as added by Chapter 1097 of the Statutes of 1973, and at least two-thirds of the electors voting at such an election in all of the affected territory vote "yes," then the result of such an election shall be deemed equivalent to the result of the election which would have occurred if Section 19700.85, as amended by this act, had been operative at the time of the election. In such an event, the entity may establish the Santa Cruz Regional Occupational Center as prescribed by Article 10 (commencing with Section 19700.80) of Chapter 10 of Division 14 of the Education Code.

It was the intent of the Legislature in enacting Chapter 1097 of the Statutes of 1973 that the results of the election held in the entire affected territory be considered in determining whether or not the entity is permitted to establish the center.

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

In order to permit this act to be operative for the entire 1974–75 fiscal year, and so facilitate the orderly administration of the program affected by this act, it is necessary that this act take effect immediately.

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CHAPTER 298

An act to add Section 13838.1 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 13838.1 is added to the Education Code, to read:

13838.1. "Final compensation" with respect to a member whose salary has been reduced by 5 or more percent after age 58 because of a reduction in school funds shall mean the highest average annual compensation earnable by the member during any three years during his membership in the system if the member elects to be subject to this section.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 299

An act to add Section 65862 to the Government Code, and to add Section 402.2 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 65862 is added to the Government Code, to read:

65862. Whenever the zoning covering a property is changed from one zone to another or a zoning variance or conditional use permit is granted with respect to any property, the governing body of the city or county shall, within 30 days, notify the county assessor of such action.

Notwithstanding Section 65803, this section shall apply to charter cities.

SEC. 2. Section 402.2 is added to the Revenue and Taxation Code, to read:

402.2. If during the assessment year the assessor receives the notice required by Section 65862 of the Government Code, the assessor shall reassess the property as of the next succeeding lien date.

SEC. 3. Notwithstanding Section 2231 of the Revenue and

Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 300

An act to add Chapter 13 (commencing with Section 9320) to Part 4 of Division 8 of the Health and Safety Code, relating to cemeteries.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Chapter 13 (commencing with Section 9320) is added to Part 4 of Division 8 of the Health and Safety Code, to read:

CHAPTER 13. MAUSOLEUMS

9320. As used in this chapter, "mausoleum" means any building or structure, used or intended to be used, for the interment of uncremated human remains.

9321. Notwithstanding any other provision of law, the Arroyo Grande Cemetery District may construct and maintain a private mausoleum, as defined by Section 9511.1. The cost of the construction and maintenance of the private mausoleum shall be completely borne by the person or persons for whom it is constructed. Such person or persons shall contribute to a special care trust fund an amount of money which when invested will provide a return sufficient to assure adequate maintenance of the private mausoleum. No district funds may be used for the construction or maintenance of a private mausoleum.

SEC. 2. The Legislature hereby finds and declares that a unique situation is presented within the Arroyo Grande Cemetery District which, for religious, philosophical, and ethical reasons, has a demand for a private mausoleum for the interment of uncremated human remains. The Legislature further finds and declares that a general act cannot be made applicable to this unique situation and that it is, therefore, necessary to enact this special act authorizing the Arroyo Grande Cemetery District to permit the construction of a private mausoleum in its cemetery.

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CHAPTER 301

An act to amend Section 8140 of the Government Code, relating to California-Nevada Interstate Compact Commission.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 8140 of the Government Code is amended to read:

8140. The commission shall be abolished upon the earlier occurrence of either the effective date of the compact, or January 1, 1977.

CHAPTER 302

An act to amend Sections 70055.2 and 73527 of the Government Code, relating to courts.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 70055.2 of the Government Code is amended to read:

70055.2. In a county with a population of 500,000 or more and under 557,000, as determined by the 1970 federal census, the fee required by Section 70053 shall be eleven dollars and fifty cents ($11.50).

SEC. 2. Section 73527 of the Government Code is amended to read:

73527. In any civil action or proceeding, in addition to the fees required by Sections 72054 to 72073, inclusive, a fee of eleven dollars and fifty cents ($11.50) shall be paid to the clerk of the court by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the answer or other first paper on behalf of any party, or parties appearing jointly, other than the plaintiff.

CHAPTER 303

An act to amend Section 5.1 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), to amend Section 5.1 of the South Delta Water Agency Act (Chapter 1089 of the Statutes of 1973), and to amend Section 5.1 of the Central Delta Water Agency Act (Chapter 1133 of the Statutes of 1973), relating to water agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 5.1 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973) is amended to read:

Sec. 5.1. On or before the 30th day of June of each year, the board shall determine, and cause to be thereafter assessed and collected as provided in this act, an amount of money sufficient to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency, until such time as moneys shall be available to the agency from assessments levied in the next succeeding year, subject, however, to a maximum limit of 10 cents ($0.10) upon each one hundred dollars ($100) of assessed valuation of all taxable land within the agency, as shown by the last equalized assessment rolls of all counties within which such lands are located, for purposes other than payment under the contracts provided for in Section 4.1. No vote shall be required to establish a maximum rate upon formation of the agency as would otherwise be required under Section 2286 of the Revenue and Taxation Code, and the maximum rate shall be the statutory rate allowed by law unless the voters of the agency approve a higher rate as provided in subdivision (3) of Section 2263 of the Revenue and Taxation Code.

SEC. 2. Section 5.1 of the South Delta Water Agency Act (Chapter 1089 of the Statutes of 1973) is amended to read:

Sec. 5.1. On or before the 30th day of June of each year, the board shall determine, and cause to be thereafter assessed and collected as provided in this act, an amount of money sufficient to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency, until such time as moneys shall be available to the agency from assessments levied in the next succeeding year, subject, however, to a maximum rate, the revenue of which shall not exceed seventy-five thousand dollars ($75,000), for purposes other than payment under the contracts provided for in Section 4.1. No vote shall be required to establish a maximum rate upon formation of the agency as would otherwise be required under Section 2286 of the Revenue and Taxation Code, and the maximum rate shall be the statutory rate allowed by law unless the voters of the agency approve a higher rate as provided in subdivision (3) of

Section 2263 of the Revenue and Taxation Code.

SEC. 3. Section 5.1 of the Central Delta Water Agency Act (Chapter 1133 of the Statutes of 1973) is amended to read:

Sec. 5.1. On or before the 30th day of June of each year, the board shall determine, and cause to be thereafter assessed and collected as provided in this act, an amount of money sufficient to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency, until such time as moneys shall be available to the agency from assessments levied in the next succeeding year; provided, however, that the assessment shall not exceed the rate of one dollar ($1) per one hundred dollars ($100) of the value assessed on the county tax roll of all taxable land within the agency for purposes other than payment under the contracts provided for in Section 4.1 of this act; and provided, further, that the total amount of money assessed during any year pursuant to this act for purposes other than payment under the contracts provided for in Section 4.1 of this act shall not exceed the sum of seventy-five thousand dollars ($75,000). No vote shall be required to establish a maximum rate upon formation of the agency as would otherwise be required under Section 2286 of the Revenue and Taxation Code, and the maximum rate shall be the statutory rate allowed by law unless the voters of the agency approve a higher rate as provided in subdivision (3) of Section 2263 of the Revenue and Taxation Code.

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

In order to permit the North Delta Water Agency, the South Delta Water Agency, and the Central Delta Water Agency to levy taxes during the current year it is necessary that the provisions of this act go into immediate effect.

CHAPTER 304

An act to amend Section 1902.1 of the Education Code, relating to community colleges.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 1902.1 of the Education Code is amended to read:

1902.1. When any high school district or unified school district, or a portion of either district, which is not in any community college district, is made a part of a community college district by any procedure authorized by this code the reorganized community

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college district shall be liable for taxation for any outstanding bonded indebtedness of the community college district, and if a bonded debt is created pursuant to Section 2099, the combined outstanding bonded indebtedness of the community college district and the bonded indebtedness of the included territory shall be an obligation of the reorganized community college district.

CHAPTER 305

An act to amend Section 25205 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 25205 of the Education Code is amended to read:

25205. Where the nature of the work in the opinion of the trustees is such that the application of all of the provisions of this chapter in connection therewith are not required, it may, with the approval of the Department of Finance, carry out the project pursuant to this section if the estimated cost does not exceed one hundred thousand dollars ($100,000).

If the estimated total cost of any construction project or work carried out under this section exceeds five thousand dollars ($5,000), the trustees shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids. The trustees may carry out work in excess of five thousand dollars ($5,000) under the provisions of this section by day labor if they deem that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the state, but the amount of work performed by day labor under this section shall not exceed the sum of twenty thousand dollars ($20,000).

CHAPTER 306

An act to amend Section 1264 of the Military and Veterans Code, relating to use of veteran facilities.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 1264 of the Military and Veterans Code is amended to read:

1264. The governing body maintaining any facilities constructed or maintained pursuant to this chapter may provide for the use of such facilities by persons or organizations other than veterans, either free of charge or for stated compensation to aid in defraying the cost of maintenance, for any purpose not inconsistent with the continued use pursuant to this chapter, when such use will not unduly interfere with the reasonable use of the facilities by veterans' associations.

CHAPTER 307

An act to amend Sections 970.5 and 971 of the Streets and Highways Code, relating to county highways.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 970.5 of the Streets and Highways Code is amended to read:

970.5. Whenever the board of supervisors or a county officer designated by the board to be in charge of naming county highways finds that a name should be adopted and applied to any county highway, or that the existing name of any county highway should be changed, the board or the designated county officer shall hold a public hearing on the proposed name for, or the change of name of, such highway. Notice of such hearing shall be given by posting notice in at least three public places along the street or streets proposed to be affected, such posting to be complete at least 10 days before the day set for the hearing. At the time set for the hearing or at any time to which the hearing may be continued the board or the designated county officer shall hear and consider proposals to adopt a name for, or change the name of, the highway mentioned in the notice and objections to such proposals. At or after the conclusion of the hearing the board or the designated county officer may adopt a name for, or change the name of, such highway, and upon the adoption or change thereof shall make an order and file said order with the board of supervisors officially designating the name for such highway. Thereafter such highway shall be known by the name so designated.

SEC. 2. Section 971 of the Streets and Highways Code is amended to read:

971. Any county highway which has not been officially named may be officially named by the board of supervisors or a county officer designated by the board without any hearing, or notice. Such naming shall be by an order duly made and filed with the board of supervisors. Thereafter the highway shall be known by the name thus designated.

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CHAPTER 308

An act to amend Section 2924c of the Civil Code, relating to mortgages and deeds of trust, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 2924c of the Civil Code, as amended by Chapter 817 of the Statutes of 1973, is amended to read:

2924c. (a) Whenever all or a portion of the principal sum of any obligation secured by deed of trust or mortgage on real property hereafter executed has, prior to the maturity date fixed in such obligation, become due or been declared due by reason of default in payment of interest or of any installment of principal, or by reason of failure of trustor or mortgagor to pay, in accordance with the terms of such obligation or of such deed of trust or mortgage, taxes, assessments, premiums for insurance or advances made by beneficiary or mortgagee in accordance with the terms of such obligation or of such deed of trust or mortgage, the trustor or mortgagor or his successor in interest in the mortgaged or trust property or any part thereof, or any beneficiary under a subordinate deed of trust or any other person having a subordinate lien or encumbrance of record thereon, at any time within three months of the recording of the notice of default under such deed of trust or mortgage, if the power of sale therein is to be exercised, or, otherwise at any time prior to entry of the decree of foreclosure, may pay to the beneficiary or the mortgagee or their successors in interest, respectively, the entire amount then due under the terms of such deed of trust or mortgage and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of such obligation, deed of trust or mortgage, and trustee's or attorney's fees actually incurred not exceeding one hundred dollars ($100) in case of a mortgage and fifty dollars ($50) in case of a deed of trust or one-half of 1 percent of the entire unpaid principal sum secured, whichever is greater) other than such portion of principal as would not then be due had no default occurred, and thereby cure the default theretofore existing, and thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and deed of trust or mortgage shall be reinstated and shall be and remain in force and effect, the same as if no such acceleration had occurred. The provisions of this section shall not apply to bonds or other evidences of indebtedness authorized or

permitted to be issued by the Commissioner of Corporations or made by a public utility subject to the provisions of the Public Utilities Code.

(b) (1) The notice, of any default described in this section, recorded pursuant to Section 2924, and mailed to any person pursuant to Section 2924b, shall contain the following statement, printed or typed thereon:

NOTICE

You may have the right to cure the default described herein and reinstate the mortgage or deed of trust. Section 2924c of the Civil Code permits certain defaults to be cured upon the payment of the amounts required by that section without requiring payment of that portion of principal and interest which would not be due had no default occurred. Where reinstatement is possible, if the default is not cured within three months following the recording of this notice, the right of reinstatement will terminate and the property may be sold.

To determine if reinstatement is possible and the amount, if any, necessary to cure the default, contact the beneficiary or mortgagee or their successors in interest, whose name and address as of the date of this notice is_____ at _____.
(name) (address)

(2) Any failure to comply with the provisions of this subdivision shall not affect the validity of a sale in favor of a bona fide purchaser or the rights of an encumbrancer for value and without notice.

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

In order that the changes made by this act to Section 2924c of the Civil Code may become operative on the same date as the changes made by Chapter 817 of the Statutes of 1973, it is necessary that this act shall go into immediate effect.

SEC. 3. This act shall become operative on July 1, 1974.

CHAPTER 309

An act to add Section 306.6 to the Health and Safety Code and to add and repeal Chapter 11 (commencing with Section 18950) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to social services.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 306.6 is added to the Health and Safety Code, to read:

306.6. There is hereby created a State Advisory Committee on Child Abuse. The membership of the committee shall be composed of seven persons who shall be representative of parents, medical and health practitioners, law enforcement personnel, social workers and other professionals interested in childrens' services. The State Child Health Board shall appoint four members to the commission, the Speaker of the Assembly shall appoint one member, the Senate Rules Committee shall appoint one member and the Governor shall appoint one member. The members shall serve at the pleasure of the appointing power.

The committee shall act in an advisory capacity to the Office of Child Abuse Prevention, established pursuant to Article 3 (commencing with Section 18952) of Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions Code concerning the performance of that office's duties and responsibilities and to the State Child Health Board concerning the matter of child abuse.

SEC. 2. Chapter 11 (commencing with Section 18950) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 11. THE OFFICE OF CHILD ABUSE PREVENTION

Article 1. General

18950. The Legislature finds and declares that child abuse is a growing concern in this state, and that current methods of coping with child abuse problems are resulting in family breakups that are both expensive and nonproductive to the state. It is the intent of the Legislature to provide for the establishment of one or more pilot projects to provide for the detection and correction of the abuse or maltreatment of children who are unable to protect themselves.

In this regard, the welfare of children of this state requires the establishment of pilot projects for the prevention of child abuse.

It is the intent of the Legislature in enacting this chapter to establish three pilot project child abuse centers, one in the north of the state serving Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara Counties; one in the central portion of the state located in Fresno County or Kern County; and one in the south of the state located in Los Angeles County. The projects established under this chapter are intended to act as coordinating bodies that offer guidelines and stimulation for services that provide for the prevention, identification, management and treatment to abused children and their parents.

Article 2. Definitions

18951. As used in this chapter:

(a) "Child" means an individual under the age of 18.

(b) "Child services" means services for or on behalf of children which shall include, but not be limited to, the following:

(1) Protective services.

(2) Caretaker services.

(3) Day care services which include dropoff care.

(4) Homemaker services or family aides.

(5) Counseling services.

(c) "Adult services" means services for or on behalf of a parent of a child which shall include, but not be limited to, the following:

(1) Access to voluntary placement, long or short term.

(2) Counseling services before and after a crisis.

(3) Homemaker services or family aides.

(d) "Multidisciplinary personnel" means any team of three or more persons who are trained in the prevention, identification and treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include but not be limited to:

(1) Psychiatrists, psychologists or other trained counseling personnel.

(2) Police officers or other law enforcement agents.

(3) Medical personnel with sufficient training to provide health services.

(4) Social workers with experience or training in child abuse prevention.

(e) "Child abuse" as used in this chapter means a situation in which a child suffers from any one or more of the following:

(1) Serious physical injury inflicted upon the child by other than accidental means.

(2) Harm by reason of intentional neglect or malnutrition or sexual abuse.

(3) Going without necessary and basic physical care.

(4) Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Health.

(5) Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development or capacity for independence.

(f) "Parent" means any person who exercises care, custody and control of the child as established by law.

Article 3. Office of Child Abuse Prevention

18952. (a) There is hereby established in the State Department of Health an Office of Child Abuse Prevention which shall be administered by a coordinator appointed by the Director of Health. The Coordinator of the Office of Child Abuse Prevention shall be a professional with recognized training and experience in child abuse prevention.

18953. The office shall employ such personnel as is necessary to carry out the provisions of this chapter, subject to civil service rules and regulations.

18954. (a) The office shall establish three regional "family crisis centers" on a pilot project basis for the prevention, identification and treatment of child abuse, one in the northern portion of the state, one in the southern portion of the state, and one in the central portion of the state. The pilot project in the south shall be established in conjunction with the southern California counties' Departments of Public Social Services and shall be located in Los Angeles County. The pilot project in the north shall be established to serve the six bay area counties comprised of Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara Counties and shall be located in San Francisco County or Alameda County. The pilot project in central California shall be established in conjunction with the central valley counties' Departments of Public Social Services and shall be located in Fresno County.

(b) The Office of Child Abuse Prevention shall seek the assistance of both public and private entities in the establishment and implementation of the pilot project centers.

(c) It shall be the responsibility of the Office of Child Abuse Prevention to organize the pilot projects. In the event that only one pilot project be funded under federal law as set forth in Section 18955.1 of this chapter, the Office of Child Abuse Prevention shall select that pilot project according to the following:

(1) Each county or counties wishing to have the pilot project in their jurisdiction shall submit a written proposal fully setting forth the following:

(a) The facilities to be used for such a project.

(b) The degree of cooperation between law enforcement agents and social service agencies for such a project.

(c) The number and type of personnel who will staff the project.

(d) The need for such a project.

(2) Upon receipt of all such proposals, the Office of Child Abuse Prevention shall select the site for the pilot project according to the criteria set forth above.

18955. In the exercise of its authority under Section 18954 the office shall develop plans to fulfill the requirements of any federal act providing for the establishment and maintenance of pilot projects for the prevention, identification, and treatment of child abuse to facilitate the receipt and allocation of federal funds for planning,

research, demonstration and special project grants. The office shall submit its recommendations concerning applications for federal funds to the Health and Welfare Agency to be forwarded to the appropriate federal agency.

18955.1. It is the intent of the Legislature that in establishing the three pilot projects pursuant to Section 18954, the Office of Child Abuse Prevention shall make every attempt to qualify such projects for federal funding under subsection (a) of Section 4 of Public Law 93-247. To that extent, should any provisions of this chapter prevent such federal funding for these three pilot projects, such provisions of this chapter shall be rendered inoperative.

18956. The office shall report to the Legislature and Governor on the progress of the pilot projects within one year after the effective date of this chapter.

18957. The Office of Child Abuse Prevention may by contract with other public or private entities establish "family crisis centers" with accompanying advisory councils on a pilot project basis other than those required by this chapter when adequate federal funds are made available for such purposes.

18958. The Office of Child Abuse Prevention shall apply for federal funding under subsection (b) of Section 4 of Public Law 93-247 for the administration of its functions under this chapter. The office shall use such funds to: (1) develop and establish training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of the prevention, identification, and treatment of child abuse; (2) provide statewide coordination of general information and education in child abuse prevention; (3) regulate the pilot projects established pursuant to Section 18954 and utilize that data received from the pilot projects pursuant to subsection (g) of Section 18960 so as to obtain more accurate statewide data on child abuse prevention; (4) assist and provide funds for the coordination of child abuse prevention programs by counties as set forth in Section 18954; and (5) develop and establish other innovation programs in child abuse prevention where the office finds a need for such programs.

Article 4. Pilot Projects

18960. The pilot projects established pursuant to Section 18954 shall stimulate within the counties designated in Section 18954 the development and the coordination of all necessary programs and services relevant to the prevention, identification, management, and treatment of child abuse. The following services, among others, may be included:

(a) Coordination of the identification and reporting of all instances of child abuse within the county or counties that are serviced by the pilot projects. Such reports shall be forwarded to the California Department of Justice, Bureau of Identification, Special

Services Section as set forth in Section 11161.5 of the Penal Code.

(b) Provision of direct family counseling to all members of a family in which child abuse is present where such services are not made available by the county or counties serviced by the pilot projects.

(c) Provision of homemaker or family aide services on a temporary basis to a family in which child abuse is present where such services are not made available by the county or counties serviced by the pilot projects.

(d) Establishment of a 24-hour "hotline" telephone service, to be available to any child, parent, or other resident of the county or counties served by the pilot projects who wishes to ask for assistance or information, or to make a report with regard to child abuse. Such "hotline" service shall be staffed by persons who, in the opinion of the pilot project, have appropriate training to provide such services, and shall be provided by the pilot project only where such a service is not provided by the county or counties serviced by the pilot projects.

(e) Encouragement of and arrangement of voluntary placement of a child outside the home when both parents and child agree to a "cooling off" period, and when such outside voluntary placement is available and advisable provided that:

(1) Such voluntary placement should be in the vicinity of the parents' current home so that visiting and other parental-child interaction can be facilitated.

(2) No child shall be placed in any institution maintained by the county or state for the detention or housing of any minor who comes within or who is alleged to come within the provisions of Section 601 or 602.

(3) No placement shall be deemed voluntary nor shall any voluntary placement be made when the parent is threatened with prosecution or removal of the child pursuant to Section 600 if they do not consent to the placement.

(4) A child agreeing to such a placement shall be of a mental age to make a reasonable, rational decision and shall be without undue influence or fear of reprisal from either parents or any member of the multidisciplinary family crisis teams or any other adult.

(f) Establishment of multidisciplinary family crisis teams trained and available to accompany law enforcement agents on any original or followup visits in instances of abuse. These teams shall attempt to insure that each family is aware of all public social services that are available within the vicinity of their residence and that the family has access to such facilities.

(g) Maintenance of a clearinghouse index for the county or counties serviced by the pilot project in order to insure that current records are maintained with regard to cases of dependency avoidance and child abuse. Such collection data shall be forwarded to the Office of Child Abuse Prevention.

(h) Provision of professional child mental health services on a

part-time basis to licensed private facilities providing care for children in instances where such facilities are financially unable to provide full-time professional child mental health services. The Office of Child Abuse Prevention shall be responsible for the costs of such services and shall establish the procedure for such facilities to apply for the services.

(i) Provision of parent education and training services to:

(1) Parents of families in which child abuse is present.

(2) Prospective parents.

(3) Parents, generally.

Such services for parents of families in which child abuse is found, are to be supplementary or adjunctive to any other treatment and services. Such services for any other parents are primarily to be child abuse prevention services.

Article 5. Advisory Council on Child Abuse Prevention

18961. (a) There shall be an advisory council on child abuse for each pilot project established pursuant to Section 18954, each to be composed of 23 members. Except for the advisory council of the pilot project in the north, 18 members shall be appointed by the board of supervisors in the county or city and county in which the center is located, and five members shall be appointed by the Governor. The members of each of the advisory councils shall be representatives of public agencies, private agencies, and community organizations which are directly or indirectly involved with the problem of child abuse.

(b) A member of a center's advisory council may be a resident of a municipality other than the county, or city and county in which the center is located.

(c) The members of the council shall be composed of parents, medical and health practitioners, law enforcement personnel, social workers and professionals in children's services.

(d) The advisory council for the pilot project in the north shall consist of 23 members, of which 18 shall be appointed by the boards of supervisors of the six bay area counties comprised of Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara Counties. Each county's board of supervisors shall appoint three members to the council. The other five members of the council shall be appointed by the Governor.

(e) Notwithstanding subdivisions (a) and (d) in the event that only one pilot project is funded by federal moneys, there shall be one advisory board consisting of 11 members. Five members shall be appointed by the board of supervisors of the county in which the pilot project is established, two members shall be appointed by the Senate Rules Committee, two members shall be appointed by the Speaker of the Assembly and two members shall be appointed by the Governor.

18962. The members of the council shall serve without

compensation and shall not be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

SEC. 3. The Office of Child Abuse Prevention shall be funded pursuant to the Federal Child Abuse Prevention and Treatment Act.

SEC. 4. The provisions of this act shall be operative only for and during such time as federal funds are provided or made available for the purposes of this act.

SEC. 5. The provisions of this act shall remain in effect only until December 31, 1979, and as of such date is repealed, unless a later enacted statute, which is chaptered before December 31, 1979, deletes or extends such date.

SEC. 6. This act shall be known as the California Child Abuse Prevention Act of 1974.

CHAPTER 310

An act to add Section 13520.4 to the Education Code, relating to school employee salaries.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 13520.4 is added to the Education Code, to read:

13520.4. Except as otherwise provided in Section 13520.3, the governing board of a school district in which a continuous school program is in operation pursuant to Article 7 (commencing with Section 32100) of Division 22, but in fewer than all of the schools in the district or with fewer than all of the certificated employees participating therein, and in which revised salary schedules become effective on a date other than July 1, may adjust the salaries of certificated employees participating in the continuous school program so that the total amount payable to each such employee in a school year does not differ from the salary which would be payable to him over such a period if he were not participating in the program.

CHAPTER 311

An act to amend Section 51252 of the Government Code, to amend Sections 108, 110, 130, 202, 203, 204, 205, 206, 206.1, 208, 209, 210, 210.5, 214, 214.02, 214.5, 218, 224, 231, 251, 254, 270, 280, 283, 322, 328, 401, 422, 423, 423.5, 426, 429, 431, 443.1, 469, 619, 619.2, 620, 753.5, 762, 866, 986, 988, 1620, 1716.1, 1815, 1815.2, 1815.5, 1815.6, 1816, 1817, 1818, 1819, 1821, 1840, 2225, 2611.5, 2635, 5096, 12002, 12005, 12102,

12204, 12222, 12251, 12256, 12301, 12302, 23154, and 23183 of, to amend and renumber Sections 1605, 1607, 1608, and 1616 of, to add Sections 110.5, 203.5, 205.5 and 211 to, and to repeal Sections 205.5, 207, 211, 257, 532.5, and 1815.6 of, the Revenue and Taxation Code, and to amend Sections 322 and 335 of Chapter 209 of the Statutes of 1969, relating to taxation.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 51252 of the Government Code is amended to read:

51252. Open-space land under a contract entered into pursuant to this chapter shall be enforceably restricted within the meaning and for the purposes of Section 8 of Article XIII of the State Constitution and shall be enforced and administered by the city or county in such a manner as to accomplish the purposes of that article and of this chapter.

SEC. 2. Section 108 of the Revenue and Taxation Code is amended to read:

108. "State-assessed property" means all property required to be assessed by the board under Section 19 of Article XIII of the Constitution and which is subject to local taxation.

SEC. 3. Section 110 of the Revenue and Taxation Code is amended to read:

110. "Full cash value" or "fair market value" means the amount of cash or its equivalent which property would bring if exposed for sale in the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other and both with knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions upon those uses and purposes.

SEC. 3. Section 110.5 is added to the Revenue and Taxation Code, to read:

110.5. "Full value" means fair market value or such other value standard as is prescribed by the Constitution or in this code under the authorization of the Constitution.

SEC. 4. Section 130 of the Revenue and Taxation Code is amended to read:

130. (a) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, but does not include aircraft.

(b) "Documented vessel" means any vessel which is required to have and does have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto, except documented yachts of the United States. "Documented vessel" does not include any vessel exempt from

taxation under subdivision (*l*) of Section 3 of Article XIII of the Constitution of the State of California.

(c) "Vessel of the United States" means a documented vessel, that is, a vessel registered, enrolled and licensed, or licensed under the laws of the United States, except documented yachts of the United States.

(d) "Port of documentation" means the home port of a vessel as shown in the marine document in force and issued to the owner of such vessel by the Bureau of Customs of the United States or any federal agency successor thereto.

(e) "Marine document" includes registry, enrollment and license, and license.

(f) "In this state" means within the exterior limits of the State of California, and includes all territory within these limits owned by, or ceded to, the United States of America.

(g) "Natural resources" consist of both the living resources of the sea and the mineral and other nonliving resources of the seabed and subsoil together with living organisms belonging to sedentary species, which are organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(h) "Oceanographic research vessel" means a vessel which the secretary of the department in which the United States Coast Guard is operating, or his successor, finds is an oceanographic research vessel under the laws of the United States.

SEC. 5. Section 202 of the Revenue and Taxation Code is amended to read:

202. The exemption of the following property is as specified in subdivisions (a), (b), (d) and (h) of Section 3 of Article XIII of the Constitution, except as otherwise provided in subdivision (a) of Section 11 thereof:

(a) Growing crops.

(b) Property used for free public libraries and free museums.

(c) Property used exclusively for public schools.

(d) Property belonging to this state, a county, or a city. Property belonging to the State Compensation Insurance Fund is not property belonging to this state.

SEC. 6. Section 203 of the Revenue and Taxation Code is amended to read:

203. The college exemption is as specified in subdivision (e) of Section 3 and Section 5 of Article XIII of the Constitution.

An educational institution of collegiate grade is an institution incorporated as a college or seminary of learning under the laws of this state, which requires for regular admission the completion of a four-year high school course or its equivalent, and confers upon its graduates at least one academic or professional degree, based on a course of at least two years in liberal arts and sciences, or on a course of at least three years in professional studies, such as law, theology, education, medicine, dentistry, engineering, veterinary medicine,

pharmacy, architecture, fine arts, commerce, or journalism.

An educational institution of collegiate grade is not conducted for profit when it is conducted exclusively for scientific or educational purposes and no part of its net income inures to the benefit of any private person.

SEC. 7. Section 203.5 is added to the Revenue and Taxation Code, to read:

203.5. Property owned by the California School of Mechanical Arts, California Academy of Sciences, or Cogswell Polytechnical College, or held in trust for the Huntington Library and Art Gallery, or their successors, shall be exempt from taxation as provided in subdivision (c) of Section 4 of Article XIII of the Constitution.

SEC. 8. Section 204 of the Revenue and Taxation Code is amended to read:

204. The cemetery exemption is as specified in subdivision (g) of Section 3 of Article XIII of the Constitution.

SEC. 9. Section 205 of the Revenue and Taxation Code is amended to read:

205. The veterans' exemption is as specified in subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution.

The following are wars under subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution:

(a) Revolutionary War, April 19, 1775–January 14, 1784.

(b) Second War With England, June 18, 1812–February 17, 1815.

(c) Black Hawk War, April 6, 1832–August 2, 1832.

(d) War With Mexico, April 24, 1846–May 30, 1848.

(e) Civil War, April 18, 1861–August 20, 1866.

(f) War With Spain, April 21, 1898–April 11, 1899.

(g) War in Philippines, April 11, 1899–July 4, 1902.

(h) Chinese Relief Expedition, June 20, 1900–May 15, 1901.

(i) Campaign against the Rogue River, Yakima, Nez Percé, and Snake Indians in Oregon and Washington, 1855–1856.

(j) Campaign against the Indians in southern Oregon and Idaho and northern California and Nevada, 1865–1868.

(k) Campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory, 1867–1869.

(*l*) Modoc War, 1872–1873.

(m) Campaign against the Apaches in Arizona, 1873.

(n) Campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico, 1874–1875.

(o) Campaign against the Northern Cheyennes and Sioux, 1876–1877.

(p) Nez Percé War, 1877.

(q) Bannock War, 1878.

(r) Campaign against the Northern Cheyennes, 1878–1879.

(s) Campaign against the Ute Indians in Colorado and Utah, September, 1879–November, 1880.

(t) Campaign against the Apache Indians in Arizona, 1885–1886.

(u) Campaign against the Sioux Indians in South Dakota, November, 1890–January, 1891.

(v) War With Germany-Austria, April 6, 1917–November 11, 1918.

(w) Campaign against the Apache Indians in Arizona, 1895–1896.

(x) World War II, December 7, 1941, to January 1, 1947.

(y) Campaign against the North Koreans and Chinese Communists in Korea, June 27, 1950, to January 31, 1955.

(z) Campaign against the Viet Cong and North Vietnamese Communists in South Vietnam, August 5, 1964, to a date to be fixed by proclamation of the Governor signifying the termination of this campaign.

The following are campaigns under subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution:

(a) First Nicaraguan campaign.

(b) Second Nicaraguan campaign.

(c) Yangtze River campaign in China.

(d) All other campaigns for service in which a medal has been issued by the Congress of the United States.

SEC. 10. Section 205.5 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 205.5 is added to the Revenue and Taxation Code, to read:

205.5. (a) The property which constitutes the home of a resident of this state who is a veteran as specified in subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution and which is the principal place of residence of the veteran or the veteran's unmarried surviving spouse is exempt from taxation on that part of the assessed value of the residence that does not exceed ten thousand dollars ($10,000), if the veteran, because of injury incurred in military service, is blind in both eyes, has lost the use of two or more limbs, or is totally disabled.

(b) For purposes of this section, being blind in both eyes means having a visual acuity of 5/200 or less; losing the use of a limb means that the limb has been amputated or its use has been lost by reason of ankylosis, progressive muscular dystrophies, or paralysis; and being totally disabled means that the United States Veterans Administration has rated the disability at 100 percent.

(c) No person shall be eligible for this exemption unless he or she was a resident of California at the time of his or her entry into military or naval service, or unless he or she was a resident of the state on November 7, 1972, if he or she is blind or has lost the use of two or more limbs, or on the effective date of this section, if he or she is totally disabled.

(d) This exemption includes the home of such a person owned in either joint, common or community interest with his or her spouse and the home of such a person which is owned by a corporation of which he or she is a shareholder when the rights of shareholding entitle one to possession of a home owned by the corporation. The exemption provided by this section shall be shown on the local roll

and shall reduce the assessed value of such corporation. Notwithstanding any provision of law or articles of incorporation or bylaws of such corporation to the contrary, it is the intent of the Legislature that any reduction of property taxes paid by such corporation shall reflect an equal reduction in any charges by such corporation to the veteran who, by reason of his qualifying under subdivision (a), made possible such reduction for such corporation.

(e) An exemption granted to a claimant in accordance with the provisions of this section shall be in lieu of any other property tax exemption to which the claimant may be entitled, and no property tax exemption may be claimed by any other person with respect to the same home for which an exemption has been granted under the provisions of this section.

SEC. 12. Section 206 of the Revenue and Taxation Code is amended to read:

206. The church exemption is as specified in subdivision (f) of Section 3 and Section 5 of Article XIII of the Constitution.

SEC. 13. Section 206.1 of the Revenue and Taxation Code is amended to read:

206.1. All real property necessarily and reasonably required and exclusively used for the parking of automobiles of persons while attending religious services, or engaged in religious services or worship, or engaged in any religious activity, whether or not the real property is contiguous to the land on which is erected the church or other structure used for the religious service or as the place of worship or religious activity and which real property is owned by the church or religious denomination or sect using the same for the parking of automobiles as aforesaid, and which real property is not at other times and which during the 12 months immediately preceding an application for tax exemption has not been used for commercial purposes, or from which during said period no income or profit has been derived from the use or rental of said real property, is exempt from taxation.

SEC. 14. Section 207 of the Revenue and Taxation Code is repealed.

SEC. 15. Section 208 of the Revenue and Taxation Code is amended to read:

208. The bonds exemption is as specified in subdivision (c) of Section 3 of Article XIII of the Constitution.

SEC. 16. Section 209 of the Revenue and Taxation Code is amended to read:

209. The exemption of certain vessels from taxation except for state purposes is as specified in subdivision (*l*) of Section 3 of Article XIII of the Constitution.

SEC. 17. Section 210 of the Revenue and Taxation Code is amended to read:

210. The householder's exemption is as specified in subdivision (m) of Section 3 of Article XIII of the Constitution.

SEC. 18. Section 210.5 of the Revenue and Taxation Code is

amended to read:

2. 0.5. The surviving spouse of an established household, whether with or without dependents, as long as the family home is maintained is a householder and is entitled to the exemption from taxation provided by subdivision (m) of Section 3 of Article XIII of the Constitution of California.

SEC. 19. Section 211 of the Revenue and Taxation Code is repealed:

SEC. 20. Section 211 is added to the Revenue and Taxation Code, to read:

211. The exemption of fruit- and nut-bearing trees until four years after the season in which they were planted in orchard form and grapevines until three years after the season in which they were planted in orchard form is as specified in subdivision (i) of Section 3 of Article XIII of the Constitution. The exemption of immature forest trees is as specified in subdivision (j) of Section 3 of Article XIII of the Constitution.

SEC. 21. Section 214 of the Revenue and Taxation Code is amended to read:

214. Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if:

(1) The owner is not organized or operated for profit; provided, that in the case of hospitals, such organization shall not be deemed to be organized or operated for profit, if during the immediate preceding fiscal year the excess of operating revenues, exclusive of gifts, endowments and grants-in-aid, over operating expenses shall not have exceeded a sum equivalent to 10 percent of such operating expenses. As used herein, operating expenses shall include depreciation based on cost of replacement and amortization of, and interest on, indebtedness;

(2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual;

(3) The property is used for the actual operation of the exempt activity, and does not exceed an amount of property reasonably necessary to the accomplishment of the exempt purpose;

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose;

(6) The property is irrevocably dedicated to religious, charitable,

scientific, or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes;

(7) The property, if used exclusively for scientific purposes, is used by a foundation or institution which, in addition to complying with the foregoing requirements for the exemption of charitable organizations in general, has been chartered by the Congress of the United States (except that this requirement shall not apply when the scientific purposes are medical research), and whose objects are the encouragement or conduct of scientific investigation, research and discovery for the benefit of the community at large.

The exemption provided for herein shall be known as the "welfare exemption." This exemption shall be in addition to any other exemption now provided by law. This section shall not be construed to enlarge the college exemption. Property used exclusively for school purposes of less than collegiate grade and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of this section, shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for nursery school purposes and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all the requirements of this section, shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for a noncommercial educational FM broadcast station or an educational television station and owned and operated by religious, hospital, scientific or charitable funds, foundations or corporations meeting all of the requirements of this section, shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for housing and related facilities for elderly or handicapped families and financed by the federal government pursuant to Section 202 of Public Law 86-372 (12 U.S.C. 1701q), as amended, or Section 236 of Public Law 90-448 (12 U.S.C. 1715z), and owned and operated by religious, hospital, scientific or charitable funds, foundations or corporations meeting all of the requirements of this section shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for sheltering more than 20 orphan or half-orphan children receiving state aid meeting all the

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requirements of this section shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution and this section.

SEC. 22. Section 214.02 of the Revenue and Taxation Code is amended to read:

214.02. Property used exclusively for the preservation of native plants or animals, or biotic communities, or geological or geographical formations of scientific or educational interest, or open-space lands used solely for recreation and for the enjoyment of scenic beauty, and which property is open to the general public subject to reasonable restrictions concerning the needs of the land and is owned and operated by a scientific or charitable fund, foundation or corporation, the primary interest of which is to preserve such natural areas, and which meets all the requirements of Section 214, shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of the State of California and Section 214.

SEC. 23. Section 214.5 of the Revenue and Taxation Code is amended to read:

214.5. Property used exclusively for school purposes of less than collegiate grade, or exclusively for purposes of both schools of and less than collegiate grade, and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of Section 214, shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of the State of California and Section 214. This section shall not be construed to enlarge the college exemption.

SEC. 24. Section 218 of the Revenue and Taxation Code is amended to read:

218. The homeowners' property tax exemption is in the amount of the assessed value of the dwelling specified in this section, as authorized by subdivision (k) of Section 3 of Article XIII of the Constitution.

For the 1972–1973 fiscal year, such exemption shall be in the amount of seven hundred fifty dollars ($750) of the assessed value of the dwelling.

For the 1973–1974 fiscal year and fiscal years thereafter, such exemption shall be in the amount of one thousand seven hundred fifty dollars ($1,750) of the assessed value of the dwelling.

The exemption does not extend to property which is rented, vacant, under construction on the lien date, or which is a vacation or secondary home of the owner or owners, nor does it apply to property on which an owner receives the veteran's exemption, or to property for which an owner received an allowance for taxes, either in whole or in part, either directly or indirectly, for the property tax year from the state or any political subdivision thereof, except assistance received under Part 10.5 (commencing with Section

19501) of Division 2 of this code. "Owner" includes a person purchasing the dwelling under a contract of sale or who holds shares or membership in a cooperative housing corporation, which holding is a requisite to the exclusive right of occupancy of a dwelling. As used in this section, "dwelling" shall include:

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

(b) A multiple-dwelling unit occupied by an owner thereof on the lien date as his principal place of residence.

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

(d) Premises occupied by the owner of shares or a membership interest in a cooperative housing corporation, as defined in paragraphs (1) and (2) of subdivision (a) of Section 17265, as his principal place of residence on the lien date. Each exemption allowed pursuant to this subdivision shall be deducted from the total assessed valuation of the cooperative housing corporation. The exemption shall be taken into account in apportioning property taxes among owners of share or membership interests in the cooperative housing corporations so as to benefit those owners who qualify for the exemption.

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

The exemption provided for in subdivision k of Section 3 of Article XIII of the Constitution shall first be applied to the building, structure or other shelter and the excess, if any, shall be applied to any land on which it may be located.

SEC. 24.5. Section 218 of the Revenue and Taxation Code is amended to read:

218. The homeowners' property tax exemption is in the amount of the assessed value of the dwelling specified in this section, as authorized by subdivision (k) of Section 3 of Article XIII of the Constitution.

For the 1972–1973 fiscal year, such exemption shall be in the amount of seven hundred fifty dollars ($750) of the assessed value of the dwelling.

For the 1973–1974 fiscal year and fiscal years thereafter, such exemption shall be in the amount of one thousand seven hundred fifty dollars ($1,750) of the assessed value of the dwelling.

The exemption does not extend to property which is rented, vacant, under construction on the lien date, or which is a vacation or secondary home of the owner or owners, nor does it apply to property on which an owner receives the veteran's exemption. "Owner" includes a person purchasing the dwelling under a contract of sale or who holds shares or membership in a cooperative housing corporation, which holding is a requisite to the exclusive right of

occupancy of a dwelling. As used in this section, "dwelling" shall include:

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

(b) A multiple-dwelling unit occupied by an owner thereof on the lien date as his principal place of residence.

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

(d) Premises occupied by the owner of shares or a membership interest in a cooperative housing corporation, as defined in paragraphs (1) and (2) of subdivision (a) of Section 17265, as his principal place of residence on the lien date. Each exemption allowed pursuant to this subdivision shall be deducted from the total assessed valuation of the cooperative housing corporation. The exemption shall be taken into account in apportioning property taxes among owners of share or membership interests in the cooperative housing corporations so as to benefit those owners who qualify for the exemption.

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

The exemption provided for in subdivision (k) of Section 3 of Article XIII of the Constitution shall first be applied to the building, structure or other shelter and the excess, if any, shall be applied to any land on which it may be located.

SEC. 25. Section 224 of the Revenue and Taxation Code is amended to read:

224. The personal effects, household furnishings, and pets of any person shall be exempt from taxation.

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

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

SEC. 26. Section 231 of the Revenue and Taxation Code is amended to read:

231. (a) Property which is owned by a nonprofit corporation and leased to, and used exclusively by, government for its interest and benefit shall be exempt from taxation within the meaning of "charitable purposes" in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of California if:

(1) All of the provisions of Section 214 are complied with, except subdivision (6). For purposes of subdivision (6) of Section 214, irrevocable dedication to charitable purpose shall be deemed to exist if the lease provides that the property shall be transferred in fee to the entity of government leasing the same upon the sooner of either

the liquidation, dissolution or abandonment of the owner or at the time the last rental payment is made under the provisions of the lease.

(2) All of the provisions of Section 254.5 relating to owners are complied with, commencing during calendar year 1969.

(3) All of the provisions of Section 214.01 are complied with by March 15, 1970.

(b) As used in this section "property" means:

(1) Any building or structure of a kind or nature which is uniquely of a governmental character and includes, but is not limited to, the following:

(A) City halls.

(B) Courthouses.

(C) Administration buildings.

(D) Police stations, jails or detention facilities.

(E) Fire stations.

(F) Parks or playgrounds.

(2) Any other property required for the use and occupation of the buildings and leased to government.

(3) Any possessory interest of the nonprofit corporation in property and in the land upon which the property was constructed and so much of the surrounding land that is required for the use and occupation of the property.

(4) Any building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building when such building and equipment is being constructed for the sole purpose of being leased to government to lessen its burden.

"Uniquely of a governmental character" means the property is not intended to produce income or revenue in the form of rents or admission, user or service fees, or charges.

(c) As used in this section "property" does not include any possessory interest of any person or organization not exempt from taxation.

(d) As used in this section "nonprofit corporation" means a community chest, fund, foundation or corporation, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual and such nonprofit corporation is organized and operated for the sole purpose of leasing property to government and to lessen the burden of government and, in fact, only leases property to government. Such nonprofit corporation shall qualify as an exempt organization under Section 23701(f) of this code or Section 501(c)( ) of the Internal Revenue Code of 1954. This subdivision is not intended to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(4) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under this section. Nonprofit corporations meeting the tests of this subdivision are deemed to be

organized and operated for charitable purposes.

(e) As used in this section "government" means the State of California, a city, city and county, and county.

(f) The exemption provided for in this section shall be deemed to be within the "welfare exemption" for purposes of Section 251.

(g) For leases first entered into by and between government and nonprofit corporation on or after January 1, 1969, all requirements of this section shall be met for the property and the nonprofit corporation to qualify for the exemption provided by this section.

(h) For leases first entered into by and between government and nonprofit corporation on or before December 31, 1968, all requirements of this section shall be met except that the last unnumbered paragraph of subdivision (b) shall not apply and for the purposes of subdivision (b) (1) the list of real property qualifying for this exemption includes community recreation buildings or facilities, golf courses, airports, water, sewer and drainage facilities, music centers and their related facilities, and public parking incidental to and in connection with one of the buildings or structures set forth in this section.

(i) Property exempt under this section shall be located within the boundaries of the entity of government leasing the same.

(j) Where the construction has commenced on or after January 1, 1969, improvements shall be advertised and put to competitive bid to qualify for the exemption provided by this section.

SEC. 26.5. Section 231 of the Revenue and Taxation Code is amended to read:

231. (a) Property which is owned by a nonprofit corporation and leased to, and used exclusively by, government for its interest and benefit shall be exempt from taxation within the meaning of "charitable purposes" in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of California if:

(1) All of the provisions of Section 214 are complied with, except subdivision (6). For purposes of subdivision (6) of Section 214, irrevocable dedication to charitable purpose shall be deemed to exist if the lease provides that the property shall be transferred in fee to the entity of government leasing the same upon the sooner of either the liquidation, dissolution or abandonment of the owner or at the time the last rental payment is made under the provisions of the lease.

(2) All of the provisions of Section 254.5 relating to owners are complied with, commencing during calendar year 1969.

(3) All of the provisions of Section 214.01 are complied with by March 15, 1970.

(b) As used in this section "property" means:

(1) Any building or structure of a kind or nature which is uniquely of a governmental character and includes, but is not limited to, the following:

(A) City halls.

(B) Courthouses.

(C) Administration buildings.
(D) Police stations, jails or detention facilities.
(E) Fire stations.
(F) Parks or playgrounds.
(G) Hospitals.

(2) Any other property required for the use and occupation of the buildings and leased to government.

(3) Any possessory interest of the nonprofit corporation in property and in the land upon which the property was constructed and so much of the surrounding land that is required for the use and occupation of the property.

(4) Any building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building when such building and equipment is being constructed for the sole purpose of being leased to government to lessen its burden.

"Uniquely of a governmental character" means the property, except hospitals is not intended to produce income or revenue in the form of rents or admission, user or service fees, or charges.

(c) As used in this section "property" does not include any possessory interest of any person or organization not exempt from taxation.

(d) As used in this section "nonprofit corporation" means a community chest, fund, foundation or corporation, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual and such nonprofit corporation is organized and operated for the sole purpose of leasing property to government and to lessen the burden of government and, in fact, only leases property to government. Such nonprofit corporation shall qualify as an exempt organization under Section 23701(f) of this code or Section 501(c)(4) of the Internal Revenue Code of 1954. This subdivision is not intended to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(4) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under this section. Nonprofit corporations meeting the tests of this subdivision are deemed to be organized and operated for charitable purposes.

(e) As used in this section "government" means the State of California, a city, city and county, county, and a hospital district.

(f) The exemption provided for in this section shall be deemed to be within the "welfare exemption" for purposes of Section 251.

(g) For leases first entered into by and between government and nonprofit corporation on or after January 1, 1969, all requirements of this section shall be met for the property and the nonprofit corporation to qualify for the exemption provided by this section.

(h) For leases first entered into by and between government and nonprofit corporation on or before December 31, 1968, all requirements of this section shall be met except that the last

unnumbered paragraph of subdivision (b) shall not apply and for the purposes of subdivision (b) (1) the list of real property qualifying for this exemption includes community recreation buildings or facilities, golf courses, airports, water, sewer and drainage facilities, music centers and their related facilities, and public parking incidental to and in connection with one of the buildings or structures set forth in this section.

(i) Property exempt under this section shall be located within the boundaries of the entity of government leasing the same.

(j) Where the construction has commenced on or after January 1, 1969, improvements shall be advertised and put to competitive bid to qualify for the exemption provided by this section.

SEC. 27. Section 251 of the Revenue and Taxation Code is amended to read:

251. The board shall prescribe all procedures and forms required to carry into effect the veterans', veterans' organization, church, cemetery, college, exhibition, immature forest trees, welfare, free public libraries, free museums, public schools and homeowners' property tax exemption.

SEC. 28. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, college, exhibition, welfare, veterans' organization, free public libraries, free museums, or public schools property tax exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board. In respect to the public schools exemption, this requirement shall not apply to property owned by a school district.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that a filing once made shall continue in effect until such time as there is a change in the exterior boundary of the property originally claimed as exempt.

Any person claiming the classification of a vessel as a documented vessel eligible for assessment under Section 227 shall meet the requirements of the first paragraph of this section.

SEC. 29. Section 257 of the Revenue and Taxation Code is repealed.

SEC. 30. Section 270 of the Revenue and Taxation Code is amended to read:

270. (a) With respect to property as to which the college, cemetery, church, exhibition, veterans' organization, free public libraries, free museums, public schools or welfare exemption was available but for which a timely application for exemption was not filed—

(1) Ninety percent of any tax or penalty or interest thereon shall be canceled or refunded provided an appropriate application for exemption is filed on or before the first day of March of the calendar year next succeeding the calendar year in which the exemption was

not claimed by a timely application; or, if the application is filed thereafter,

(2) Eighty-five percent of any tax or penalty or interest thereon shall be canceled or refunded provided an appropriate application for exemption is filed and relief is not authorized under Section 214.01 or 271.

(b) Notwithstanding the provisions of subdivision (a), any tax or penalty or interest thereon exceeding two hundred fifty dollars ($250) in total amount shall be canceled or refunded provided it is imposed upon property entitled to relief under subdivision (a) for which an appropriate claim for exemption has been filed.

(c) With respect to property as to which the welfare exemption or veterans' organization exemption was available, all provisions of Section 254.5, other than the specified dates for the filing of affidavits and other acts, are applicable to this section.

SEC. 31. Section 280 of the Revenue and Taxation Code is amended to read:

280. Commencing on or after July 1, an audit of the exemptions granted pursuant to subdivision (o), (p), (q) or (r) of Section 3, Article XIII of the Constitution shall be conducted by the auditor. The audit shall cover such exemptions claimed for the current tax year as well as any prior tax years in respect to which escaped assessments would be timely pursuant to Section 532.

SEC. 32. Section 283 of the Revenue and Taxation Code is amended to read:

283. Should the audit precribed by this article indicate that a claim of exemption pursuant to subdivision (o), (p), (q) or (r) of Section 3, Article XIII of the Constitution has been improperly denied, the assessor shall be notified. Upon receipt of such notice the assessor shall make a redetermination and if he finds the claimant eligible he shall notify the claimant in the manner provided in Section 1604.1 of such erroneous determination, effect an amendment of the assessment roll, and if the claimant has already paid the tax he shall have 30 days from receipt of such notice in which to file claim pursuant to Article 1 (commencing with Section 5096), Chapter 5, Part 9 of this division. The notice shall advise the time in which claim may be filed.

SEC. 33. Section 322 of the Revenue and Taxation Code is amended to read:

322. If surveyed under the authority of the United States, land may be described by township, range, section, and fractional section, with its acreage.

SEC. 34. Section 328 of the Revenue and Taxation Code is amended to read:

328 Land may be described by metes and bounds, or other description sufficient to identify it, giving the locality and an estimate of the number of acres.

SEC. 35. Section 401 of the Revenue and Taxation Code is amended to read:

401. Every assessor shall assess all property subject to general property taxation at 25 percent of its full value.

SEC. 37. Section 422 of the Revenue and Taxation Code is amended to read:

422. For the purposes of this article and within the meaning of Section 8 of Article XIII of the State Constitution, open-space land is "enforceably restricted" if it is subject to any of the following:

(a) A contract;

(b) An agreement;

(c) A scenic restriction;

(d) An open-space easement; or

(e) A wildlife habitat contract.

For the purposes of this article no restriction upon the use of land other than those enumerated in this section shall enforceably restrict open-space land.

SEC. 37.5. Section 423 of the Revenue and Taxation Code is amended to read:

423. Except as provided in Section 423.7, when valuing enforceably restricted open-space land, other than land used for the production of timber for commercial purposes, the board for purposes of surveys required by Section 1815 of this code and the county assessor shall not consider sales data on lands, whether or not enforceably restricted, but shall value such lands by the capitalization of income method in the following manner:

(a) The annual income to be capitalized shall be determined as follows:

(1) Where sufficient rental information is available the income shall be the fair rent which can be imputed to the land being valued based upon rent actually received for the land by the owner and upon typical rentals received in the area for similar land in similar use, where the owner pays the property tax. When the land being valued is actually encumbered by a lease, any cash rent or its equivalent considered in determining the fair rent of the land shall be the amount for which the land would be expected to rent were the rental payment to be renegotiated in the light of current conditions including applicable provisions under which the land is enforceably restricted.

(2) Where sufficient rental information is not available, the income shall be that which the land being valued reasonably can be expected to yield under prudent management and subject to applicable provisions under which the land is enforceably restricted. There shall be a rebuttable presumption that "prudent management" does not include use of the land for a recreational use, as defined in subdivision (n) of Section 51201 of the Government Code, unless the land is actually devoted to such use.

For the purposes of this section income shall be determined in accordance with rules and regulations issued by the board and with this section and shall be the difference between revenue and expenditures. Revenue shall be the amount of money or money's

worth, including any cash rent or its equivalent, which the land can be expected to yield to an owner-operator annually on the average from any use of the land permitted under the terms by which the land is enforceably restricted including, but not limited to, that from the production of salt and from typical crops grown in the area during a typical rotation period, not to exceed six years including the tax year and the next succeeding five years. When the land is planted to fruit-bearing or nut-bearing trees, vines, bushes or perennial plants, the revenue shall not be less than the land would be expected to yield to an owner-operator from other typical crops grown in the area during a typical rotation period, not to exceed six years including the tax year and the next succeeding five years. Proceeds from the sale of the land being valued shall not be included in the revenue from the land.

Expenditures shall be any outlay or average annual allocation of money or money's worth that can be fairly charged against the revenue expected to be received during the period used in computing such revenue. Those expenditures to be charged against revenue shall be only those which are ordinary and necessary in the production and maintenance of the revenue for that period. Expenditures shall not include depletion charges, debt retirement, interest on funds invested in the land, interest on funds invested in trees and vines valued as land as provided by Section 429, property taxes, corporation income taxes, or corporation franchise taxes based on income. When the income used is from operating the land being valued or from operating comparable land, amounts shall be excluded from the income to provide a fair return on capital investment in operating assets other than the land, to amortize depreciable property, and to fairly compensate the owner-operator for his operating and managing services.

Where the land being valued is not capable of producing income or is not used to produce income or where sufficient information is not available by which income can be determined as provided in this subdivision, the board and the assessor shall impute to the land a reasonable amount to be capitalized as income.

(b) The capitalization rate to be used in valuing land pursuant to this article shall not be derived from sales data and shall be the sum of the following components:

(1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and which was the yield rate for long-term United States government bonds, as most recently published by the Federal Reserve Board, rounded to the nearest one-quarter (¼) percent.

(2) A risk component which shall be a percentage determined on the basis of the location and characteristics of the land, the crops to be grown thereon and the provisions of any lease or rental agreement to which the land is subject; and

(3) A component for property taxes which shall be a percentage equal to the estimated total tax rate applicable to the land for the

assessment year times the assessment ratio.

(4) A component for amortization of any investment in perennials over their estimated economic life when the total income from land and perennials other than timber exceeds the yield from other typical crops grown in the area.

(c) The value of the land shall be the quotient of the income determined as provided in subdivision (a) divided by the capitalization rate determined as provided in subdivision (b).

(d) The ratio prescribed in Section 401 shall be applied to the value of the land determined in subdivision (c) to obtain its assessed value.

SEC. 37.6. Section 423.5 of the Revenue and Taxation Code is amended to read:

423.5. When valuing open-space land which is enforceably restricted and used for the production of timber for commercial purposes, the board, for purposes of surveys required by Section 1815, and the county assessor shall not consider sales data on lands, whether or not enforceably restricted, but shall determine the value of such timberland to be the present worth of the income which the future harvest of timber crops from the land and the income from other allowed compatible uses can reasonably be expected to yield under prudent management. The value of timberland pursuant to this section shall be determined in accordance with rules and regulations issued by the board. In determining the value of timberland pursuant to this section, the board and the county assessor shall use the capitalization rate derived pursuant to subdivision (b) of Section 423. The ratio prescribed in Section 401 shall be applied to the value of the land determined in accordance with this section to obtain its assessed value.

For the purposes of this section, the income of each acre of land shall be presumed to be no less than two dollars ($2), and the present worth of this income shall not be reduced by the value of any exempt timber on the land.

There shall be a rebuttable presumption that "prudent management" does not include use of the land for recreational use, as defined in subdivision (n) of Section 51201 of the Government Code, unless the land is actually devoted to such use.

SEC. 37.7. Section 426 of the Revenue and Taxation Code is amended to read:

426. Notwithstanding any provision of Section 423 to the contrary:

(a) If land is enforceably restricted, the board, for purposes of surveys required by Section 1815 and the county assessor, shall value such land as provided in subdivision (b) under any of the following conditions:

(1) Where the owner of land subject to contract or agreement has served notice of nonrenewal as provided in Section 51245 of the Government Code;

(2) Where the county or city has served notice of nonrenewal of

any contract or agreement and the owner has failed to protest the nonrenewal as provided in Section 51245 of the Government Code;

(3) Where less than 10 years remain to the expiration of a scenic restriction and the owner has given notice of nonrenewal or has failed to take or offer to take any action or exercise any option available to him under its provisions or otherwise to extend the term of the scenic restriction;

(4) Where less than 10 years remain to the expiration of an open-space easement and the owner has failed to make and maintain an offer in writing to grant an extension of the term of the easement as provided in Section 51060 of the Government Code; or

(5) Where less than six years remain to the expiration of the period for which the land is enforceably restricted.

(b) Where any of the conditions in subdivision (a) apply, the board or assessor in each year until the termination of the period for which the land is enforceably restricted shall:

(1) Determine the full cash value of the land as if it were not enforceably restricted;

(2) Determine the value of the land by capitalization of income as provided in Section 423 and without regard to the existence of any of the conditions in subdivision (a);

(3) Subtract the value determined in subdivision (b) (2) by capitalization of income from the full cash value determined in subdivision (b) (1);

(4) Using the rate announced by the board pursuant to subdivision (b) (1) of Section 423, discount the amount obtained in subdivision (b) (3) of this section for the number of years remaining until the termination of the period for which the land is enforceably restricted;

(5) Determine the value of the land by adding the value determined by capitalization of income as provided in subdivision (b) (2) and the value obtained in subdivision (b) (4); and

(6) Apply the ratio prescribed in Section 401 to the value of the land determined in subdivision (b) (5) to obtain its assessed value.

SEC. 37.8. Section 429 of the Revenue and Taxation Code is amended to read:

429. Notwithstanding the provisions of Section 105(b) of this code, in valuing land enforceably restricted pursuant to this article, fruit-bearing or nut-bearing trees and vines on the land and not exempt from taxation shall be valued as land. Any income shall include that which can be expected to be derived from such trees and vines and no other value shall be given such trees and vines for the purpose of assessment.

SEC. 37.9. Section 431 of the Revenue and Taxation Code is amended to read:

431. There shall be a rebuttable presumption that the present use of open-space land which is enforceably restricted and devoted to agricultural use is its highest and best agricultural use.

SEC. 38. Section 443.1 of the Revenue and Taxation Code is

amended to read:

443.1. If the property statement is timely filed in duplicate with a request that the assessor mark on the duplicate statement opposite each category of property reported on the statement, the full value of such category of property as determined by the assessor, the assessor shall perform such service and shall return the duplicate to the person filing it no later than July 15 of the year in which it was filed.

SEC. 39. Section 469 of the Revenue and Taxation Code is amended to read:

469. In any case in which locally assessable business tangible personal property owned, claimed, possessed or controlled by a taxpayer engaged in a profession, trade, or business has a full value of fifty thousand dollars ($50,000) or more, the assessor shall audit the books and records of such profession, trade, or business before October 6, 1971, and at least once each four years thereafter. If the board determines the value of property pursuant to Chapter 2 (commencing with Section 1815) of Part 3 of this division, such determination may be deemed an audit by the assessor for purposes of this section.

Equalization of the property by a county board of equalization or assessment appeals board pursuant to Chapter 1 (commencing with Section 1601) or Chapter 1.5 (commencing with Section 1750) of Part 3 of this division shall not preclude a subsequent audit and shall not preclude the assessor from levying an escape assessment in appropriate instances, but shall preclude an escape assessment being levied on that portion of any such assessment which was the subject of any such equalization hearing.

SEC. 39.5. Section 532.5 of the Revenue and Taxation Code is repealed.

SEC. 40. Section 619 of the Revenue and Taxation Code is amended to read:

619. The assessor shall, upon or prior to completion of the local roll, either:

(a) Inform each assessee of real property on the local secured roll whose property's full value has increased of the assessed value of that property as it shall appear on the completed local roll; or

(b) Inform each assessee of real property on the local secured roll, or each assessee on the local secured roll and each assessee on the unsecured roll, of the assessed value of his real property or of both his real and his personal property as it shall appear on the completed local roll.

The information given by the assessor to the assessee pursuant to subdivision (a) or (b) shall include a notification of hearings by the county board of equalization, which shall include the period during which assessment protests will be accepted and the place where they may be filed. The information shall also include an explanation of the stipulation procedure set forth in Section 1608 and the manner in which the assessee may request use of this procedure.

The information shall also include the assessment ratio for the county as provided in Section 401 and the full value of the property.

The information shall be furnished by the assessor to the assessee by regular United States mail directed to him at his latest address known to the assessor.

Neither the failure of the assessee to receive the information nor the failure of the assessor to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 41. Section 619.2 of the Revenue and Taxation Code is amended to read:

619.2. Where the personal property on the secured roll of a person not required to file a property statement pursuant to Section 441 is assessed in excess of two hundred fifty dollars ($250), excluding household furnishings and personal effects, the assessor, on or before July 15, may notify the assessee of the full value, the assessed value of such property, and the ratio used in the manner prescribed by Sections 619 and 619.1.

If the assessee does not receive notice of the assessment pursuant to this section, the assessee may pay taxes based upon such assessment under protest and obtain equalization of the assessment in the same manner as set forth in Section 620.

SEC. 42. Section 620 of the Revenue and Taxation Code is amended to read:

620. If the assessor does not send a notice pursuant to Section 619 or Section 621 to an assessee whose property was not on the prior year's secured roll, or to an assessee of real property on the local secured roll whose property's full value has increased, then such assessee may pay taxes under protest. If payments are made in installments, the protest need not be repeated with the second installment. Protests shall be made by filing with the tax collector, together with the payment of the taxes or their first installment, a petition for assessment reduction on the form prescribed by the county board, which form the collector is to forward to the clerk of the county board with the notation that taxes were paid under protest pursuant to this section. The county board may, after receipt of the petition for assessment reduction from the tax collector, hold a public hearing at the next regular board meeting, notice of time and place of which shall be sent to the person paying the tax under protest at the address stated in the protest or if no such address is stated, then to the address of the assessee according to the last equalized assessment roll. If the taxes are so paid and the assessee has not previously applied for a reduction of the assessment, the county board at its next annual meeting as an equalization board shall thereupon equalize such assessment in the manner prescribed by Article 1 (commencing with Section 1601) of Chapter 1 of Part 3 of this division.

The tax rate fixed for property on the roll on which the property so equalized appears at the time of its original assessment shall be

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applied to the amount of the equalized assessment, determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

If any taxes are paid under protest pursuant to this section, the taxing agency to which the taxes are paid may, in accordance with Section 26906.1 of the Government Code, impound such taxes until the final disposition of the claim or action respecting the protest. No such impounding is required.

SEC. 43. Section 753.5 of the Revenue and Taxation Code is amended to read:

753.5. The board shall, upon or prior to completion of the roll, inform every assessee of the total assessed unit value of his unitary property. "Unitary property" means property valued on a unit value basis.

If the board roll has been transmitted to the local auditors, the board shall, at least 30 days prior to transmitting a statement of assessment of escaped property or roll correction, inform each assessee whose property's full value has increased as a result of an escape assessment or roll correction of the assessed value of that property as it shall appear on the corrected roll.

The information given to the assessee pursuant to this section shall also include a notification of hearings by the board, including the period during which petitions for reassessment will be accepted, and the place where they may be filed.

Neither the failure of the assessee to receive this information nor the failure of the board to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 44. Section 762 of the Revenue and Taxation Code is amended to read:

762. To a roll delivered by the board under the provisions of Section 760 or 761, the secretary of the board shall affix an affidavit, subscribed by him, as follows:

"I, _____, Secretary of the State Board of Equalization, swear that this board roll sets forth the assessments of all state-assessed property for the purpose of taxation in the _____ of _____ as of the lien date, _____, made by the State Board of Equalization in accordance with the requirements of Section 19 of Article XIII of the Constitution of California and Division 1 of the Revenue and Taxation Code of said state; I further swear that said board has reckoned on said roll in accordance with the rates certified by the auditor the respective sums due as taxes and ad valorem special assessments and has added the columns of valuations and taxes or ad valorem special assessments, as required by law."

SEC. 45. Section 866 of the Revenue and Taxation Code is amended to read:

866. If any state-assessed property has escaped assessment and is owned or controlled by the same person who owned or controlled it for the year for which it escaped assessment, the board shall assess the property on discovery according to its value on the lien date for the year for which it escaped assessment.

SEC. 46. Section 986 of the Revenue and Taxation Code is amended to read:

986. The full value of a work of art, still owned by the artist who created it and which has never been sold nor exhibited for profit, is the full value of the materials which constitute the work of art.

SEC. 47. Section 988 of the Revenue and Taxation Code is amended to read:

988. (a) The full value of motion pictures, including the negatives and prints thereof, is the full value of only the tangible materials upon which such motion pictures are recorded. Such full value does not include the value of, or any value based upon, any intangible rights, such as the copyright or the right to reproduce, copy, exhibit or otherwise exploit motion pictures or the negatives or prints thereof.

(b) As used in this section, "motion pictures" includes those intended for transmission, exhibition, or exploitation, by any means or method and whether or not production thereof has been completed.

(c) As used in this section, "negatives and prints" includes any film or other tangible property, and reproductions thereof, upon which is recorded by any means or method the sound or action of motion pictures, in positive, negative, or any other form.

SEC. 48. Section 1605 of the Revenue and Taxation Code is amended and renumbered to read:

1610.8. After giving notice as prescribed by its rules, the county board shall equalize the assessment of property on the local roll by determining the full value of an individual property and by reducing or increasing an individual assessment as provided in this section.

For the purpose of equalization, it is conclusively presumed that the average ratio of assessed value to full value in the county is not more than 115 percent of the latest preliminary or final ratio determined by the board pursuant to Article 1 (commencing with Section 1815) of Chapter 2 of this part.

The applicant for a reduction in an assessment on the local roll shall establish the full value of the property by independent evidence. The records of the assessor may be used as part of such evidence.

The county board shall make a determination of the full value of each parcel for which an application for equalization is made. After determining the full value of a parcel of property, the county board shall establish the assessed value of the property at the lower of.

(a) An amount equal to the property's full value, as determined by the county board, multiplied by the ratio established under

Section 401.

(b) An amount equal to the property's full value, as determined by the county board, multiplied by 115 percent of the board's preliminary or final ratio for the county.

(c) An amount equal to the property's full value, as determined by the county board, multiplied by the ratio of assessed to full value of all property in the county, established without reference to the board's ratio for the county.

SEC. 49. Section 1607 of the Revenue and Taxation Code is amended and renumbered to read:

1603. (a) A reduction in an assessment on the local roll shall not be made unless the party affected or his agent makes and files with the county board a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full value of the property.

(b) In the case of a county of the first class, the application shall be filed between the third Monday in July and September 15. An application that is mailed and postmarked September 15 or earlier within such period shall be deemed to have been filed between the third Monday in July and September 15.

(c) In the case of a county of the second to ninth class, inclusive, the application shall be filed between July 2 and September 15. An application that is mailed and postmarked September 15 or earlier within such period shall be deemed to have been filed between July 2 and September 15.

(d) In all other counties, the application shall be filed between July 2 and August 26. An application that is mailed and postmarked August 26 or earlier within such period shall be deemed to have been filed between July 2 and August 26.

(e) In the form provided for making application pursuant to this section, there shall be a notice that written findings of facts of the local equalization hearing will be available upon written request at the requester's expense and, if not so requested, the right to such written findings is waived. The form shall provide appropriate space for the applicant to request written finding of facts as provided by Section 1611.5.

SEC. 50. Section 1608 of the Revenue and Taxation Code is amended and renumbered to read:

1607. Before the county board makes any reduction, it shall examine, on oath, the person affected or the agent making the application touching the value of the property. A reduction shall not be made unless the person or agent attends and answers all questions pertinent to the inquiry; provided, however, in the event there is filed with the county board a written stipulation, signed by the assessor and county legal officer on behalf of the county and the person affected or the agent making the application, as to the full value and assessed value of the property which stipulation sets forth the facts upon which the reduction in value is premised, the county board may, at a hearing, (a) accept the stipulation, waive the

appearance of the person affected or the agent and change the assessed value in accordance with Section 1610.8, or (b) reject the stipulation and set or reset the application for reduction for hearing.

SEC. 51. Section 1616 of the Revenue and Taxation Code is amended and renumbered to read:

1610. (a) If a county board changes the full value on a parcel of real property to a value different from the assessor's finding of value (as reflected by the assessment on the roll or as recommended, proposed, or stipulated by the assessor), and, during the succeeding two assessment years, the assessor seeks to raise the value total as lowered by the board below the assessor's value, or to lower the total value as raised by the board above the assessor's value, the value of the property shall be rebuttably presumed to be the value set by the board. When seeking such a change in value, the assessor shall give written notice of the proposed full value and assessed value to the other party and the matter shall automatically be placed before the board, unless such other party files a written statement with the board that he does not want to contest the matter and in that event the matter will not be placed before the county board.

(b) If, in such succeeding two assessment years, the board changes the value previously set by the board on that parcel to a value different from the assessor's finding of value as recommended, proposed, or stipulated by the assessor for that year, the previously set value shall be deemed rebutted and the new value set by the board shall be rebuttably presumed to be the value of that parcel during the succeeding two assessment years.

(c) A presumption created under this section shall cease to exist upon a subsequent change in zoning or permissive use of a parcel of real property, a change of assessed value due to an intercounty equalization order issued by the State Board of Equalization or a subsequent physical change in the property requiring a permit for land or improvements. If any of the conditions described in this subdivision occur, the matter shall not be automatically placed before the board.

(d) When any matter is placed before the board pursuant to this section, the clerk shall notify the parties affected of the time and place of hearing in the same manner as notice is given for application for changes of assessments. If the party affected or his agent does not appear or has not made timely request for continuance, the matter shall be heard by the board and the assessor shall present his evidence notwithstanding the failure of the party affected or his agent to appear or to request a continuance.

This section shall not apply to property under initial construction or development, nor to changes of value made pursuant to legislation enacted under the authorization of Section 15 of Article XIII of the Constitution of the State of California, nor to trade fixtures.

SEC. 52. Section 1620 of the Revenue and Taxation Code is amended to read:

1620. The board of supervisors of any county may by ordinance

create assessment appeals boards for the county to equalize the valuation of taxable property within the county for the purpose of taxation.

SEC. 53. Section 1716.1 of the Revenue and Taxation Code is amended to read:

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

SEC. 54. Section 1815 of the Revenue and Taxation Code is amended to read:

1815. To enable the board to perform its duties under this article and Sections 18 and 19 of Article XIII of the State Constitution, the board shall make a survey, not less often than triennially, in each county to determine the total full value of all locally assessable property as of the lien date for the roll which is current when the survey is commenced. As a basis for this determination, the board shall ascertain the full value of a sample of locally assessable property sufficient in size and dispersion to insure an adequate representation therein of the several classes of property throughout the county. The board shall for such purposes have access by its duly authorized representatives to all records, public or otherwise, of any county assessor.

SEC. 54.5. Section 1815.2 of the Revenue and Taxation Code is amended to read:

1815.2. The term "total full value," as used in this article, shall mean that value, whether an actual market value or a restricted value, required by the Constitution or statutes to be determined for purposes of property taxation.

SEC. 54.6. Section 1815.5 of the Revenue and Taxation Code is amended to read:

1815.5. As used in this article, the phrase "locally assessable property" means all property required by Section 601 to be assessed by the county assessor, except baled cotton and personal property which is classified by law for the purpose of assessment or taxation at a different percentage of its full value than is applicable to real property.

SEC. 54.8. Section 1815.6 of the Revenue and Taxation Code is amended to read:

1815.6. For the purposes of Sections 402.1, 1815.7, and 1815.8:

(a) "Comparable lands" are lands which are similar to the land being valued in respect to legally permissible uses and physical attributes.

(b) "Representative sales information" is information from sales of a sufficient number of comparable lands to give an accurate indication of the full value of the land being valued.

SEC. 54.9. Section 1815.6 of the Revenue and Taxation Code is repealed.

SEC. 55. Section 1816 of the Revenue and Taxation Code is amended to read:

1816. After commencement of a survey in any county pursuant to Section 1815, the board at monthly intervals shall deliver or mail notice to the assessor of the county that appraisals completed during the preceding monthly period are available for examination and discussion with the board's appraisers. The notice shall identify the properties appraised and state the appraised values thereof. The board shall also mail to the assessee of the property a notice of the full value of the property as appraised by the board. The notice shall be addressed to the assessee as his name and address appear on the roll.

SEC. 56. Section 1817 of the Revenue and Taxation Code is amended to read:

1817. The board shall annually estimate any change that may have occurred in the total full value of locally assessable property between the lien date of the roll for which the last survey was made pursuant to Section 1815 and the lien date of the current roll. The board shall use as the basis for such estimate data on school enrollment, retail sales, wages, or other factors reasonably indicative of change or lack of change in the total full value of the property. The relationship between the total assessed value of the property on the current local roll and the total full value of locally assessable property so estimated shall be computed for each county of the state by the third Monday in July of each year. The board shall transmit promptly to each county assessor and county superintendent of schools, and to the Superintendent of Public Instruction a statement of its preliminary determination of this relationship. The board shall make this preliminary determination public.

SEC. 57. Section 1818 of the Revenue and Taxation Code is amended to read:

1818. The board shall each year prepare tabulations showing for each county the ratio of assessed to full value of all locally assessable property. The tabulations shall show, in such a way as to prevent identification of individual parcels, the ratio of assessed to full value of each parcel of such property in the sample of any survey in the county made in the last year pursuant to Section 1815. The tabulations shall also show the derivation of the total full value of the locally assessable property on the current roll from the total full value of the locally assessable property on the roll of a prior year pursuant to Section 1817. All such tabulations shall be open for inspection by all persons interested.

SEC. 58. Section 1819 of the Revenue and Taxation Code is amended to read:

1819. (a) As soon as tabulations have been made pursuant to Section 1818, the board shall give the assessor of each county a reasonable opportunity to examine that portion of the tabulations

affecting property in his county. The assessor may, prior to August 1st, petition the board for reconsideration of the tabulations for his county and, if he has so requested in his petition, shall be granted an oral hearing by the board itself. After making any adjustment it deems appropriate, but not later than August 23rd, the board shall make available for public inspection all such tabulations and shall publish the ratio of assessed to full value of all locally assessable property for each county and for the state. "Tabulations" do not include appraisal data relating to individual properties.

(b) On or before May 15 of the following calendar year, the board shall publish a corrected ratio of assessed value to full value of all locally assessable property for each county and for the state.

This corrected ratio shall reflect changes in the total assessed value on the roll for the current fiscal year made by the assessor, auditor, county board of supervisors, and county board of equalization.

This corrected ratio shall be used to calculate a corrected factor pursuant to Education Code Section 17261, and such corrected factor shall be certified to the Superintendent of Public Instruction on or before May 20. The superintendent shall use this factor in computing or recomputing the amount of school aid to which each school district in the state is entitled.

The corrections needed in the amount of state aid to school districts as a result of the recomputations shall be made in the apportionment not later than the following fiscal year.

The corrected ratio shall not be used for the purposes of Section 1605.

In computing the ratio of assessed value to the full value for any county, pursuant to Section 1817 and subdivision (a) of this section, the board shall not consider in any way the reduction of assessed value as a result of equalization for the previous assessment year.

SEC. 58.5. Section 1821 of the Revenue and Taxation Code is amended to read:

1821. Equalization by the board of the valuation of taxable property in counties for the purposes of taxation shall be by raising or lowering the value of locally assessable property entered upon the secured roll by the assessor of the county in accordance with Section 18, Article XIII of the State Constitution.

SEC. 59. Section 1840 of the Revenue and Taxation Code is amended to read:

1840. If any county, city and county, or municipal corporation desires to secure a review, equalization, or adjustment of the assessment of its property by the board in pursuance of subdivision (g) of Section 11 of Article XIII of the State Constitution, it shall apply to the board therefor in writing on or before the third Monday in July, or within two weeks after the completion and delivery by the assessor of the local roll containing such assessment to the auditor as provided in Section 617, whichever is the later. If the assessment objected to is one made outside the regular period for such assessments, the application for review shall be filed with the board

within two weeks from the date the tax bill is mailed to the assessee.

Every application shall show the facts claimed to require action of the board, and a copy thereof shall be filed with the assessor whose assessment is questioned. Upon receipt of a timely application the board shall afford the applicant notice and a hearing in accordance with such rules and regulations as the board may prescribe.

SEC. 60. Section 2225 of the Revenue and Taxation Code is amended to read:

2225. The property tax rate limits established in this chapter are established pursuant to authorization granted to the Legislature in Section 20 of Article XIII of the State Constitution and shall apply to all local agencies notwithstanding any other provision of law.

SEC. 61. Section 2611.5 of the Revenue and Taxation Code is amended to read:

2611.5. (a) The following information shall be included either in each county tax bill or in a separate statement accompanying the tax bill:

(1) The full value and the assessed value of locally assessed property;

(2) The assessment ratio used to determine the assessed value; and

(3) The tax rates or the dollar amounts of taxes levied by each revenue district and taxing agency on the property covered by the tax bill.

(4) In lieu of itemizing the information required by paragraph (3), the tax rates or dollar amounts of taxes levied on the property covered by the bill for county and city purposes. The tax rates or dollar amounts of taxes levied on the property for other purposes shall be itemized. This option is available only if the information is included on the tax bill.

(b) With respect to any property for which the homeowners' property tax exemption is granted, the tax bill or accompanying statement shall include, in addition to the information required by subdivision (a), the following:

(1) The assessed value of the property;

(2) The amount of the homeowners' exemption;

(3) The total tax rate applicable on the property covered by the tax bill;

(4) The gross taxes prior to the application of the homeowners' exemption;

(5) The amount of tax reduction attributable to the homeowners' exemption; and

(6) The total taxes due on the property covered by the tax bill.

(c) The information required by subdivision (b) for single-family homes shall be in the form of the following example:

(1) Assessed value of the property	$5,000
(2) Homeowners' exemption	$1,750
(3) Total tax rate applicable to the property	$10
(4) Gross taxes prior to the application of the homeowners' exemption	$500
(5) Tax reduction attributable to the state-financed homeowners' property tax relief program	$175
(6) Total taxes due	$325

(d) In any year in which all of the assessments on the local secured roll have been raised or lowered as a result of a board order adopted pursuant to Section 18, Article XIII of the California Constitution, the full value may be omitted or, if shown, the tax bill shall include an explanation of the inconsistency of that figure with the equalized assessed value and the announced assessment ratio. The explanation required by this subdivision may be printed on an enclosure accompanying such bill.

SEC. 62. Section 2635 of the Revenue and Taxation Code is amended to read:

2635. The tax collector shall give notice by letter to the taxpayer, whether or not said taxpayer is also the assessee, where his records show that; with respect to particular property, taxes might have been:

(a) Paid more than once.

(b) Erroneously or illegally collected.

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

(d) Paid on an assessment of improvements when the improvements did not exist on the lien date.

The notice shall be sent to the address last known by the tax collector and shall state that his records show that taxes for a named year might have been paid or collected in any of the ways specified in subdivisions (a) to (d), inclusive, and that a refund claim over the amount of one dollar ($1) may be filed pursuant to Section 5096.

SEC. 63. Section 5096 of the Revenue and Taxation Code is amended to read:

5096. On order of the board of supervisors, any taxes paid before or after delinquency shall be refunded if they were:

(a) Paid more than once.

(b) Erroneously or illegally collected.

(c) Paid on an assessment in excess of the ratio of assessed value to the full value of the property as provided in Section 401 by reason of the assessor's clerical error or excessive or improper assessments attributable to erroneous property information supplied by assessee.

(d) Paid on an assessment of improvements when the improvements did not exist on the lien date.

(e) Paid on an assessment in excess of the equalized value of the property as determined pursuant to Section 1611 or Section 1760 by

the county board of equalization.

SEC. 64. Section 12002 of the Revenue and Taxation Code is amended to read:

12002. "Ocean marine insurance" means insurance written within this state upon hulls, freights, or disbursements, or upon goods, wares, merchandise, and all other personal property and interests therein, in course of exportation from, importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, any portion of which exportation, importation, transportation, navigation, transit, or shipment is upon any ocean, and upon the property while being prepared for and while awaiting shipment, and during any delays, storage, transshipment or reshipment incident to or in connection with the shipment or transportation. "Ocean marine insurance" includes marine builders and war-risk insurance.

"Ocean marine insurance" does not, for the purpose of taxation of such insurance as provided in subdivision (g) of Section 28 of Article XIII of the Constitution, include insurance written upon:

(a) A hull, which is not a documented vessel registered with the Transportation Department of the United States; or

(b) Anything carried in, attached to, used in transportation of or any risk written in connection with any hull defined in (a) above, unless:

The insurance is upon a customary ocean marine form and such hull and the risks mentioned in (b) above are covered for one who is in the business of:

(1) Renting or chartering boats;

(2) Using boats himself for commercial purposes; or

(3) Building or repairing boats.

Insurance not included in "ocean marine insurance" by this section shall be taxed in accordance with the other provisions of subdivision (g) of Section 28 of Article XIII of the Constitution.

The 1969 amendment of this section shall be construed as a restatement and continuation of the law existing prior to such amendment.

SEC. 65. Section 12005 of the Revenue and Taxation Code is amended to read:

12005. "Taxes" means the taxes assessed and levied, or which may be assessed and levied, under the provisions of Section 28 of Article XIII of the State Constitution and of this part.

SEC. 66. Section 12102 of the Revenue and Taxation Code is amended to read:

12102. The tax is in lieu of all other state, county and municipal taxes and licenses upon the marine insurer, except taxes upon real estate, any retaliatory exactions imposed by paragraph (3) of subdivision (f) of Section 28 of Article XIII of the Constitution, motor vehicle and other vehicle registration license fees and any other tax

or license fee imposed by the state upon vehicles, motor vehicles or the operation thereof, and taxes assessed or levied against the insurer on account of any other class of insurance written by it.

SEC. 67. Section 12204 of the Revenue and Taxation Code is amended to read:

12204. The tax imposed on insurers by this chapter is in lieu of all other taxes and licenses, state, county, and municipal, upon such insurers and their property, except:

(a) Taxes upon their real estate.

(b) That an insurer transacting title insurance in this state which has a trust department or does a trust business under the banking laws of this state is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this state.

(c) Any retaliatory exactions imposed by paragraph (3) of subdivision (f) of Section 28 of Article XIII of the Constitution.

(d) The tax on ocean marine insurance.

(e) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the state upon vehicles, motor vehicles or the operation thereof.

(f) That each corporate or other attorney in fact of a reciprocal or interinsurance exchange shall be subject to all taxes imposed upon corporations or others doing business in the state, other than taxes on income derived from its principal business as attorney in fact.

SEC. 68. Section 12222 of the Revenue and Taxation Code is amended to read:

12222. Funds accepted by a life insurer under an agreement which provides for an accumulation of funds to purchase annuities at future dates may be considered as "gross premiums received" either upon receipt or upon the actual application of such funds to the purchase of annuities. However, any interest credited to funds accumulated while under the latter alternative shall also be included in "gross premiums received," and any funds taxed upon receipt, including any interest later credited thereto, shall not be subject to taxation upon the purchase of annuities. Each life insurer shall signify on its premium tax return covering premiums for the calendar year 1957 its election between such two alternatives. Thereafter an insurer shall not change such election without the consent of the commissioner. Any such funds taxed as "gross premiums" shall, in the event of withdrawal of the funds before their actual application to the purchase of annuities, be eligible to be included as "return premiums" if eligible therefor under the provisions of Section 28 of Article XIII of the Constitution.

SEC. 69. Section 12251 of the Revenue and Taxation Code is amended to read:

12251. For the calendar year 1970, and each calendar year thereafter, insurers transacting insurance in this state and whose annual tax for the preceding calendar year was five thousand dollars

($5,000) or more shall make prepayments of the annual tax for the current calendar year imposed by Section 28 of Article XIII of the California Constitution and this part, provided that no prepayments shall be made with respect to the tax on ocean marine insurance underwriting profit or any retaliatory tax.

SEC. 70. Section 12256 of the Revenue and Taxation Code is amended to read:

12256. All amounts paid under this article, other than penalties and interest, shall be allowed as a credit on the annual tax imposed by Section 28 of Article XIII of the California Constitution and this part.

SEC. 71. Section 12301 of the Revenue and Taxation Code is amended to read:

12301. The taxes imposed upon insurers by the provisions of Section 28 of Article XIII of the Constitution and of this part, except with respect to taxes on ocean marine insurance and retaliatory taxes, are due and payable annually on or before April 1st of the year following the calendar year in which the insurer engaged in the business of insurance or transacted insurance in this state. The taxes imposed with respect to ocean marine insurance are due and payable on or before June 15th of such year.

SEC. 72. Section 12302 of the Revenue and Taxation Code is amended to read:

12302. On or before April 1st (or June 15th with respect to taxes on ocean marine insurance) every person who is subject to any tax imposed by the provisions of Section 28 of Article XIII of the Constitution or of this part, in respect to the preceding calendar year shall file, in duplicate, an insurance tax return with the commissioner in such form as the commissioner may prescribe. The return shall show such information pertaining to its insurance business in this state as will reflect the basis of its tax as set forth in Chapters 2 (commencing with Section 12071) and 3 (commencing with Section 12201) of this part, the computation of the amount of tax for the period covered by the return, the total amount of any tax prepayments made pursuant to Article 5 (commencing with Section 12251) of chapter 3 of this part, and such other information as the commissioner may require to carry out the purposes of this part. Separate returns shall be filed with respect to the following kinds of insurance:

(a) Life insurance (or life insurance and disability insurance).

(b) Ocean marine insurance.

(c) Title insurance.

(d) Insurance other than life insurance (or life insurance and disability insurance), ocean marine insurance or title insurance.

SEC. 73. Section 23154 of the Revenue and Taxation Code is amended to read:

23154. The tax imposed under this chapter is in lieu of all ad valorem taxes and assessments of every kind and nature upon the general corporate franchises of the corporations taxable under this

chapter but is not in lieu of any taxes or assessments upon special franchises owned, held or used by said corporations. All such special franchises shall be assessed annually by the board, at their actual value, in the same manner as is provided for the assessment of other property to be assessed by said board under Section 19 of Article XIII of the Constitution of this State, and shall be subject to taxation to the same extent and in the same manner as other property so assessed by said board.

SEC. 74. Section 23183 of the Revenue and Taxation Code is amended to read:

23183. (a) An annual tax is hereby imposed upon every financial corporation doing business within the limits of this state and taxable under the provisions of Section 27 of Article XIII of the Constitution of this state, for the privilege of exercising its corporate franchises within this state, according to or measured by its net income, upon the basis of its net income for the next preceding income year at the rate provided under Section 23186.

(b) Notwithstanding subdivision (a), after December 31, 1971, the tax for the taxable year in which the financial corporation commences to do business within this state, whether or not for 12 full months, shall be the minimum tax prescribed in Section 23184. Further, with respect to taxable years beginning after December 31, 1972, the tax for the taxable year during which the financial corporation ceases doing business, dissolves or withdraws shall be:

(1) According to or measured by its net income for the next preceding income year, at the rate prescribed in Section 23186, plus

(2) According to or measured by its net income for the taxable year of cessation of doing business, dissolution or withdrawal, at the rate provided under Section 23186, or

(3) The minimum tax prescribed in Section 23184, whichever tax is the greater.

If the financial corporation commences to do business and dissolves or withdraws in the same taxable year, the tax for such taxable year shall be according to or measured by its net income for such year, at the rate provided under Section 23186, or the minimum tax provided in Section 23184, whichever tax is the greater.

(c) In the case of a financial corporation which ceased doing business before January 1, 1973 but dissolves or withdraws on such date or thereafter, the tax for the taxable year during which the dissolution or withdrawal takes place shall be:

(1) According to or measured by its net income for the income year next preceding the taxable year in which it ceased doing business, plus

(2) According to or measured by its net income for the taxable year during which the financial corporation ceased doing business, at the rate provided under Section 23186.

SEC. 74.1. Section 322 of Chapter 209 of the Statutes of 1969, as amended by Chapter 441 of the Statutes of 1969, is amended to read:

Sec. 322. For the purpose of assessing and collecting, under the

provisions of Section 12 of Article XIII of the Constitution of the State of California, the taxes levied by any district incorporated pursuant to this act, the rates: for taxes levied for the preceding tax year, as such phrase is employed in such section of the Constitution, shall be the rates fixed for such preceding tax year by the board pursuant to Section 307.

SEC. 74.2. Section 335 of Chapter 209 of the Statutes of 1969, as amended by Chapter 441 of the Statutes of 1969, is amended to read:

Sec. 335. If the declaration of intention is accepted pursuant to Section 334, the Controller, on or before the 23rd day of December, shall so notify the State Board of Equalization and the county assessor of the county wherein such declaring public agency is situated, and any other officer whose duty it is to collect taxes under the provisions of Section 12 of Article XIII of the Constitution of the State of California. Thereupon the county assessor or other officer shall not collect in such agency prior to the next ensuing first day of September, the amount of such taxes for the benefit of the district that is to be paid out of the agency funds of such agency, as indicated in the declaration of intention.

SEC. 75. It is the intent of the Legislature, if this bill and Senate Bill No. 688 are both chaptered and become effective January 1, 1975, both bills amend Section 218 of the Revenue and Taxation Code and this bill is chaptered after Senate Bill No. 688, that the amendments to Section 218 proposed by both bills be given effect and incorporated in Section 218 in the form set forth in Section 24.5 of this act. Therefore, Section 24.5 of this act shall become operative only if this bill and Senate Bill No. 688 are both chaptered and become effective January 1, 1975, both amend Section 218, and this bill is chaptered after Senate Bill No. 688, in which case Section 24 of this act shall not become operative.

SEC. 76. It is the intent of the Legislature, if this bill and Assembly Bill No. 341 are both chaptered and amend Section 231 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill No. 341, that Section 231 of the Revenue and Taxation Code, as amended by Section 1 of Assembly Bill No. 341 be further amended on the operative date of this act in the form set forth in Section 26.5 of this act to incorporate the changes in Section 231 proposed by this bill. Therefore, Section 26.5 of this act shall become operative only if Assembly Bill No. 341 is chaptered before this bill and amends Section 231, and in such case Section 26.5 of this act shall become operative on the operative date of this act and Section 26 of this act shall not become operative.

SEC. 77. It is the intent of the Legislature, if this bill and Assembly Bill No. 2083 are both chaptered and become effective January 1, 1975, and Assembly Bill No. 2083 repeals Section 1815.6 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill No. 2083, that the repeal of Section 1815.6 proposed by both bills be given effect and incorporated in the repeal of Section 1815.6 as set forth in Section 54.9 of this act. Therefore, Section 54.9

of this act shall become operative only if this bill and Assembly Bill No. 2083 are both chaptered and become effective January 1, 1975, and Assembly Bill No. 2083 repeals Section 1815.6, and this bill is chaptered after Assembly Bill No. 2083, in which case Section 54.8 of this act shall not become operative.

SEC. 78. It is the intent of the Legislature to incorporate the document entitled "Proposed Revision of Article XIII, California Constitution" and dated May 6, 1974, which was transmitted to the Legislature and noted in the Assembly and Senate Journals of the 1973–74 Regular Session, as part of the public record and as a statement of legislative intent in adopting Assembly Constitutional Amendment No. 32 of the 1973–74 Regular Session.

SEC. 79. This act shall become operative only if Assembly Constitutional Amendment No. 32 of the 1973–74 Regular Session of the Legislature is adopted by the electorate.

CHAPTER 312

An act to amend Sections 753, 753.5, 754, 755, 756, 759, and 2052 of, and to add Section 763 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 753 of the Revenue and Taxation Code is amended to read:

753. Annually, on or before August 7, the board shall assess all state-assessed property.

SEC. 2. Section 753.5 of the Revenue and Taxation Code is amended to read:

753.5. The board shall, upon or prior to completion of the roll, inform every assessee of the total assessed value of his unitary property and shall annually, on or before July 31, transmit preliminary notices of allocated assessed values to each assessee. "Unitary property" means property valued as a unit.

If the board roll has been transmitted to the local auditors, the board shall, at least 30 days prior to transmitting a statement of assessment of escaped property or roll correction, inform each assessee whose property's full cash value has increased as a result of an escape assessment or roll correction of the assessed value of that property as it shall appear on the corrected roll.

The unit value information given to the assessee pursuant to this section shall also include a notification of hearings by the board, including the period during which petitions for reassessment will be accepted, and the place where they may be filed.

Neither the failure of the assessee to receive this information nor the failure of the board to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 2.5. Section 753.5 of the Revenue and Taxation Code is amended to read:

753.5. The board shall, upon or prior to completion of the roll, inform every assessee of the total assessed value of his unitary property and shall annually, on July 31, transmit preliminary notices of allocated assessed values to each assessee. "Unitary property" means property valued as a unit.

If the board roll has been transmitted to the local auditors, the board shall, at least 30 days prior to transmitting a statement of assessment of escaped property or roll correction, inform each assessee whose property's full cash value has increased as a result of an escape assessment or roll correction of the assessed value of that property as it shall appear on the corrected roll.

The information given to the assessee pursuant to this section shall also include a notification of hearings by the board, including the period during which petitions for reassessment will be accepted, and the place where they may be filed.

Neither the failure of the assessee to receive this information nor the failure of the board to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 3. Section 754 of the Revenue and Taxation Code is amended to read:

754. Between August 7 and August 12, the assessments made by the board shall be open for inspection by all persons interested.

SEC. 4. Section 755 of the Revenue and Taxation Code is amended to read:

755. On or before August 12, the owner or assessee of any state-assessed property may file a petition for reassessment with the board. On or before August 19, the owner or assessee of any such property shall be heard by the board on his petition.

In the case of a notice of change to the board roll given pursuant to Section 753.5, the owner or assessee of any state-assessed property shall be heard by the board on a petition for reassessment prior to transmission to the local auditor of the board's statement of assessment of escaped property or roll correction if the owner or assessee files a written request for such hearing within 10 days of the mailing of the notice required in Section 753.5.

SEC. 5. Section 756 of the Revenue and Taxation Code is amended to read:

756. On or before August 19 the board shall transmit to each county auditor a roll showing the assessments made by the board in the county and in each city and revenue district in the county; provided, however, that the roll need not show the assessments made by the board in a revenue district which did not levy a tax or

assessment during the preceding year. Such roll is at all times, during office hours, open to the inspection of any person representing any taxing agency or revenue district, or any district described in Section 2131. If the roll does not show the assessments in a revenue district as herein provided and a notice of a proposed levy is furnished the board in writing, on or before January 1 preceding the fiscal year for which the levy is to be made, the board shall furnish an estimate of the total assessed value of state-assessed property in the district and shall transmit thereafter to the county auditor a statement of roll change showing the assessments made by the board in the district. The estimate shall be regarded as establishing the total assessed value of state-assessed property in the district for the purpose of determining the tax rate of the district.

SEC. 6. Section 759 of the Revenue and Taxation Code, as amended by Chapter 49 of the Statutes of 1974, is amended to read:

759. In lieu of complying with the provisions of Section 756, the board may, upon receipt by July 1 of a written request from a county auditor who has the approval of the board of supervisors, transmit to the auditor, on or before August 7 an estimate of the total assessed value of state-assessed property in the county and in each revenue district in the county. Such an estimate need not be made for a revenue district that did not levy a tax or assessment during the preceding year unless the board receives on or before January 1 preceding the fiscal year for which the levy is to be made a notice in writing of a proposed levy, in which case the board shall furnish, as part of the original estimate or by way of a statement of changes, an estimate of the total assessed value of state-assessed property in the district.

The estimates shall be regarded as establishing the total assessed value of state-assessed property in the county and district for the purpose of determining the tax rate of such county and district, subject only to changes transmitted prior to August 15th. If there are no changes, the board shall at that time confirm its estimates. All information furnished pursuant to this section is at all times, during office hours, open to the inspection of any person representing any taxing agency or revenue district, or any district described in Section 2131.

SEC. 6.5. Section 763 is added to the Revenue and Taxation Code, to read:

763. Whenever a person is required or allowed to do or perform any act on or before a date specified in this chapter and that day is a Saturday, Sunday or holiday, he shall have until the next following business day to do or perform such act.

SEC. 7. Section 2052 of the Revenue and Taxation Code is amended to read:

2052. The local roll as delivered to the auditor pursuant to Section 1753 or 617, including any changes made by the county board during the month of July, together with the board roll as transmitted to the auditor pursuant to Section 756 or the confirmed or changed

estimate transmitted pursuant to Section 759, shall become the last equalized roll on August 20, and such rolls together shall continue to be the last equalized roll, except as otherwise provided in this chapter, (a) for the purpose of computing any debt limit for the issuance of bonds of any public entity that is based on a percentage of assessed valuation as shown on the last equalized assessment roll and (b) for all other purposes, until the assessment roll for the following year becomes the last equalized roll in accordance with the provisions of this section.

SEC. 8. It is the intent of the Legislature, if this bill and Assembly Bill No. 870 are both chaptered and become effective January 1, 1975, both bills amend Section 753.5 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill No. 870, that the amendments to Section 753.5 proposed by both bills be given effect and incorporated in Section 753.5 in the form set forth in Section 2.5 of this act. Therefore, Section 2.5 of this act shall become operative only if this bill and Assembly Bill No. 870 are both chaptered and become effective January 1, 1975, both amend Section 753.5, and this bill is chaptered after Assembly Bill No. 870, in which case Section 2 of this act shall not become operative.

CHAPTER 313

An act to add Section 10805.5 to the Education Code, relating to interdistrict attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 10805.5 is added to the Education Code, to read:

10805.5. Attendance credited to a school district pursuant to Section 11501.1 shall not be included in the computation of the reduction of the revenue limit of the district prescribed by the first paragraph of subdivision (d) of Section 10805.

SEC. 2. Section 10805.5 of the Education Code, as added by Section 1 of this act, shall become operative only if Assembly Bill No. 2726 of the 1973–74 Regular Session of the Legislature is enacted and amends Section 10805 of the Education Code.

If Assembly Bill No. 2726 is enacted before this bill, Section 10805.5 shall become operative on the effective date of this bill.

If Assembly Bill No. 2726 is enacted after this bill, Section 10805.5 shall become operative upon the effective date of Assembly Bill No. 2726.

SEC. 3. This act is an urgency statute necessary for the

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

In order to permit this act to be operative for the entire 1974–75 school year, and at the same time as other amendments to the law relating to interdistrict attendance, so as to facilitate the orderly administration of the interdistrict attendance program, it is necessary that this act take effect immediately.

CHAPTER 314

An act to amend Section 8589.5 of the Government Code, relating to dam safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 8589.5 of the Government Code is amended to read:

8589.5. (a) Inundation maps showing the areas of potential flooding in the event of sudden or total failure of any dam, the partial or total failure of which the Office of Emergency Services determines, after consultation with the Department of Water Resources, would result in death or personal injury, shall be prepared and submitted as provided in this subdivision within six months after the effective date of this section, unless the time for submission of such maps is extended for reasonable cause by the Office of Emergency Services. The local governmental organization, utility, or other owner of any dam so designated shall submit to the Office of Emergency Services one such map which shall delineate potential flood zones that could result in the event of dam failure when the reservoir is at full capacity or if the local governmental organization, utility, or other owner of any dam shall determine it to be desirable he shall submit three such maps, which shall delineate potential flood zones that could result in the event of dam failure when the reservoir is at full capacity, at median-storage level, and at normally low-storage level. After submission of copies of such map or maps, the Office of Emergency Services shall review the map or maps, and shall return that map or maps which do not meet the requirements of this subdivision, together with recommendations relative to conforming to such provisions. Maps rejected by the Office of Emergency Services shall be revised to conform to such recommendations and resubmitted. The Office of Emergency Services shall keep on file those maps which conform to the provisions of this subdivision. Maps approved pursuant to this

subdivision shall also be kept on file with the Department of Water Resources. The owner of a dam shall submit final copies of such maps to the Office of Emergency Services which shall immediately submit identical copies to the appropriate public safety agency of any city, county, or city and county likely to be affected.

(b) Based upon a review of inundation maps submitted pursuant to subdivision (a) or based upon information gained by an onsite inspection and consultation with the affected local jurisdiction when the requirement for an inundation map is waived pursuant to subdivision (d), the Office of Emergency Services shall designate areas within which death or personal injury would, in its determination, result from the partial or total failure of a dam. The appropriate public safety agencies of any city, county, or city and county, the territory of which includes such an area, shall adopt emergency procedures for the evacuation and control of populated areas below such dams. The Office of Emergency Services shall review such procedures to determine whether adequate public safety measures exist for the evacuation and control of populated areas below the dams, and shall make recommendations with regard to the adequacy of such procedures to the concerned public safety agency. In conducting such review the Office of Emergency Services shall consult with appropriate state and local agencies.

Emergency procedures specified in this subdivision shall conform to local needs, and may be required to include any of the following elements or any other appropriate element, in the discretion of the Office of Emergency Services: (1) delineation of area to be evacuated; (2) routes to be used; (3) traffic control measures; (4) shelters to be activated for the care of the evacuees; (5) methods for the movement of people without their own transportation; (6) identification of particular areas or facilities in the flood zones which will not require evacuation because of their location on high ground or similar circumstances; (7) identification and development of special procedures for the evacuation and care of people from unique institutions; (8) procedures for the perimeter and interior security of the area, including such things as passes, identification requirements, and antilooting patrols; (9) procedures for the lifting of the evacuation and reentry of the area; and (10) details of which organizations are responsible for these functions and the material and personnel resources required. It is the intent of the Legislature to encourage each agency that prepares such emergency procedures to establish a procedure for their review every two years.

(c) "Dam," as used in this section, has the same meaning as specified in Sections 6002, 6003, and 6004 of the Water Code.

(d) Under certain exceptional conditions as follows, the Office of Emergency Services may waive the requirement for an inundation map:

(1) Where the effects of potential inundation in terms of death or personal injury as determined through onsite inspection by the Office of Emergency Services in consultation with the affected local

jurisdictions, can be ascertained without an inundation map; and

(2) Where adequate evacuation procedures can be developed without benefit of an inundation map.

(e) If development should occur in any exempted area after a waiver has been granted, the local jurisdiction shall notify the Office of Emergency Services of such development. All waivers shall be reevaluated every two years by the Office of Emergency Services.

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

Present law (Section 8589.5 of the Government Code) requires that specified dam owners file inundation maps with the Office of Emergency Services.

This act permits, under certain circumstances, the Office of Emergency Services to waive the requirements of an inundation map.

Thus, because of the enormous burden placed on specified dam owners to file inundation maps in certain cases where such filing is not necessary to protect the public from loss of life or injury, it is necessary that this act take effect immediately.

CHAPTER 315

An act to add Section 31011 to the Government Code, relating to counties.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 31011 is added to the Government Code, to read:

31011. Every county employee shall have the right to inspect and review any official record relating to his or her performance as an employee or to a grievance concerning the employee which is kept or maintained by the county; provided, however, that the board of supervisors of any county may exempt letters of reference from the provisions of this section.

The contents of such records shall be made available to the employee for inspection and review at reasonable intervals during the regular business hours of the county.

The county shall provide an opportunity for the employee to respond in writing, or personal interview, to any information about which he or she disagrees. Such response shall become a permanent part of the employee's personnel record. The employee shall be responsible for providing the written responses to be included as part

of the employee's permanent personnel record.

This section does not apply to the records of an employee relating to the investigation of a possible criminal offense.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 316

An act to amend Section 6060 of the Business and Professions Code, relating to the practice of law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1974 Filed with Secretary of State May 31, 1974]

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

SECTION 1. Section 6060 of the Business and Professions Code is amended to read:

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who does not comply with Section 6062 shall:

(a) Be of the age of at least 18 years.

(b) Be of good moral character.

(c) Before beginning the study of law, have either:

(1) Completed at least two years of college work, which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted upon the basis of a four-year period of study by a college or university approved by the examining committee; or

(2) Have attained in apparent intellectual ability the equivalent of at least two years of the college work hereinabove defined. Such equivalent with respect to a person applying for admission to a law school accredited by the examining committee shall be determined by the dean or faculty thereof and with respect to all other persons shall be determined by the examining committee. The determination by the examining committee may be made after a personal interview with the person or the examining committee may require him to pass a written examination. Such examination may be given by the examining committee, or, if the examining committee so elects, the examination may be given under its supervision by such members of the faculty of a college as the examining committee may

select or by the Department of Education of this state; provided, however, that any person who receives an adverse determination by the committee without an examination or fails an examination given directly by the committee shall, upon demand made within 30 days after receiving notice thereof, have the right to be reexamined either by such faculty members or department as the committee may decide. In the event that the examination is given by the Department of Education, a fee for such examination shall be charged by the department, which fee shall not exceed fifteen dollars ($15).

The requirements of paragraph (2) of this subdivision shall not apply to a person who had reached the age of 25 years prior to commencing the study of law and who commenced such study and registered with the examining committee as provided in subdivision (d) of this section prior to January 1, 1955.

(d) Have registered with the examining committee as a law student within three months after beginning the study of law. The examining committee, upon good cause being shown, may permit a later registration.

(e) Have either:

(1) Graduated from a law school accredited by the examining committee requiring substantially the full time of its students for three years.

(2) Graduated from a law school accredited by the examining committee requiring a part only of its students' time for four years.

(3) Studied law diligently and in good faith for at least four years, which study shall be:

(i) In a law school that is authorized to confer professional degrees and requires classroom attendance of its students for a minimum of 270 hours a year; or

(ii) In a law office in this state and under the personal supervision of a member of the State Bar of California who is, and for at least five years last past continuously has been, engaged in the active practice of law; or

(iii) In the chambers and under the personal supervision of a judge of a court of record of this state; or

(iv) By instruction in law from a correspondence law school requiring 864 hours of preparation and study per year for four years.

(v) By any combination of the methods referred to in paragraph (3) of this subdivision.

It shall be the duty of the attorney or judge referred to under (ii) and (iii) of paragraph (3) of this subdivision to render such periodic reports to the examining committee as the committee may require.

(4) Commence the study of law and registered as a law student as provided in subdivision (d) of this section prior to January 1, 1954, and completed four years of law study, diligently and in good faith.

(f) Have passed a final bar examination given by the examining committee.

(g) After completion of his first year of law study, have passed a

first-year law student's examination given by the examining committee. This requirement shall not apply to a student who satisfactorily completes the first-year course of instruction in a law school accredited by the examining committee and who either (1) commenced the study of law and registered with the examining committee as provided in subdivision (d) of this section prior to January 1, 1954, or (2) had completed at least two years of college work as defined in this section prior to matriculating in such accredited law school, nor shall this requirement apply to an applicant who has passed the bar examination of a sister state or of a country wherein the common law of England constitutes the basis of jurisprudence. An applicant who is required to take such first-year examination shall not receive credit for his first year of law study until he has passed such examination; nor shall he receive credit for any law study subsequent to the first year, and before he shall have passed such examination, unless for good cause in a particular case the committee decides that credit should be given for such subsequent study or for some part thereof.

The examination which the students in their first year of law studies are required to take shall be given twice a year at reasonable intervals.

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

Questions have arisen concerning the validity of the minimum age requirement for eligibility to take the college equivalency examination as a prerequisite to the study of law. In order to resolve these questions, and to permit applicants desiring to take the college equivalency examination to do so at the earliest possible moment, it is necessary that this act take effect immediately.

CHAPTER 317

An act to add Chapter 3.5 (commencing with Section 55530) to Part 2 of Division 2 of Title 5 of the Government Code, relating to school crossing guard maintenance districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974]

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

SECTION 1. Chapter 3.5 (commencing with Section 55530) is added to Part 2 of Division 2 of Title 5 of the Government Code, to read:

CHAPTER 3.5. CROSSING GUARD MAINTENANCE DISTRICTS

Article 1. General

55530. This chapter shall be known and cited as the Crossing Guard Maintenance District Act of 1974.

55531. "Clerk" means the clerk of the legislative body of a local agency.

55532. "Local agency" means a city, a county or a city and county.

55533. "Maintenance" means the performance of all acts and the doing of the things necessary to carry out the purposes of this chapter including the employment of persons to act as guards at pedestrian crossings.

55534. "Crossing guard maintenance district" or "district" means any district created pursuant to the provisions of this chapter to pay the assessments for providing crossing guards as provided in this chapter.

55535. The purpose of this chapter is to provide a means whereby any local agency may form districts within which land and improvements may be assessed to pay the costs and expenses of providing pedestrian crossing guards at street intersections in order to insure the safety of schoolchildren who use such intersections.

Article 2. Formation of District

55540. Proceedings for the formation of a crossing guard maintenance district may be initiated by petition signed by two-thirds of the registered voters in the proposed district or by resolution of intention by the legislative body of the local agency which has jurisdiction over the territory proposed to be included in the district. The sufficiency of such petition shall be determined by reference to the county voter registration rolls at the time at which the petition is presented to the legislative body of the local agency.

The petition or resolution shall contain a general description of the exterior boundaries of the proposed district and shall identify the street intersections at which crossing guards are desired.

A petition submitted pursuant to this section shall be filed with the clerk, who shall determine its sufficiency. If it is signed by the requisite number of qualified signers, the clerk shall certify to that effect and shall present the petition and the certificate to the legislative body.

The legislative body shall thereupon order the preparation of the preliminary report as provided in Section 55541 and shall adopt a resolution of intention to form the district as provided in Section 55543.

55541. Before the legislative body adopts a resolution of intention to form a district, the appropriate officer of the local agency, as designated by the legislative body, shall make and file with the clerk

a preliminary report which shall contain the following information:

(a) A general description of the area proposed to be included in the district; and

(b) An estimate of the cost of providing crossing guards at appropriate street intersections within such district.

55542. After the filing of the report, the clerk shall present it to the legislative body for consideration. The legislative body may approve, amend, alter, modify or correct the report. When the report has been approved by the legislative body, it shall fix a time and place for hearing protests against the proposed formation of the district or to the report and shall adopt a resolution declaring its intention to form the district. The report shall thereafter be open to inspection in the office of the clerk until the public hearing.

55543. If the legislative body determines that the public safety and welfare requires the formation of a district, it may adopt a resolution declaring its intention to form a district pursuant to the provisions of this chapter. The resolution of intention, in addition to making the foregoing determination, shall also contain:

(a) A general description of the exterior boundaries of the proposed district;

(b) An estimate of the cost of providing crossing guards within the proposed district;

(c) A statement that an annual assessment may be levied to pay the costs and expenses of providing such crossing guards;

(d) A statement of the annual assessment limit on each one hundred dollars ($100) of assessed value of taxable land and improvements within the district and that amounts so assessed shall be levied and collected at the same time and in the same manner as general taxes of the local agency are collected;

(e) The day, hour and place for the hearing by the legislative body of protests against the formation of the proposed district, and a statement that any owner of property liable to be assessed for the maintenance may make written protest against the formation of the proposed district by filing such protest with the clerk at any time not later than the hour so fixed for the hearing. The time for the hearing shall be not less than 15 nor more than 60 days from the date of the adoption of the resolution of the legislative body.

55544. The proposed district may be described in the resolution of intention by stating the exterior boundaries thereof or by referring to the description provided for in the preliminary report.

55545. The legislative body in its discretion may, in the resolution of intention or at any subsequent time, order that a portion of the costs and expenses of the maintenance shall be paid out of the treasury of the local agency from such funds as the legislative body may designate.

55546. The resolution of intention shall be published pursuant to Section 6061 of this code at least 15 days before the date set for the hearing of protests.

55547. A copy of the resolution shall be mailed at least 10 days

before the date of the hearing of protests, postage prepaid, by the clerk to each property owner within the district as shown on the latest equalized assessment roll.

55548. At any time prior to the time set for hearing protests against the formation of the proposed district, any property owner liable to be assessed for maintenance may make and file with the clerk a written protest stating his objection to the proposed district.

55549. The protest shall contain a description of the property sufficient to identify it and shall be delivered to the clerk. Only protests made at the time and in the manner required in this chapter shall be considered. The clerk shall endorse on every such protest the date of its receipt by him and shall at the time appointed for the hearing present all protests to the legislative body. Any protest may be withdrawn by the person making it, in writing, at any time prior to the conclusion of the hearing or any adjournment thereof.

55550. At the hearing all protests shall be heard and considered. If the legislative body finds that more than one-half of the owners of property within the proposed district who also own more than one-half of the assessed value of the land and improvements included within the proposed district and subject to assessment have filed written protests which are not withdrawn prior to the conclusion of the hearing or any adjournment thereof, the legislative body shall, in its discretion, either terminate all further proceedings or submit the question of the formation of the district to a vote within the territory of the proposed district. If the proceeding is terminated, no subsequent proceedings under this chapter for the formation of the same or substantially the same district shall be commenced within six months thereafter. If the legislative body finds that the protests filed are less than a majority in number and assessed value, it may continue with the hearing.

55551. At the hearing the legislative body may order changes in the proposed boundaries of the district by the elimination of any portion thereof which will not, in its opinion, be benefited by the provision of crossing guards.

If the legislative body proposes a change in the boundaries to include additional land in the district, the legislative body shall adopt a resolution briefly describing the change proposed to be made and giving notice of the time and place when and where any interested person may protest such change. The time of such hearing of protests shall be not less than 15 nor more than 60 days from the date of the adoption of the resolution proposing a change in the boundaries. The clerk shall mail, postage prepaid, a copy of a notice of intention to make a change in the boundaries to each property owner within the area proposed to be added as shown on the latest equalized assessment roll. The notice shall be mailed at least 10 days before the date of the hearing of protests and shall describe the proposed change and specify the time for hearing protests. The notice shall also be published in the same manner as provided in Section 55545.

55552. If the boundaries are changed, protests made by owners of

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land or improvements excluded by the change shall not be counted in computing whether there is a majority protest, but protests made by owners of the remaining assessable land and improvements in the district, including assessable land or improvements added by a change in the boundaries, and filed with the clerk not later than the time set for hearing objections to the proposed change, shall be included in computing whether there is a majority protest.

55553. Except in the case of a majority protest, the legislative body may sustain or deny any or all protests and its determination is final and conclusive. The determination shall be entered upon the minutes. If the protests are denied or if no protests are filed, the legislative body shall immediately acquire jurisdiction to form the district and to proceed further in accordance with the provisions of this chapter. In the event that there is a majority protest against a change of boundaries to include additional territory, as provided in Section 55551, no change of boundaries shall be ordered by the legislative body.

55554. If the legislative body decides to proceed, it shall by ordinance fix and establish the boundaries of the district, declare that the district is formed pursuant to this chapter, order the maintenance to be performed and provide that the cost and expense of doing the maintenance shall be paid by annual assessments upon the land and improvements within the district. The ordinance forming the district shall be final and conclusive.

55555. Any protests not made at the time and in the manner required by this chapter are deemed waived voluntarily. The validity of proceedings taken under this chapter shall not be attacked subsequent to the hearing upon any ground not stated in a protest filed pursuant to this chapter. Any property owner is estopped to attack the proceedings upon any ground not stated in a protest filed by the owner pursuant to this chapter. The validity of the formation of a district formed pursuant to this chapter shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the date of the ordinance forming the district. Any appeal from a final judgment in such an action or proceeding must be perfected within 30 days after the entry of the judgment. Any defect, error, or informality in the petition, the clerk's certificate, the publication, posting, or mailing of notices, or failure of the property owner to receive notice shall not invalidate any proceedings pursuant to this chapter.

55556. Any election held pursuant to the provisions of this article shall be called, held and conducted, as nearly as practicable, in accordance with the procedures for calling, holding and conducting elections in general law cities.

Article 3. Administration

55558. The legislative body shall have complete charge, supervision and control of all districts established pursuant to the

provisions of this chapter. The legislative body may enter into such contracts and may employ such personnel as may be required.

The costs and expenses of maintaining crossing guards shall be paid for from the funds of the district or out of any fund which may be provided or advanced by the legislative body for expenditure for such purposes. The payments so advanced shall be reimbursed from district funds when moneys are available.

55559. The legislative body shall levy an annual ad valorem special assessment on all taxable land and improvements within the district to pay the costs of maintaining crossing guards. The annual assessments shall be levied and collected at the same time and in the same manner and with the same interest and penalties as general taxes of the local agency are collected.

55560. Any land or improvements belonging to the state or to any county, city, city and county, district or other public agency, being used for the performance of a public function and lying within the district is not subject to assessment unless the consent of the governing body of the agency owning such land or improvements is filed with the legislative body. If consent is filed, the land and improvements are subject to assessment in the same manner as other land and improvements within the district.

55561. The proceeds of the annual special assessments shall be paid to the treasurer of the local agency, who shall place the proceeds in a special fund to the credit of the district and payment shall be made out of the special fund only for the purposes provided for in this chapter for the district.

If a district is organized in any year too late for the levy of a special assessment in that year or in the next ensuing year, the legislative body is hereby authorized to transfer funds out of the general fund of the local agency to the special fund of the district to be used for the payment of the expenses of the district until such time as special assessment receipts are available therefor. The legislative body shall include in the levy of the special assessment for the district for the first fiscal year in which the assessment may be levied a sum sufficient to repay the local agency the amount so transferred for the portion or portions of the preceding fiscal year for which no levy of assessment was made for that purpose. The amount so transferred shall be repaid into the general fund of the local agency from the district fund out of the first available receipts from the special assessment levied.

55562. If for any reason there shall be a deficiency in the funds derived from the annual special assessments levied for the district, the legislative body may meet the deficiency by an appropriation out of the general fund or may advance such sums, to be repaid out of the proceeds of the annual special assessment for the next or ensuing years, as deemed appropriate by the legislative body.

55563. Any unexpended balance remaining in the special fund for the district after the payment of the costs and expenses for which the assessment was levied shall be credited to the fund to be raised

for the next ensuing period of maintenance for the district.

55564. The provisions of Section 2263.2 of the Revenue and Taxation Code shall not apply to any ad valorem special assessment levied pursuant to this chapter.

Article 4. Annexations, Detachments, and Dissolution

55565. Annually, prior to the beginning of each fiscal year, the legislative body shall review the boundaries of each district and shall determine if all areas within such district will be benefited by continued inclusion within the district. The legislative body shall also determine if any areas outside the district are being benefited by the services provided by the district. If the legislative body determines that territory is no longer benefited by inclusion within the district or that territory outside of the district is receiving benefit from the services provided by the district, whether because of changes in school district boundaries or for other reasons, it shall adopt a resolution stating this fact and describing the affected territory. The resolution shall state that it is the intention of the legislative body to annex such territory to the district or to detach it from the district, as the case may be.

55566. The legislative body shall hold a hearing on any resolution adopted pursuant to Section 55565 and shall direct the clerk to give notice of the time, place and purpose of such hearing by mailing written notice to each property owner within the boundaries of the territory described in the resolution whose name and address appears on the latest equalized assessment roll.

55567. The legislative body shall direct the clerk to publish a notice, at least 15 days prior to the date of the hearing, as provided in Section 6061 of this code. The notice shall state the time and place of the hearing and shall contain a description of the territory proposed to be annexed or detached.

55568. At the time fixed for the hearing the legislative body shall hear and pass upon the proposal.

(1) In the event that a proposal is for the annexation of territory to a district, the legislative body shall provide for the same actions and proceedings as provided in Article 2 (commencing with Section 55540) except that such actions and proceedings shall be limited to the area proposed to be annexed.

(2) In the event that a proposal is for the detachment of territory from a district, the legislative body, at the conclusion of its hearing, shall determine if that portion of the district sought to be detached will be benefited by remaining within the district. If the legislative body finds that such territory will not be benefited, it shall, by ordinance, order the territory detached. The detachment shall become effective beginning with the fiscal year next preceding the enactment of the detachment ordinance.

55569. In the event that a proposed detachment of territory from a district would reduce the area of the district by more than 25

percent of the original size of the district, the hearing on detachment shall also consider if the district should be continued in existence or should be dissolved. In such a case the legislative body shall provide mailed notice of the hearing to all property owners within the district. In addition, at the conclusion of such a hearing, the legislative body may determine, by resolution, either to dissolve the district, to continue the district in existence, or to submit the question of the district's continued existence to a vote. In the event that an election is held, it shall be called, held and conducted, as nearly as practical, in accordance with the provisions of Article 2 (commencing with Section 55540) which provide for an election on the formation of a district.

55570. Any district formed pursuant to this chapter shall be automatically dissolved at the conclusion of the 10th year after its formation.

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

Children are daily using hazardous intersections without adequate protection for their health and safety and are consequently in danger of injury or death. To protect children as soon as possible from further exposure to such hazards it is essential that this act go into immediate effect.

CHAPTER 318

An act to amend Sections 2104 and 2110 of the Streets and Highways Code, relating to highway funds.

[Approved by Governor May 31, 1974. Filed with Secretary of State May 31, 1974.]

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

SECTION 1. Section 2104 of the Streets and Highways Code is amended to read:

2104. A sum equal to the net revenue derived from 1.625 cents ($0.01625) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned among the counties, as follows:

(a) Each county shall be paid one thousand six hundred sixty-seven dollars ($1,667) during each calendar month, which amount shall be expended exclusively for engineering costs and administrative expenses in respect to county roads.

(b) A sum equal to the total of all reimbursable snow removal costs filed pursuant to subdivision (d) of Section 2152, or one million five hundred thousand dollars ($1,500,000), whichever is less, shall be apportioned in 12 approximately equal monthly apportionments for

snow removal on county roads as provided in Section 2110.

(c) A sum equal to five hundred thousand dollars ($500,000) shall be apportioned in 12 approximately equal monthly apportionments, as provided in Section 2110.5.

(d) Seventy-five percent of the funds payable under this section shall be apportioned among the several counties monthly in the respective proportions that the number of fee-paid and exempt vehicles registered, as calculated by the Department of Motor Vehicles pursuant to Section 4004.5 of the Vehicle Code, in each county bears to the total number of fee-paid and exempt vehicles registered in the state during the 12 calendar months covered by the 12 verified statements of registrations last filed with the State Controller, as herein provided, prior to the making of such apportionment.

For purposes of apportionment under this subdivision, the Department of Motor Vehicles shall, as soon as possible after the last day of each calendar month, furnish to the State Controller a verified statement showing the number of fee-paid and exempt vehicles registered in each county and in the state during the preceding calendar month.

(e) Of the remaining moneys payable there shall be paid to each eligible county an amount monthly computed, as follows: The number of miles of maintained county road in each county shall be multiplied by forty-two dollars ($42); from the resultant amount there shall be deducted the amount received by each county under subdivision (d) and the remainder, if any, shall be paid to each county.

(f) The remaining moneys payable after the foregoing apportionments shall be apportioned among the several counties in the same proportion as the moneys referred to in subdivision (d).

SEC. 2. Section 2110 of the Streets and Highways Code is amended to read:

2110. The moneys payable to the counties under subdivision (b) of Section 2104 shall be apportioned monthly among the several counties as follows:

A sum equal to the total of all reimbursable snow removal costs filed pursuant to subdivision (d) of Section 2152, or one million five hundred thousand dollars ($1,500,000), whichever is less, shall be apportioned in 12 approximately equal monthly apportionments for snow removal on county roads as follows:

If such total is less than one million five hundred thousand dollars ($1,500,000), the full amount of such reimbursable snow removal costs shall be apportioned to the several counties in an amount equal to that computed pursuant to subdivision (d) of the report filed by each such county pursuant to Section 2152.

If such total is one million five hundred thousand dollars ($1,500,000) or more, each fiscal year the Controller shall compute percentages for the apportionment of one million five hundred thousand dollars ($1,500,000) to the several counties in the state for

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snow removal on county roads, including the purchase of snow removal equipment therefor, and shall apportion such amount to the counties in the computed percentages. The percentage each county is to be apportioned during such fiscal year shall be derived by adding its reimbursable snow removal expenditures for the three preceding fiscal years as to which the Controller has received snow removal expenditure reports pursuant to Section 2152, and dividing the sum by the total amount of reimbursable snow removal expenditures by all counties in the state during said fiscal years.

On or before the first day of March of each year, the Controller shall notify each county of the amount apportioned to it pursuant to this section for expenditure for snow removal on county roads during the following fiscal year.

CHAPTER 319

An act to amend Section 28745.2 of the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1974. Filed with Secretary of State June 10, 1974]

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

SECTION 1. Section 28745.2 of the Public Utilities Code is amended to read:

28745.2. A resolution establishing the election districts shall be adopted by a majority of the members of the board and submitted to the Legislature not later than May 1, 1974.

The boundaries of the election districts shall be established by the board, unless the Legislature enacts a statute which becomes effective on or before July 1, 1974, that establishes and defines such boundaries. In establishing and defining the boundaries of the election districts, the Legislature shall take into consideration the factors specified in Sections 28745.4 and 28745.6. In such a case, the boundaries of the election districts shall be as follows:

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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

In order that the Legislature may have sufficient time by July 1, 1974, to establish, if it decides to do so, the boundaries for the nine

election districts from which the board of directors of the San Francisco Bay Area Rapid Transit District are to be elected from if the proposition requiring that the board be elected is adopted by the district voters at a special election consolidated with the direct primary election to be held on June 4, 1974, it is necessary that this act take effect immediately.

CHAPTER 320

An act to amend Section 66791 of, and to add Section 66790.5 to, the Government Code, relating to the Solid Waste Management Board, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 66790.5 is added to the Government Code, to read:

66790.5. In order to carry out its powers and duties under this chapter, the board may enter into such contracts as the board deems necessary.

SEC. 2. Section 66791 of the Government Code is amended to read:

66791. The Legislature finds that local agencies, in order to effectively plan and purchase solid waste disposal facilities on a long-range basis, need financial assistance. The board shall study alternative methods of providing financial assistance to local agencies for such purposes, including, but not limited to, revenue bond financing, with the objective of developing self-supporting programs. The board shall report its findings and recommendations on such subject to the Legislature not later than January 15, 1975.

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

In order to develop proper financial assistance reports, the mandated filing deadline must be changed to January 15, 1975.

CHAPTER 321

An act to amend Section 19601 of the Education Code, relating to state school building aid.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 19601 of the Education Code is amended to read:

19601. The following definitions apply to the computation and determinations required to be made under Sections 19602, 19603, and 19604, and they apply with respect to each grade level of a district for which grade level an apportionment has become final during any preceding fiscal year.

(a) "Forty-cent tax amount" means the amount that would be produced by a tax of forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation, excluding the assessed valuation of solvent credits and other intangible property, for the current fiscal year within the district;

(b) "Thirty-cent tax amount" means the amount that would be produced by a tax of thirty cents ($0.30) on each one hundred dollars ($100) of such assessed valuation;

(c) "Ten-cent tax amount" means the amount that would be produced by a tax of ten cents ($0.10) on each one hundred dollars ($100) of such assessed valuation;

(d) "Eligible bonded debt service" means the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on the portion of the bonded indebtedness of the district that was incurred for each such grade level prior to the making of the first apportionment for such grade level to said district under the provisions of this chapter computed as provided in Section 19602 plus the amount of the annual repayment under Chapter 8 (commencing with Section 19401) of this division, provided that for the purposes hereof the first apportionment made to a district for a grade level after all previous apportionments to said district for that grade level have been repaid in full, excluding apportionments made under Section 19577 and not combined with construction apportionments, shall be deemed to be the "first apportionment for such grade level."

CHAPTER 322

An act to amend Section 69644 of the Government Code, relating to courts.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 69644 of the Government Code is amended to read:

69644. An ordinance creating or changing the boundaries of any district shall not result in any district having an estimated population of less than 250,000.

CHAPTER 323

An act to amend Section 25830 of the Government Code, relating to county land use fees and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 25830 of the Government Code is amended to read:

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

The board shall set a reasonable fee for each category established and divide the land within the unincorporated territory according to categories and ownership; provided, however, that the board shall establish a category of land for which services are provided and no fee required, and shall determine eligibility for inclusion in such category, upon application, on a case-by-case basis. The board shall impose the appropriate fee upon each division of land and provide

for the billing and collection of such fees. The fees may be established, billed and collected on a monthly or yearly basis, and may be billed and collected by the county tax collector as part of the regular county tax billing system.

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

In order to allow counties to add the collection of land use fees to the regular tax billing procedure this year, thus avoiding a separate billing and the added expense entailed, it is necessary that this act take effect immediately.

CHAPTER 324

An act to amend Section 602 of, and to add Sections 602.1 and 602.2 to, the Education Code, relating to county boards of education.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 602 of the Education Code is amended to read:

602. Upon being so requested by the county board of education, the county committee on school district organization, by a two-thirds vote of the members, may either change the boundaries of any or all of the trustee areas of the county, or propose to increase or decrease the number of members of the county board of education, or both. The trustee areas shall be as nearly equal in population as may be, except that in establishing or changing the boundaries of the trustee areas the county committee may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, continuity, integrity, and compactness of territory, and (d) community of interests of the trustee areas. In any event, the county committee shall insure that such areas are as nearly equal in population as practicable. Changes in trustee area boundaries or a proposed reduction in the number of county board of education members shall be made in writing and filed with the county board of supervisors not later than the first day of March of any school year.

In those counties in which the election of members of county boards of education are required to be held on the same date as prescribed for the election of members of governing boards of school districts, as provided in Section 605, the county committees on school district organization shall fix the boundaries of trustee areas, insofar as possible, to coincide with the boundaries of school districts.

Whenever the boundaries of trustee areas are changed so as to be

coterminous with those of supervisorial districts of the county, the election for members of the county board of education shall be consolidated with the countywide election.

SEC. 2. Section 602.1 is added to the Education Code, to read:

602.1. When a county committee on school district organization proposes to reduce from seven to five or increase from five to seven the number of members of the county board of education, the county committee shall call and conduct a hearing on the matter. At the conclusion of the hearing, the county committee shall, by resolution, approve or disapprove the proposal.

SEC. 3. Section 602.2 is added to the Education Code, to read:

602.2. The resolution of the county committee approving a reduction or increase in the number of members of the county board of education shall constitute an order of election, and the proposal shall be presented to the electors of the county not later than the next succeeding election for members of the county board of education. The ballot shall contain the following words, as appropriate:

"For decreasing (increasing) the number of members of the county board of education from seven (five) to five (seven) _____ Yes"

"For decreasing (increasing) the number of members of the county board of education from seven (five) to five (seven) _____ No"

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 325

An act to add Section 21212 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor June 11, 1974. Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 21212 is added to the Government Code, to read:

21212. Any person entitled to a benefit from this system may request that warrants in payment of the benefit be mailed to his bank, savings and loan association, or credit union, in this state, for deposit in his account. Such mailing is a full discharge of the board and this system.

SEC. 2. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Tax Code.

CHAPTER 326

An act to amend Section 7375 of the Welfare and Institutions Code, relating to criminal procedure.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 7375 of the Welfare and Institutions Code is amended to read:

7375. (a) A patient committed to a state hospital under the provisions of Chapter 6, Title 10, Part 2, of the Penal Code, shall, upon the certificate of the medical director that the person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with in accordance with the provisions of the above-mentioned chapter of the Penal Code.

(b) A person committed to a state hospital under the provisions of Section 1026 of the Penal Code shall be released therefrom only upon determination that his sanity has been restored, as provided in Sections 1026 and 1026a of the Penal Code, except as otherwise expressly provided in subdivision (c) or (d) of this section.

(c) Whenever any such person has been confined in a state hospital for 90 days or more, after having been committed to a state hospital under the provisions of Section 1026 of the Penal Code in a criminal proceeding in which the offense alleged to have been committed by such person was punishable by a penalty other than death, and the medical director is of the opinion that the person has improved to such an extent that he is no longer a danger to the health and safety of others and that the person will receive benefit from parole, the medical director may certify said opinion to the committing court. Within 30 days after the receipt of the certification, after notice to the prosecuting attorney, the court shall, after a hearing in open court, approve or disapprove such recommendation. If the approval of the court is given, the medical director of the hospital may parole the person under such terms and conditions as the medical director specifies. The parole may include releasing the person to the custody of the local mental health facility in the county from which the person was committed, for one or more periods not to exceed 30 days in each case, to facilitate the adjustment of the person to the community pending a determination with regard to his restoration of sanity. The parole shall be on the same general terms and conditions as parole of the mentally

disordered committed under the provisions of this code. If the court disapproves of such recommendation, no further recommendation for parole shall be made by the medical director until six months have elapsed from the date of the last preceding recommendation.

(d) Whenever any such person has been confined in a state hospital for three years or more, after having been committed to a state hospital under the provisions of Section 1026 of the Penal Code in a criminal proceeding in which the offense alleged to have been committed by such person was punishable by death, and the medical director is of the opinion that the person has improved to such an extent that he is no longer a danger to the health and safety of others and that the person will receive benefit from parole, the medical director may certify said opinion to the committing court. Within 30 days after the receipt of the certification, after notice to the prosecuting attorney, the court shall, after a hearing in open court, approve or disapprove such recommendation. If the approval of the court is given, the medical director of the hospital may parole the person under such terms and conditions as the medical director specifies. The parole may include releasing the person to the custody of the local mental health facility in the county from which the person was committed, for one or more periods not to exceed 30 days in each case, to facilitate the adjustment of the person to the community pending a determination with regard to his restoration of sanity. The parole shall be on the same general terms and conditions as parole of the mentally disordered committed under the provisions of this code. If the court disapproves of such recommendation, no further recommendation for parole shall be made by the medical director until six months have elapsed from the date of the last preceding recommendation.

(e) A person paroled pursuant to subdivision (c) or (d) shall not be deemed to be "released from confinement" within the meaning of Section 1026 of the Penal Code, but shall be deemed to be still "confined" within the meaning of Sections 1026 and 1026a of the Penal Code.

(f) A convict received into a state hospital under the provisions of Section 2684 of the Penal Code, shall, on recovery, be returned to prison in accordance with the provisions of Section 2685 of the Penal Code.

CHAPTER 327

An act relating to senior citizens property tax relief, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1974. Filed with Secretary of State June 11, 1974]

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

SECTION 1. Notwithstanding Section 19532 of the Revenue and Taxation Code, the claim on which assistance for the 1971–72 fiscal year under Part 10.5 (commencing with Section 19501) of the Revenue and Taxation Code is based, with respect to a homestead located in an area in which a disaster occurred during the normal filing period of May 15, 1972, to October 15, 1972, inclusive, which area was subsequently declared to be in a state of disaster by the Governor or President of the United States and which disaster caused the claimant to be unable to file a claim during the normal filing period, shall be filed not later than 60 days after the effective date of this act.

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

In order that certain procedural barriers may be removed which will allow certain low income senior citizens who, because of major disaster in the area of their homes, were unable to timely file claims for senior citizens property tax assistance, thereby fulfilling the policy of the state, it is necessary that this act take effect immediately.

CHAPTER 328

An act to add Section 432.7 to the Labor Code, relating to employment practices.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974.]

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

SECTION 1. Section 432.7 is added to the Labor Code, to read:

432.7. No employer, public or private, shall require on an initial employment application form a record of arrests or any questions regarding arrest records. Questions regarding convictions are permitted. Questions regarding arrest records are permitted in the employment process following receipt of the initial application form. Nothing in this section shall prevent a public agency authorized by law from requesting arrest records from the Division of Law Enforcement. A violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500).

This section does not apply to persons seeking employment as peace officers.

CHAPTER 329

An act to amend Section 9011 of the Elections Code, relating to political parties.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 9011 of the Elections Code is amended to read:

9011. The state convention shall be composed of the following delegates:

(a) Each officer named in Section 9010 who was nominated and elected as a candidate of the party and whose term of office extends beyond the eighth day of January next following the direct primary election, or the appointee or successor appointed, elected, or otherwise designated by law to fill a vacancy in the office of any such officer. These delegates are "holdover delegates."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the direct primary election or at a special primary election by that party. These delegates are "nominee delegates." Nominees for an office the term of which extends beyond two years are delegates to each succeeding state convention until that following the direct primary election at which nominations for the office are again to be made. If a candidate is a "nominee delegate" to the state convention held in the year in which he is nominated, and is elected to the office at the succeeding general election, he shall be considered a "holdover delegate" to the state convention of his party in the next odd-numbered year, if his party is required to hold such a convention.

(c) One delegate appointed for each of the officers named in Section 9010, not represented by a "holdover delegate" nor by a "nominee delegate" of the party. These delegates shall be chosen and appointed in the manner provided in this chapter for filling vacancies in the state convention. These delegates are "appointive delegates."

CHAPTER 330

An act to amend Section 14321 of the Welfare and Institutions Code, relating to medical care pilot programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 14321 of the Welfare and Institutions Code is amended to read:

14321. In providing benefits under this chapter through prepaid health plans, the department may contract with one or more carriers whereby the carrier provides a program underwriting the risk involved. For the purpose of establishing a prepaid health plan any carrier as defined in Section 14261 shall be deemed capable of providing, arranging, paying or reimbursing the cost of the health care services as defined in Section 14053.

In providing benefits under this chapter the department may contract with carriers or other organizations to establish pilot programs, each of which may be set up to exist for a period of time, not to exceed four years, which shall be sufficient to demonstrate the value or lack thereof of such a program, as determined by the director, in delivering health care services in an efficient or effective manner. Such programs shall demonstrate different methods of providing health care services and shall emphasize methods of utilization, review and preventive care, and shall provide incentives for using the most economical level of care. Such programs may provide benefits on the basis of class of recipient, class of benefit, geographical area, or any other reasonable classification. In entering into contracts under this subdivision the department may provide that the extent of benefit coverage may be limited to a fixed number of days, or amount, or duration of services. The contract may provide that the carrier or other organization shall continue to administer benefits provided beyond the applicable limitation. Any contracts entered into pursuant to this chapter shall not interfere or conflict with pilot programs established pursuant to this section.

The director shall submit to the Legislature a written progress report regarding any action taken under the above provisions of this section no later than the fifth legislative day of each general session.

In addition the director shall establish a pilot program to compare patient treatment profiles and prior authorization as controls of overutilization. It is the intent of the Legislature that the most cost-effective system shall be established on a statewide basis. The director shall report to the Legislature the results of this project within six months of its initiation, and shall submit a final report to the Legislature within three months of its completion. Nothing contained in this paragraph shall be construed to prevent the Department of Health from contracting with carriers for the establishment of prepaid health plans in the same area as the pilot program.

SEC. 2. Under Section 14321 of the Welfare and Institutions Code, the Director of the Department of Health is required to establish a pilot program to compare patient treatment profiles and prior authorization as controls of overutilization. The Legislature finds that further data on the most cost-effective system is needed and may be secured by continuing such pilot project for an additional year in one or more representative geographical areas of the state,

such as the area of Fresno County, that have demonstrated ability and willingness to participate. Such pilot program established under Section 14321 of the Welfare and Institutions Code shall continue in Fresno County and such other areas as determined by the Director of the Department of Health in carrying out the purpose of this section. The Director of the Department of Health shall report to the Legislature the results of the continuation of this project.

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

In order that the pilot project concerning controls on overutilization of medical benefits may be continued as provided in this act, it is necessary that this act take immediate effect.

SEC. 4. This act shall remain in effect only until April 30, 1975, and as of such date is repealed, unless a later enacted statute, which is chaptered before April 30, 1974, deletes or extends such date.

CHAPTER 331

An act to add Chapter 5 (commencing with Section 1980) to Title 5 of Part 4 of Division 3, and to repeal Section 1862, of the Civil Code, and to amend Section 1174 of the Code of Civil Procedure, relating to abandoned personal property.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974]

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

SECTION 1. Section 1862 of the Civil Code is repealed.

SEC. 2. Chapter 5 (commencing with Section 1980) is added to Title 5 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 5. DISPOSITION OF PERSONAL PROPERTY REMAINING ON PREMISES AT TERMINATION OF TENANCY

1980. As used in this chapter:

(a) "Landlord" means any operator, keeper, lessor, or sublessor of any furnished or unfurnished premises for hire, or his agent or successor in interest.

(b) "Owner" means any person other than the landlord who has any right, title, or interest in personal property.

(c) "Premises" includes any common areas associated therewith.

(d) "Reasonable belief" means the actual knowledge or belief a prudent person would have without making an investigation (including any investigation of public records) except that, where the landlord has specific information indicating that such an

investigation would more probably than not reveal pertinent information and the cost of such an investigation would be reasonable in relation to the probable value of the personal property involved, "reasonable belief" includes the actual knowledge or belief a prudent person would have if such an investigation were made.

(e) "Tenant" includes any paying guest, lessee, or sublessee of any premises for hire.

1981. (a) This chapter provides an optional procedure for the disposition of personal property which remains on the premises after a tenancy has terminated and the premises have been vacated by the tenant.

(b) This chapter does not apply where Section 1862.5, 2080.8, 2080.9, or 2081 to 2081.6, inclusive, applies. This chapter does not apply to property which exists for the purpose of providing utility services and is owned by a public utility, whether or not such property is actually in operation to provide such utility services.

(c) If the requirements of this chapter are not satisfied, nothing in this chapter affects the rights and liabilities of the landlord, former tenant, or any other person.

1982. (a) Personal property which the landlord reasonably believes to have been lost shall be disposed of pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Title 6. The landlord is not liable to the owner of the property if he complies with this subdivision.

(b) If the appropriate police or sheriff's department refuses to accept property pursuant to subdivision (a), the landlord may dispose of the property pursuant to this chapter.

1983. (a) Where personal property remains on the premises after a tenancy has terminated and the premises have been vacated by the tenant, the landlord shall give written notice to such tenant and to any other person the landlord reasonably believes to be the owner of the property.

(b) The notice shall describe the property in a manner reasonably adequate to permit the owner of the property to identify it. The notice may describe all or a portion of the property, but the limitation of liability provided by Section 1989 does not protect the landlord from any liability arising from the disposition of property not described in the notice except that a trunk, valise, box, or other container which is locked, fastened, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents. The notice shall advise the person to be notified that reasonable costs of storage may be charged before the property is returned, where the property may be claimed, and the date before which the claim must be made. The date specified in the notice shall be a date not less than 15 days after the notice is personally delivered or, if mailed, not less than 18 days after the notice is deposited in the mail.

(c) The notice shall be personally delivered to the person to be notified or sent by first-class mail, postage prepaid, to the person to

be notified at his last known address and, if there is reason to believe that the notice sent to that address will not be received by that person, also to such other address, if any, known to the landlord where such person may reasonably be expected to receive the notice. If the notice is sent by mail to the former tenant, one copy shall be sent to the premises vacated by such tenant.

1984. (a) A notice given to the former tenant which is in substantially the following form satisfies the requirements of Section 1983:

Notice of Right to Reclaim Abandoned Property

To: _____
(Name of former tenant)

_____
(Address of former tenant)

When you vacated the premises at _____
(address of premises, including room or apartment number, if any)
_____., the following personal property remained:

_____
(insert description of the personal property)

You may claim this property at _____.
(address where property may be claimed)

Unless you pay the reasonable cost of storage for all the above-described property, and take possession of the property which you claim, not later than _____ (insert date not less than 15 days after notice is personally delivered or, if mailed, not less than 18 days after notice is deposited in the mail) this property may be disposed of pursuant to Civil Code Section 1988.

(Insert here the statement required by subdivision (b) of this section)

Dated:_____

_____
(Signature of landlord)

_____
(Type or print name of landlord)

_____
(Telephone number)

_____
(Address)

(b) The notice set forth in subdivision (a) shall also contain one of the following statements:

(1) "If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the cost of storage, advertising, and sale is deducted, the remaining money will be paid over to the county. You may claim the

remaining money at any time within one year after the county receives the money."

(2) "Because this property is believed to be worth less than $100, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above."

1985. A notice which is in substantially the following form given to a person (other than the former tenant) the landlord reasonably believes to be the owner of personal property satisfies the requirements of Section 1983:

Notice of Right to Reclaim Abandoned Property

To: _____
(Name)

_____
(Address)

When _____ vacated the premises at
(name of former tenant)

_____,
(address of premises, including room or apartment number, if any)

the following personal property remained:

_____
(insert description of the personal property)

If you own any of this property, you may claim it at _____. Unless you pay the reasonable
(address where property may be claimed)

cost of storage and take possession of the property to which you are entitled not later than _____ (insert date not less than 15 days after notice is personally delivered or, if mailed, not less than 18 days after notice is deposited in the mail) this property may be disposed of pursuant to Civil Code Section 1988.

Dated:_____

_____
(Signature of landlord)

_____
(Type or print name of landlord)

_____
(Telephone number)

_____
(Address)

1986. The personal property described in the notice shall either be left on the vacated premises or be stored by the landlord in a place of safekeeping until the landlord either releases the property pursuant to Section 1987 or disposes of the property pursuant to Section 1988. The landlord shall exercise reasonable care in storing the property, but he is not liable to the tenant or any other owner for any loss not caused by his deliberate or negligent act.

1987. (a) The personal property described in the notice shall be released by the landlord to the former tenant or, at the landlord's option, to any person reasonably believed by the landlord to be its

owner if such tenant or other person pays the reasonable cost of storage and takes possession of the property not later than the date specified in the notice for taking possession.

(b) Where personal property is not released pursuant to subdivision (a) and the notice stated that the personal property would be sold at a public sale, the landlord shall release the personal property to the former tenant if he claims it prior to the time it is sold and pays the reasonable cost of storage, advertising, and sale incurred prior to the time the property is withdrawn from sale.

1988. (a) If the personal property described in the notice is not released pursuant to Section 1987, it shall be sold at public sale by competitive bidding. However, if the landlord reasonably believes that the total resale value of the property not released is less than one hundred dollars ($100), he may retain such property for his own use or dispose of it in any manner he chooses. Nothing in this section shall be construed to preclude the landlord or tenant from bidding on the property at the public sale.

(b) Notice of the time and place of the public sale shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the county where the sale is to be held. The last publication shall be not less than five days before the sale is to be held. The notice of the sale shall not be published before the last of the dates specified for taking possession of the property in any notice given pursuant to Section 1983. The notice of the sale shall describe the property to be sold in a manner reasonably adequate to permit the owner of the property to identify it. The notice may describe all or a portion of the property, but the limitation of liability provided by Section 1989 does not protect the landlord from any liability arising from the disposition of property not described in the notice, except that a trunk, valise, box, or other container which is locked, fastened, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents.

(c) After deduction of the costs of storage, advertising, and sale, any balance of the proceeds of the sale which is not claimed by the former tenant or an owner other than such tenant shall be paid into the treasury of the county in which the sale took place not later than 30 days after the date of sale. The former tenant or other owner may claim the balance within one year from the date of payment to the county by making application to the county treasurer or other official designated by the county. If the county pays the balance or any part thereof to a claimant, neither the county nor any officer or employee thereof is liable to any other claimant as to the amount paid.

1989. (a) Notwithstanding subdivision (c) of Section 1981, where the landlord releases to the former tenant property which remains on the premises after a tenancy is terminated, the landlord is not liable with respect to that property to any person.

(b) Where the landlord releases property pursuant to Section 1987 to a person (other than the former tenant) reasonably believed by the landlord to be the owner of the property, the landlord is not

liable with respect to that property to:

(1) Any person to whom notice was given pursuant to Section 1983; or

(2) Any person to whom notice was not given pursuant to Section 1983 unless such person proves that, prior to releasing the property, the landlord believed or reasonably should have believed that such person had an interest in the property and also that the landlord knew or should have known upon reasonable investigation the address of such person.

(c) Where property is disposed of pursuant to Section 1988, the landlord is not liable with respect to that property to:

(1) Any person to whom notice was given pursuant to Section 1983; or

(2) Any person to whom notice was not given pursuant to Section 1983 unless such person proves that, prior to disposing of the property pursuant to Section 1988, the landlord believed or reasonably should have believed that such person had an interest in the property and also that the landlord knew or should have known upon reasonable investigation the address of such person.

1990. (a) Costs of storage which may be required to be paid under this chapter shall be assessed in the following manner:

(1) Where a former tenant claims property pursuant to Section 1987, he may be required to pay the reasonable costs of storage for all the personal property remaining on the premises at the termination of the tenancy which are unpaid at the time the claim is made.

(2) Where an owner other than the former tenant claims property pursuant to Section 1987, he may be required to pay the reasonable costs of storage for only the property in which he claims an interest.

(b) In determining the costs to be assessed under subdivision (a), the landlord shall not charge more than one person for the same costs.

(c) If the landlord stores the personal property on the premises, the cost of storage shall be the fair rental value of the space reasonably required for such storage for the term of the storage.

1991. Where a notice of belief of abandonment is given to a lessee pursuant to Section 1951.3, the notice to the former tenant given pursuant to Section 1983 may, but need not, be given at the same time as the notice of belief of abandonment even though the tenancy is not terminated until the end of the period specified in the notice of belief of abandonment. If the notices are so given, the notices may, but need not, be combined in one notice that contains all the information required by the sections under which the notices are given.

SEC. 3. Section 1174 of the Code of Civil Procedure is amended to read:

1174. (a) If upon the trial, the verdict of the jury, or, if the case be tried without a jury, the findings of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful

detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement if the notice required by Section 1161 of the code states the election of the landlord to declare the forfeiture thereof, but if such notice does not so state such election, the lease or agreement shall not be forfeited.

(b) The jury or the court, if the proceedings be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. If the defendant is found guilty of forcible entry, or forcible or unlawful detainer, and malice is shown, the plaintiff may be awarded either damages and rent found due or punitive damages in an amount which does not exceed three times the amount of damages and rent found due. The trier of fact shall determine whether damages and rent found due or punitive damages shall be awarded, and judgment shall be entered accordingly.

(c) When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, and the notice required by Section 1161 has not stated the election of the landlord to declare the forfeiture thereof, the court may, and, if the lease or agreement is in writing, is for a term of more than one year, and does not contain a forfeiture clause, shall order that execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into the court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate.

But if payment as here provided be not made within five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

(d) A plaintiff, having obtained a writ of restitution of the premises pursuant to an action for unlawful detainer, shall be entitled to have the premises restored to him by officers charged with the enforcement of such writs. Promptly upon payment of reasonable costs of service, the enforcing officer shall serve or post a copy of the writ in the same manner as upon levy of writ of attachment pursuant to subdivision 1 of Section 542. In addition, where the copy is posted on the property, another copy of the writ shall thereafter be mailed to the defendant at his business or residence address last known to the plaintiff or his attorney or, if no such address is known, at the premises. The writ of restitution of the premises shall include a statement that personal property remaining

on the premises at the time of its restitution to the landlord will be sold or otherwise disposed of in accordance with Section 1174 of the Code of Civil Procedure unless the tenant or the owner pays the landlord the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the premises are restored to the landlord. If the tenant does not vacate the premises within five days from the date of service, or, if the copy of the writ is posted, within five days from the date of mailing of the additional notice, the enforcing officer shall remove the tenant from the premises and place the plaintiff in possession thereof. It shall be the duty of the party delivering the writ to the officer for execution to furnish the information required by the officer to comply with this section.

(e) Personal property remaining on the premises which the landlord reasonably believes to have been lost shall be disposed of pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Title 6 of Part 4 of Division 3 of the Civil Code. The landlord is not liable to the owner of any property which he disposes of in this manner. If the appropriate police or sheriff's department refuses to accept such property, it shall be deemed not to have been lost for the purposes of this subdivision.

(f) The landlord shall give notice pursuant to Section 1983 of the Civil Code to any person (other than the tenant) reasonably believed by the landlord to be the owner of personal property remaining on the premises.

(g) The landlord shall store the personal property in a place of safekeeping until it is either released pursuant to subdivision (h) or disposed of pursuant to subdivision (i).

(h) The landlord shall release the personal property to the tenant or, at the landlord's option, to a person reasonably believed by the landlord to be its owner if such tenant or other person pays the costs of storage as provided in Section 1990 of the Civil Code and claims the property not later than the date specified in the writ of restitution before which the tenant must make his claim or the date specified in the notice before which a person other than the tenant must make his claim.

(i) Personal property not released pursuant to subdivision (h) shall be disposed of pursuant to Section 1988 of the Civil Code.

(j) Where the landlord releases personal property to the tenant pursuant to subdivision (h), the landlord is not liable with respect to that property to any person.

(k) Where the landlord releases personal property pursuant to subdivision (h) to a person (other than the tenant) reasonably believed by the landlord to be its owner, the landlord is not liable with respect to that property to:

(1) The tenant or to any person to whom notice was given pursuant to subdivision (f); or

(2) Any other person, unless such person proves that, prior to releasing the property, the landlord believed or reasonably should have believed that such person had an interest in the property and

also that the landlord knew or should have known upon reasonable investigation the address of such person.

(*l*) Where personal property is disposed of pursuant to Section 1988 of the Civil Code, the landlord is not liable with respect to that property to:

(1) The tenant or to any person to whom notice was given pursuant to subdivision (f); or

(2) Any other person, unless such person proves that, prior to disposing of the property pursuant to Section 1988 of the Civil Code, the landlord believed or reasonably should have believed that such person had an interest in the property and also that the landlord knew or should have known upon reasonable investigation the address of such person.

(m) For the purposes of subdivisions (e), (f), (h), (k), and (*l*), the terms "owner," "premises," and "reasonable belief" have the same meaning as provided in Section 1980 of the Civil Code.

CHAPTER 332

An act to add Section 1951.3 to the Civil Code, and to add Section 415.47 to the Code of Civil Procedure, relating to abandonment of leased real property.

[Approved by Governor June 11, 1974. Filed with Secretary of State June 11, 1974.]

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

SECTION 1. Section 1951.3 is added to the Civil Code, to read:

1951.3. (a) Real property shall be deemed abandoned by the lessee, within the meaning of Section 1951.2, and the lease shall terminate if the lessor gives written notice of his belief of abandonment as provided in this section and the lessee fails to give the lessor written notice, prior to the date of termination specified in the lessor's notice, stating that he does not intend to abandon the real property and stating an address at which the lessee may be served by certified mail in any action for unlawful detainer of the real property.

(b) The lessor may give a notice of belief of abandonment to the lessee pursuant to this section only where the rent on the property has been due and unpaid for at least 14 consecutive days and the lessor reasonably believes that the lessee has abandoned the property. The date of termination of the lease shall be specified in the lessor's notice and shall be not less than 15 days after the notice is served personally or, if mailed, not less than 18 days after the notice is deposited in the mail.

(c) The lessor's notice of belief of abandonment shall be personally delivered to the lessee or sent by first-class mail, postage

prepaid, to the lessee at his last known address and, if there is reason to believe that the notice sent to that address will not be received by the lessee, also to such other address, if any, known to the lessor where the lessee may reasonably be expected to receive the notice.

(d) The notice of belief of abandonment shall be in substantially the following form:

Notice of Belief of Abandonment

To: _____
(Name of lessee/tenant)

_____
(Address of lessee/tenant)

This notice is given pursuant to Section 1951.3 of the Civil Code concerning the real property leased by you at _____ (state location of the property by address or other sufficient description). The rent on this property has been due and unpaid for 14 consecutive days and the lessor/landlord believes that you have abandoned the property.

The real property will be deemed abandoned within the meaning of Section 1951.2 of the Civil Code and your lease will terminate on _____ (here insert a date not less than 15 days after this notice is served personally or, if mailed, not less than 18 days after this notice is deposited in the mail) unless before such date the undersigned receives at the address indicated below a written notice from you stating both of the following:

(1) Your intent not to abandon the real property.

(2) An address at which you may be served by certified mail in any action for unlawful detainer of the real property.

You are required to pay the rent due and unpaid on this real property as required by the lease, and your failure to do so can lead to a court proceeding against you.

Dated:_____

_____
(Signature of lessor/landlord)

_____
(Type or print name of lessor/landlord)

_____
(Address to which lessee/tenant is to send notice)

(e) The real property shall not be deemed to be abandoned pursuant to this section if the lessee proves any of the following:

(1) At the time the notice of belief of abandonment was given, the rent was not due and unpaid for 14 consecutive days.

(2) At the time the notice of belief of abandonment was given, it was not reasonable for the lessor to believe that the lessee had abandoned the real property. The fact that the lessor knew that the lessee left personal property on the real property does not, of itself, justify a finding that the lessor did not reasonably believe that the

lessee had abandoned the real property.

(3) Prior to the date specified in the lessor's notice, the lessee gave written notice to the lessor stating his intent not to abandon the real property and stating an address at which he may be served by certified mail in any action for unlawful detainer of the real property.

(4) During the period commencing 14 days before the time the notice of belief of abandonment was given and ending on the date the lease would have terminated pursuant to the notice, the lessee paid to the lessor all or a portion of the rent due and unpaid on the real property.

(f) Nothing in this section precludes the lessor or the lessee from otherwise proving that the real property has been abandoned by the lessee within the meaning of Section 1951.2.

(g) Nothing in this section precludes the lessor from serving a notice requiring the lessee to pay rent or quit as provided in Sections 1161 and 1162 of the Code of Civil Procedure at any time permitted by those sections, or affects the time and manner of giving any other notice required or permitted by law. The giving of the notice provided by this section does not satisfy the requirements of Sections 1161 and 1162 of the Code of Civil Procedure.

SEC. 2. Section 415.47 is added to the Code of Civil Procedure, to read:

415.47. (a) Where the lessee has given the lessor written notice of the lessee's intent not to abandon leased real property as provided in Section 1951.3 of the Civil Code, the summons in an action for unlawful detainer of the real property may be served on the lessee by certified mail, postage prepaid, addressed to the lessee at the address stated in the lessee's notice of intent not to abandon if such summons is deposited in the mail within 60 days from the date the lessee's notice of intent not to abandon is received by the lessor. Service in this manner is deemed completed on the 10th day after such mailing.

(b) Where the lessee has given the lessor written notice of the lessee's intent not to abandon leased real property as provided in Section 1951.3 of the Civil Code, but failed to include in such notice an address at which the lessee may be served by certified mail in any action for unlawful detainer of the real property, the summons in an action for unlawful detainer of the real property may be served on the lessee by certified mail, postage prepaid, addressed to the lessee at (1) the same address or addresses to which the lessor's notice of belief of abandonment was addressed if that notice was given by mail or (2) the address of the real property if the lessor's notice of belief of abandonment was personally served on the lessee. Service may not be made pursuant to this subdivision unless the summons is deposited in the mail within 60 days from the date the lessee's notice of intent not to abandon is received by the lessor. Service in the manner authorized by this subdivision is deemed completed on the 10th day after such mailing.

(c) This section provides an alternative method of service on the lessee and does not preclude service in any other manner authorized by this chapter.

CHAPTER 333

An act to amend Section 14904 of, and to repeal Section 13557 of, the Vehicle Code, relating to drivers' licenses.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974.]

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

SECTION 1. Section 13557 of the Vehicle Code is repealed.

SEC. 2. Section 14904 of the Vehicle Code is amended to read:

14904. (a) Notwithstanding any other provision of this code, before a driver's license may be issued, reissued, or returned to the licensee after a mandatory suspension or a mandatory revocation of a person's driving privilege ordered by the department has been terminated or reinstated there shall, in addition to any other fees required by this code, be paid the department a fee of five dollars ($5).

(b) This section shall not apply to any suspension or revocation that is set aside by the department or a court.

CHAPTER 334

An act to amend Section 11212 of the Welfare and Institutions Code, relating to welfare, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1974. Filed with Secretary of State June 11, 1974.]

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

SECTION 1. Section 11212 of the Welfare and Institutions Code is amended to read:

11212. The state, through the county welfare department, shall reimburse the foster parent or foster parents for the cost of the burial plot and funeral expenses incurred for any child who, at the time of death, is receiving foster care, as defined in Section 11251, to the extent that the foster parent or foster parents are not otherwise reimbursed for costs incurred for such purposes, or, at the request of the foster parent or foster parents, the state, through the county welfare department, shall pay the burial costs and funeral expenses directly to the funeral home and the burial plot owner. The foster parent, or the funeral home and burial plot provider, shall file a claim

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for reimbursement of costs with the county welfare department at the time and in the manner specified by the department. The county welfare department shall pay an amount not exceeding six hundred fifty dollars ($650) for such claim out of state funds appropriated for such purposes.

SEC. 2. This act shall apply retroactively to January 1, 1974, to the extent that it may legally do so.

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

Since some foster parents are unable to advance moneys and others have incurred debts for the burial plot and funeral expenses of a foster child, it is necessary that this act which authorizes state vendor payments for such costs take immediate effect.

CHAPTER 335

An act to amend Sections 73822, 73823, and 73824 of the Government Code, relating to courts.

[Approved by Governor June 11, 1974. Filed with Secretary of State June 11, 1974.]

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

SECTION 1. Section 73822 of the Government Code is amended to read:

73822. (a) Whenever reference to a numbered salary range is made in any section of this article, the schedule found in the effective salary and position allocation resolution of the County of Stanislaus, shall apply.

(b) Except as otherwise provided in this article, each new officer or employee shall for the first six full calendar months of continuous service receive a salary at the monthly rate specified for step 1 of the applicable range; on the first day of the next calendar month thereafter, his salary may increase to the rate of step 2; after one, two and three additional years of continuous service, his salary may increase to the rates for steps 3, 4 and 5 respectively. Such increases shall be granted only with the approval of the officer's or employee's appointing authority.

(c) Notwithstanding any other provisions of law, until January 1, 1977, the salary of any officer or employee may, upon approval by the board of supervisors, be increased or decreased in order to provide compensation that is comparable to that of county employees of similar qualifications and experience, holding equal or comparable positions in the Stanislaus County classified service, as the comparability is determined by the board. When the salaries of

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incumbent officers and employees are increased to provide compensation that is comparable to that of county employees holding comparable positions, such officers and employees may, with the approval of their appointing authority, retain the same salary step in the salary range made applicable to their position as they occupied under the superseded salary range. For the purpose of determining eligibility for subsequent annual increments, however, the officer's and employee's anniversary date for step advancement shall not change.

(d) When any officer or employee in the service of the court is appointed or promoted to another office or position in such service which is compensated at a higher salary range he shall receive step 1 of such salary range if step 1 is at least 5 percent higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the salary range pertaining to such office or position which will provide not less than a 5-percent increase in his compensation. For the purpose of determining eligibility for subsequent annual increments, the officer's or employee's anniversary date for step advancement will be changed to the first day of the next calendar month following the date of promotion unless the promotion is effective on the first regular working day of the month.

(e) When any officer or employee in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary range applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing authority may specify any step rate of such salary range which provides compensation not higher than that last previously received by such person. For the purpose of determining eligibility for subsequent annual increments, the officer's or employee's anniversary date for step advancement will be changed to the first day of the next calendar month following the date of demotion unless the demotion is effective on the first regular working day of the month.

SEC. 2. Section 73823 of the Government Code is amended to read:

73823. There shall be one clerk appointed by a majority of the judges of the court. The clerk shall be on range 45B and he may appoint, with the approval of a majority of the judges of the court:

(a) One assistant clerk on range 41B.
(b) Three municipal court clerks on range 38B.
(c) One legal clerk on range 35D.
(d) Two account clerks III on range 34D.
(e) One clerk III on range 33D.
(f) Eight clerks II on range 30D.

SEC. 3. Section 73824 of the Government Code is amended to read:

73824. There shall be one marshal who shall be on range 42C and the marshal may appoint:

(a) Two deputy marshals on range 40A
(b) One clerk II on range 30D
(c) Two deputy marshals who shall be custodians at the fee allowed by law for keeping property.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs which may be incurred by local agencies or school districts pursuant to the act, because this act is in accordance with the request of a local agency which desired legislative authority to carry out the program specified in this act.

CHAPTER 336

An act to add Section 1203.5 to the Education Code, relating to school district governing boards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1974 Filed with Secretary of State June 11, 1974.]

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

SECTION 1. Section 1203.5 is added to the Education Code, to read:

1203.5. Proceedings pursuant to Section 1203 may be conducted in conjunction with proceedings under Article 2 (commencing with Section 1111) of Chapter 4 of this division, including proceedings by the county committee on school district organization to establish trustee areas or to increase the number of members of the governing board of the school district from five to seven members, or both. In the event that the number of members of the governing board of the school district is so increased from five to seven members, the terms of office of the board members who take office at the expiration of the terms of office of the board members appointed by the county superintendent of schools shall be determined by lot. The terms of office of the majority of members of the board shall expire on June 30th of the second succeeding odd-numbered year, and the terms of the other members shall expire on June 30th of the first succeeding odd-numbered year. All subsequent members shall serve for four-year terms.

SEC. 2. All proceedings and all action taken by the San Joaquin County Committee on School District Organization, the County Superintendent of Schools of San Joaquin County, the Board of Supervisors of the County of San Joaquin, and all other governmental officers and agencies, in connection with the appointment and election of successor governing boards of the Stockton Unified School District pursuant to statutory law, following the abolition of the governing board of the district as constituted pursuant to former

provisions of the Charter of the City of Stockton, are hereby ratified, validated and confirmed and declared to be legally effective for all purposes. The actions of any and all of such officers and agencies and of the members of the first successor Governing Board of the Stockton Unified School District constituted and elected pursuant to the statutory law, in fixing the terms of office of the members of such governing board by lot, are hereby ratified, validated and confirmed and declared to be legally effective for all purposes as though Section 1203.5 of the Education Code, as enacted by Section 1 of this act had been in effect and operative at the time any and all such actions were taken.

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

In order that the legal status of the Stockton Unified School District may be clarified at the earliest possible time and that the terms of office of its members can be legally definitized, it is essential that this act take effect immediately.

CHAPTER 337

An act to amend Section 456 of the Elections Code, relating to elections.

[Approved by Governor June 14, 1974. Filed with Secretary of State June 14, 1974]

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

SECTION 1. Section 456 of the Elections Code is amended to read:

456. The county clerk shall have bound together in one or more volumes a general index of the books of affidavits of registration, arranged alphabetically by precincts, and shall keep at least one copy of the general index in his office for public reference.

CHAPTER 338

An act making an appropriation to pay the claims of certain individuals, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 14, 1974 Filed with Secretary of State June 14, 1974]

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

SECTION 1. The sum of one million thirty-six thousand two hundred dollars ($1,036,200) is hereby appropriated from the General Fund to the Department of Justice for payment of claims arising out of the San Fernando Tunnel explosions of June 23 and 24, 1971, at Sylmar, California, and forming the subject matter of those consolidated actions now pending in the Los Angeles County Superior Court under consolidated case #NWC26474, and entitled Warner v. Metropolitan Water District of Southern California, State of California, et al.

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

In order to settle the claims and actions against the state for wrongful death and personal injuries arising out of the San Fernando Tunnel explosion at Sylmar, California, specified in Section 1 of this act, thereby terminating a lengthy court proceeding and ending a hardship to the damaged persons as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 339

An act to amend Section 18006 of the Government Code, relating to state employees.

[Approved by Governor June 18, 1974. Filed with Secretary of State June 18, 1974]

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

SECTION 1. Section 18006 of the Government Code is amended to read:

18006. (a) Notwithstanding the provisions of Section 11030, whenever a state officer or employee is required by the appointing power because of a change in assignment, promotion or other reason related to his duties to change his place of residence, such officer, agent or employee shall receive his actual and necessary moving, traveling, lodging and meal expenses, incurred by him both before and after and by reason of such change of residence. The maximum allowances for such expenses shall be as follows: the costs of packing, transporting, and unpacking 11,000 pounds of household effects, traveling, lodging, and meal expenses for 60 days while locating a permanent residence, storage of household effects for 60 days, and additional miscellaneous allowances not in excess of two hundred dollars ($200). The maximum allowances may be exceeded in those particular instances where the Director of General Services determines in advance that the change of residence will result in unusual and unavoidable hardship for the officer or employee, and

in such cases the Director of General Services shall determine the maximum allowances to be received by such officer or employee.

(b) If such change of residence reasonably requires the sale of residence or the settlement of an unexpired lease, such officer or employee may be reimbursed for any of the following expenses:

(1) The settlement of the unexpired lease to a maximum of one year. Upon the date of surrender of the premises by the employee who is the lessee, the rights and obligations of the parties to the lease shall be as determined by Section 1951.2 of the Civil Code.

The state shall be absolved of responsibility for an unexpired lease if the Board of Control determines the employee knew or reasonably should have known that a transfer involving physical move was imminent before entering into the lease agreement.

(2) In the event of residence sale, reimbursement for brokerage and other related selling fees or charges, as determined by regulations of the Board of Control, adopted pursuant to the Administrative Procedure Act (commencing with Section 11420) customarily charged for like services in the locality where the residence is located.

CHAPTER 340

An act to amend Section 1714.1 of the Civil Code, and to add Section 594.5 to the Penal Code, relating to willful misconduct.

[Approved by Governor June 18, 1974 Filed with Secretary of State June 18, 1974]

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

SECTION 1. Section 1714.1 of the Civil Code is amended to read:

1714.1. (a) Any act of willful misconduct of a minor which results in injury or death to another person or in any injury to the property of another shall be imputed to the parents having custody or control of the minor for all purposes of civil damages, and such parents having custody or control shall be jointly and severally liable with such minor for any damages resulting from such willful misconduct.

The joint and several liability of one or both parents having custody or control of a minor under subdivision (a) of this section shall not exceed two thousand dollars ($2,000) for each tort of the minor, and in the case of injury to a person, such imputed liability shall be further limited to medical, dental and hospital expenses incurred by such injured person, not to exceed two thousand dollars ($2,000). The liability imposed by this section is in addition to any liability now imposed by law.

(b) Any act of willful misconduct of a minor which results in the defacement of property of another with paint or a similar substance shall be imputed to the parents having custody or control of the

minor for all purposes of civil damages, including court costs and attorney's fees to the prevailing party, and such parents having custody or control shall be jointly and severally liable with such minor for any damages resulting from such willful misconduct, not to exceed two thousand dollars ($2,000) for each tort of the minor.

SEC. 2. Section 594.5 is added to the Penal Code, to read:

594.5. (a) Any person who, without the consent of the owner, willfully defaces, by paint or any other liquid, the property of another is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500), or not more than 30 days in the county jail, or both.

(b) A court may require as a condition of probation for any person guilty of violating this section, that he wash, paint, or repair the defaced property, or otherwise make restitution to the property owner. Nothing in this section shall be construed to limit the authority of a court to grant probation or provide conditions of probation.

(c) Nothing in this code shall invalidate an ordinance of, nor be construed to prohibit the adoption of an ordinance by, a city, city and county, or county, if such ordinance regulates the sale of aerosol containers of paint or other liquid substances capable of defacing property.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made because the legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 341

An act to amend Section 8571 of the Education Code, relating to courses of study.

[Approved by Governor June 18, 1974 Filed with Secretary of State June 18, 1974]

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

SECTION 1. Section 8571 of the Education Code is amended to read:

8571. The adopted course of study for grades 7 through 12 shall offer courses in the following areas of study:

(a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.

(b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; instruction in our American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the State and Federal Constitutions; the development of the American economic system including the role of the entrepreneur and labor; man's relations to his human and natural environment; eastern and western cultures and civilizations; and contemporary issues.

(c) Foreign language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.

(d) Physical education, with emphasis given to such physical activities as may be conducive to health and to vigor of body and mind.

(e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation and on man's place in ecological systems, and with appropriate applications of the interrelation and interdependence of the sciences.

(f) Mathematics, including instruction designed to develop mathematical understandings, operational skills, and insight into problem-solving procedures.

(g) Fine arts, including art, music, or drama, with emphasis upon development of aesthetic appreciation and the skills of creative expression.

(h) Applied arts, including instruction in the areas of consumer and homemaking education, industrial arts, general business education, or general agriculture.

(i) Vocational-technical education designed and conducted for the purpose of preparing youth for gainful employment in such occupations and in such numbers as appropriate to the manpower needs of the state and the community served and relevant to the career desires and needs of the students.

(j) Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitudes necessary for the safe operation of motor vehicles. A course in automobile driver education shall include education in the safe operation of motorcycles.

(k) Such other studies as may be prescribed by the governing board.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because

the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 342

An act to add Section 14021.5 to the Education Code, relating to retirement.

[Approved by Governor June 18, 1974 Filed with Secretary of State June 18, 1974.]

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

SECTION 1. Section 14021.5 is added to the Education Code, to read:

14021.5. All members who enter the system on or after January 1, 1975, shall submit to the system proof of their date of birth after they attain five or more years of credited service. This proof shall meet the standards of the administrative procedure to establish record of birth, except for military records, as prescribed by the Department of Health.

Members of the system prior to January 1, 1975, shall not be required to furnish proof of date of birth if the birthdates in their retirement records have been consistent during the period of membership unless at time of retirement they elect an optional form of retirement when proof of date of birth of both member and beneficiary is required.

Persons required to furnish proof of date of birth because of a discrepancy in date in the retirement record shall not be paid any allowance from the system until such proof has been received and accepted by the system.

CHAPTER 343

An act to add Section 31874.2 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor June 18, 1974 Filed with Secretary of State June 18, 1974]

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

SECTION 1. Section 31874.2 is added to the Government Code, to read:

31874.2. The board of supervisors in any county, by a majority vote, may enact an ordinance providing that the maximum annual

change pursuant to this article shall be increased to 4, 5, or 6 percent, as determined by the board, on the operative date of such ordinance.

CHAPTER 344

An act to add Sections 31676.13 and 31676.14 to the Government Code, relating to the County Employees Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1974 Filed with Secretary of State June 19, 1974]

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

SECTION 1. Section 31676.13 is added to the Government Code, to read:

31676.13. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation.

Age of Retirement	Fraction	
	Men	Women
50	.7967	.8181
50¼	.8065	.8275
50½	.8164	.8369
50¾	.8262	.8462
51	.8360	.8556
51¼	.8465	.8656
51½	.8570	.8755
51¾	.8674	.8855
52	.8779	.8954
52¼	.8893	.9061
52½	.9006	.9168
52¾	.9119	.9275
53	.9232	.9382
53¼	.9355	.9498
53½	.9478	.9614
53¾	.9602	.9730
54	.9725	.9846

54¼	.9860	.9972
54½	.9994	1.0098
54¾	1.0129	1.0224
55	1.0264	1.0350
55¼	1.0411	1.0487
55½	1.0559	1.0625
55¾	1.0706	1.0762
56	1.0853	1.0899
56¼	1.1015	1.1049
56½	1.1176	1.1199
56¾	1.1338	1.1349
57	1.1500	1.1500
57¼	1.1610	1.1611
57½	1.1721	1.1723
57¾	1.1832	1.1835
58	1.1943	1.1947
58¼	1.2091	1.2097
58½	1.2239	1.2247
58¾	1.2387	1.2398
59	1.2535	1.2548
59¼	1.2691	1.2707
59½	1.2848	1.2867
59¾	1.3004	1.3026
60	1.3160	1.3186
60¼	1.3326	1.3355
60½	1.3491	1.3525
60¾	1.3657	1.3695
61	1.3822	1.3865
61¼	1.3998	1.4047
61½	1.4173	1.4229
61¾	1.4349	1.4411
62 and over	1.4525	1.4593

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

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

This section shall not be operative in any county until adopted by a resolution of the board of supervisors.

SEC. 2. Section 31676.14 is added to the Government Code, to read:

31676.14. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at

retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation.

Age at Retirement	Fraction Men	Women
50	.8764	.8850
50¼	.8911	.8987
50½	.9059	.9125
50¾	.9206	.9262
51	.9353	.9399
51¼	.9515	.9549
51½	.9676	.9699
51¾	.9838	.9849
52	1.0000	1.0000
52¼	1.0110	1.0111
52½	1.0221	1.0223
52¾	1.0332	1.0335
53	1.0443	1.0447
53¼	1.0591	1.0597
53½	1.0739	1.0747
53¾	1.0887	1.0898
54	1.1035	1.1048
54¼	1.1191	1.1207
54½	1.1348	1.1367
54¾	1.1504	1.1526
55	1.1660	1.1686
55¼	1.1826	1.1855
55½	1.1991	1.2025
55¾	1.2157	1.2195
56	1.2322	1.2365
56¼	1.2498	1.2547
56½	1.2673	1.2729
56¾	1.2849	1.2911
57	1.3025	1.3093
57¼	1.3153	1.3221
57½	1.3282	1.3350
57¾	1.3411	1.3479
58	1.3540	1.3608
58¼	1.3668	1.3736
58½	1.3797	1.3865
58¾	1.3926	1.3994
59	1.4055	1.4123
59¼	1.4183	1.4251
59½	1.4312	1.4380
59¾	1.4441	1.4509
60	1.4570	1.4638

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60¼	1.4698	1.4766
60½	1.4827	1.4895
60¾	1.4956	1.5024
61	1.5085	1.5153
61¼	1.5213	1.5281
61½	1.5342	1.5410
61¾	1.5471	1.5539
62 and over	1.5600	1.5668

In any county operating under this section any limitations in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Wherever in this chapter reference is made to survivorship benefits and rights under Section 31676.1, the same shall apply to this section.

This section shall not be operative in any county until adopted by a resolution of the board of supervisors.

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

In order for local retirement systems to avail themselves of the provisions of this act at the earliest feasible time, it is necessary that this act take effect immediately.

CHAPTER 345

An act making an appropriation to the Emergency Fund in augmentation of Item 90, Budget Act of 1973, to take effect immediately, usual current expenses.

[Approved by Governor June 19, 1974 Filed with Secretary of State June 19, 1974]

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

SECTION 1. The sum of ten million nine hundred thousand dollars ($10,900,000) is hereby appropriated from the General Fund to the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 90, Budget Act of 1973.

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

CHAPTER 346

An act to add Section 5.5 to Chapter 973 of the Statutes of 1973, Section 2 to Chapter 983 of the Statutes of 1973, and Section 7 to Chapter 1139 of the Statutes of 1973, relating to public lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1974 Filed with Secretary of State June 20, 1974]

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

SECTION 1. Section 5.5 is added to Chapter 973 of the Statutes of 1973, to read:

Sec. 5.5. In undertaking the exchanges and acquisitions of land for the state park system authorized by this act, the responsibility for appraisals, appraisal reviews, negotiations, and all related matters is vested in the Department of General Services.

SEC. 2. Section 2 is added to Chapter 983 of the Statutes of 1973, to read:

Sec. 2. Acquisitions for the state park system authorized by this act shall be made in accordance with the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

SEC. 3. Section 7 is added to Chapter 1139 of the Statutes of 1973, to read:

Sec. 7. In undertaking the exchanges and acquisitions of land for the state park system authorized by this act, the responsibility for appraisals, appraisal reviews, negotiations, and all related matters is vested in the Department of General Services.

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

Certain state park system land acquisitions mandated by the Legislature in 1973 face costly delay due to statutory uncertainty as to the authority and responsibility of the Department of General Services to execute the necessary appraisals and negotiations. To assure that such authority is certain and that the acquisitions proceed at a minimum cost to the public and the affected landowners it is necessary that this act take immediate effect.

CHAPTER 347

An act to amend Sections 1509, 2224, and 2415 of, and to add Section 25246 to, the Corporations Code, relating to purchases of securities.

[Approved by Governor June 20, 1974. Filed with Secretary of State June 20, 1974]

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

SECTION 1. Section 1509 of the Corporations Code is amended to read:

1509. Dividends on shares of domestic or foreign corporations standing in the name of a married person may be paid in the same manner as if that person were unmarried.

SEC. 2. Section 2224 of the Corporations Code is amended to read:

2224. Shares standing in the name of a married person may be voted and all rights incident thereto may be exercised in the same manner as if that person were unmarried.

SEC. 3. Section 2415 of the Corporations Code is amended to read:

2415. Shares of stock in domestic or foreign corporations standing on the books of a corporation in the name of a married person may be transferred by that person or the agents of that person, without the signature of the spouse of that person, in the same manner as if that person were unmarried.

SEC. 4. Section 25246 is added to the Corporations Code, to read:

25246. It is unlawful for any person holding a certificate as an agent or broker-dealer under this part to require, as a condition to the purchase or sale of securities for and in the name of a married person, that the prior consent or authorization of the spouse of that person be obtained.

SEC. 5. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 348

An act to amend Section 11161.5 of the Penal Code, relating to minors.

[Approved by Governor June 20, 1974 Filed with Secretary of State June 20, 1974]

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

SECTION 1. Section 11161.5 of the Penal Code is amended to read:

11161.5. (a) In any case in which a minor is brought to a physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, or religious practitioner for diagnosis, examination or treatment, or is under his charge or care, or in any case in which a minor is observed by any registered nurse when in the employ of a public health agency, school, or school district and when no physician

and surgeon, resident, or intern is present, by any superintendent, any supervisor of child welfare and attendance, or any certificated pupil personnel employee of any public or private school system or any principal of any public or private school, by any teacher of any public or private school, by any licensed day care worker, by an administrator of a public or private summer day camp or child care center, or by any social worker, and it appears to the physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, religious practitioner, registered nurse, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, school principal, teacher, licensed day care worker, by an administrator of a public or private summer day camp or child care center or social worker from observation of the minor that the minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, that the minor has been sexually molested, or that any injury prohibited by the terms of Section 273a has been inflicted upon the minor, he shall report such fact by telephone and in writing, within 36 hours, to both the local police authority having jurisdiction and to the juvenile probation department; or, in the alternative, either to the county welfare department, or to the county health department. The report shall state, if known, the name of the minor, his whereabouts and the character and extent of the injuries or molestation.

Whenever it is brought to the attention of a director of a county welfare department or health department that a minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, that a minor has been sexually molested, or that any injury prohibited by the terms of Section 273a has been inflicted upon a minor, he shall file a report without delay with the local police authority having jurisdiction and to the juvenile probation department as provided in this section.

No person shall incur any civil or criminal liability as a result of making any report authorized by this section.

Copies of all written reports received by the local police authority shall be forwarded to the Department of Justice. If the records of the Department of Justice maintained pursuant to Section 11110 reveal any reports of suspected infliction of physical injury upon, sexual molestation of, or infliction of any injury prohibited by the terms of Section 273a upon, the same minor or any other minor in the same family by other than accidental means, or if the records reveal any arrest or conviction in other localities for a violation of Section 273a inflicted upon the same minor or any other minor in the same family, or if the records reveal any other pertinent information with respect to the same minor or any other minor in the same family, the local reporting agency and the local juvenile probation department shall be immediately notified of the fact.

Reports and other pertinent information received from the department shall be made available to: any licensed physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, or religious practitioner with regard to his patient or client; any director

of a county welfare department, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, or school principal having a direct interest in the welfare of the minor; and any probation department, juvenile probation department, or agency offering child protective services.

(b) If the minor is a person specified in Section 600 of the Welfare and Institutions Code and the duty of the probation officer has been transferred to the county welfare department pursuant to Section 576.5 of the Welfare and Institutions Code and the report is made to the local police authority having jurisdiction, then the report required by subdivision (a) of this section shall be made to the county welfare department.

CHAPTER 349

An act to amend Section 8394 of the Fish and Game Code, relating to fish, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1974 Filed with Secretary of State June 20, 1974]

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

SECTION 1. Section 8394 of the Fish and Game Code is amended to read:

8394. Swordfish may be taken only under a revocable, nontransferable permit issued by the department subject to such regulations as the commission shall prescribe.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable cost changes.

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

This act will afford the population of swordfish with needed protection by requiring a revocable, nontransferable permit for the taking of swordfish for commercial purposes. In order, therefore, to afford necessary protection for the swordfish population at the earliest possible time, it is necessary that this act go into immediate effect

CHAPTER 350

An act to amend Section 39152 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1974. Filed with Secretary of State June 20, 1974.]

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

SECTION 1. Section 39152 of the Health and Safety Code is amended to read:

39152. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter or the standards set pursuant to Section 39052.5 or 39052.6, or revised standards set pursuant to subdivision (k) of Section 39052, shall be sold and registered in this state unless the manufacturer thereof has, prior to the delivery of any new motor vehicle to any dealer or at, or prior to, the introduction date of new models delivered to a dealer, securely affixed on a side window to the rear of the driver, or if it cannot be so placed, to the windshield of the motor vehicle in accordance with paragraph (2) of subdivision (b) of Section 26708 of the Vehicle Code, a decal on which such manufacturer shall endorse clearly, distinctly, and legibly true and correct entries disclosing the following information concerning such motor vehicle:

(a) The California exhaust emissions standards adopted pursuant to Article 2 (commencing with Section 39100) of this chapter or set pursuant to Section 39052.5 or 39052.6 which are applicable to that motor vehicle.

(b) For 1973, 1974, 1975, and 1976 model year motor vehicles, the exhaust emissions, based on quality audit tests of assembly line motor vehicles, and, at the beginning of each model year, based on certification fleet data.

(c) For each 1977 and later model year motor vehicle, the exhaust emissions as determined by the assembly line test for that motor vehicle.

Nothing in this division or in any other statute shall be construed as prohibiting a purchaser from removing the decal required by this section, after he has taken possession of the vehicle.

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

So that automobile manufacturers may have time to prepare appropriate decals for use on 1975 model year motor vehicles, it is necessary for this act to take effect immediately.

CHAPTER 351

An act relating to State School Building Aid Law of 1952, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1974 Filed with Secretary of State June 20, 1974]

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

SECTION 1. Notwithstanding the provisions of Sections 19590 and 19590.5 of the Education Code, conditional apportionments made prior to August 15, 1974 to a school district which did not have outstanding bonds exceeding 95 percent of the maximum amount of bonds authorized by law which could have been outstanding under any law on the date the conditional apportionment was made, may become final if all of the following conditions exist:

(a) The school district falls short of having 95 percent of the maximum amount of bonds which it could have had outstanding by any law, by twenty-seven thousand dollars ($27,000) or less.

(b) The school district falls short of having 100 percent of the maximum amount of bonds which it could have outstanding by any law, by thirty-two thousand dollars ($32,000).

(c) The school district has no unsold bond authorizations from its electorate.

This section shall remain in effect only until August 15, 1974, and as of that date is repealed.

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

In order that urgently needed school buildings provided for by this act may be constructed as soon as possible and that preliminary administrative measures be commenced upon the earliest possible date, it is necessary that this act take immediate effect.

CHAPTER 352

An act to amend Section 1505 of the Fish and Game Code, relating to fish and game management.

[Approved by Governor June 20, 1974. Filed with Secretary of State June 20, 1974]

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

SECTION 1. Section 1505 of the Fish and Game Code is amended to read:

1505. In addition to any other powers vested in the department,

it may manage, control and protect such portions of the following spawning areas which occupy state-owned lands to the extent necessary to protect fishlife in these areas. In the event of any conflict under this section with the action of another department or agency of the state or any other public agency, the action of the Department of Fish and Game taken pursuant to this section shall prevail except for: (a) action of the state or regional water quality control boards in establishing waste discharge requirements, (b) action as required for commerce and navigation, (c) action by public agencies reasonably necessary for bridge crossings, water conservation or utilization, or flood protection projects, including the construction, maintenance, and operation thereof. The exceptions in subdivision (c) shall not extend to the depositing of materials, other than necessary structural materials, in, or the removing of materials from the streambeds in the areas designated in this section, other than as necessary for the installation of structures. These areas are:

The Sacramento River between Keswick and Squaw Hill Bridge, near Vina.

The Feather River between Oroville and the mouth of Honcut Creek.

The Yuba River between Englebright Dam and a point approximately four miles east of Marysville.

The American River between Nimbus Dam and a point one mile downstream from Arden Way.

The Mokelumne River between Pardee Dam and Lockeford.

The Stanislaus River between Goodwin Dam and Riverbank.

The Tuolumne River between La Grange Dam and the Geer Road (J14) Bridge.

The Merced River between Crocker Huffman Dam and Cressey.

The Trinity River between Lewiston Dam and the confluence of the North Fork Trinity, near Helena.

The Eel River, from Fort Seward to Lake Pillsbury.

The South Fork Eel River.

The Middle Fork Smith River, from its mouth to Knopti Creek.

The South Fork Smith River, from its mouth to Harrington Creek.

The Salmon River, from its mouth to Rush Creek on the South Fork Salmon River, to Carter Meadow on the east fork of the South Fork Salmon River, and to Finley Camp on the North Fork Salmon River.

Battle Creek, from its mouth to Coleman Powerhouse.

The Cosumnes River, from Meiss Road Bridge to Latrobe Road Bridge.

The Van Duzen River, from Yager Creek to the falls 1½ miles above Bloody Run Creek.

The Mad River, from Blue Lake Bridge to Bug Creek.

The Middle Fork Eel River.

The Mattole River.

The Noyo River.

The Big River, Mendocino County

The Gualala River

4 1840 61 10345 848

The Garcia River, Mendocino County.

Until ownership of any land in these areas has been legally determined, the director shall disapprove any stream alterations of any prime salmon and steelhead spawning areas when in his opinion such alterations would prove deleterious to fishlife.

CHAPTER 353

An act to amend Section 20654.3 of, and to add Section 20024.4 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor June 20, 1974 Filed with Secretary of State June 20, 1974]

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

SECTION 1. Section 20024.4 is added to the Government Code, to read:

20024.4. Notwithstanding Section 20024.01, compensation earnable while a member of the State Teachers' Retirement System shall be taken into consideration in determining final compensation of a member who retired under the State Teachers' Retirement System effective in the period September 15, 1971, through October 15, 1971, and who was eligible to retire under this system on such date and applied for such retirement thereafter but prior to March 1, 1972.

SEC. 2. Section 20654.3 of the Government Code is amended to read:

20654.3. A member of the Judges' Retirement System, the Legislators' Retirement System, the State Teachers' Retirement System, the University of California Retirement System, or a retirement system established under the County Employees Retirement Law of 1937, who has withdrawn accumulated contributions from this system shall have the right to redeposit such contributions, subject to the same conditions as imposed for redeposits of accumulated contributions by Section 20654, including such right as he would have had under Section 20023.1 of this code had he not withdrawn his contributions.

The payments required by this section shall be made prior to the member's retirement and when made the member shall be credited with service for the period covered by the redeposited contributions, and he shall have the same rights with respect thereto as a member who has elected pursuant to Section 20393 of this code to leave his accumulated contributions on deposit in the fund.

Notwithstanding any other provision of this section, redeposit may be made within 90 days following the effective date of the amendment to this section during the 1973–74 Regular Session by any person who retired under the retirement system of the University of

California after January 1, 1972, and prior to such effective date. Final compensation for such persons shall be computed as though retirement under this system and the university system had been concurrent.

CHAPTER 354

An act to add Section 5659 to the Business and Professions Code, relating to landscape architects.

[Approved by Governor June 20, 1974 Filed with Secretary of State June 20, 1974.]

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

SECTION 1. Section 5659 is added to the Business and Professions Code, to read:

5659. Each person certified under this chapter shall sign, date, and indicate his certificate number on all plans, specifications, and other instruments of service and contracts therefor, prepared for others. Failure to comply with this section constitutes a ground for disciplinary action. Each person certified under this chapter may, upon certification, obtain a seal of the design authorized by the board, bearing his name, certificate number, and appropriate legend.

CHAPTER 355

An act to amend Sections 2725 and 2726 of the Business and Professions Code, relating to nurses.

[Approved by Governor June 20, 1974 Filed with Secretary of State June 20, 1974]

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

SECTION 1. Section 2725 of the Business and Professions Code is amended to read:

2725. In amending this section at the 1973–74 session, the Legislature recognizes that nursing is a dynamic field, the practice of which is continually evolving to include more sophisticated patient care activities. It is the intent of the Legislature in amending this section at the 1973–74 session to provide clear legal authority for functions and procedures which have common acceptance and usage. It is the legislative intent also to recognize the existence of overlapping functions between physicians and registered nurses and to permit additional sharing of functions within organized health

care systems which provide for collaboration between physicians and registered nurses. Such organized health care systems include, but are not limited to, health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, clinics, home health agencies, physicians' offices, and public or community health services.

The practice of nursing within the meaning of this chapter means those functions helping people cope with difficulties in daily living which are associated with their actual or potential health or illness problems or the treatment thereof which require a substantial amount of scientific knowledge or technical skill, and includes all of the following:

(a) Direct and indirect patient care services that insure the safety, comfort, personal hygiene, and protection of patients; and the performance of disease prevention and restorative measures.

(b) Direct and indirect patient care services, including, but not limited to, the administration of medications and therapeutic agents, necessary to implement a treatment, disease prevention, or rehabilitative regimen prescribed by a physician, dentist, or podiatrist.

(c) The performance of basic health care, testing, and prevention procedures, including, but not limited to, skin tests, immunization techniques, and the withdrawal of human blood from veins and arteries.

(d) Observation of signs and symptoms of illness, reactions to treatment, general behavior, or general physical condition, and (1) determination of whether such signs, symptoms, reactions, behavior, or general appearance exhibit abnormal characteristics; and (2) implementation, based on observed abnormalities, of appropriate reporting, or referral, or standardized procedures, or changes in treatment regimen in accordance with standardized procedures, or the initiation of emergency procedures.

"Standardized procedures" as used in this section means policies or protocols developed for an organized health care system through collaboration among administrators and health professionals including physicians and nurses.

SEC. 2. Section 2726 of the Business and Professions Code is amended to read:

2726. Except as otherwise provided herein, this chapter confers no authority to practice medicine or surgery.

CHAPTER 356

An act to add Section 16051.5 to the Education Code, relating to public schools

[Approved by Governor June 20, 1974 Filed with Secretary of State June 20, 1974]

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

SECTION 1. Section 16051.5 is added to the Education Code, to read:

16051.5. The governing board of any school district which has by majority vote established a standard rate or rates for the lease pursuant to this article of its real property may by majority vote delegate to such officer or employee as the governing board may designate, the power to enter into leases, for and in behalf of the district, of any real property of the school district, with respect to which real property the district has received only one sealed proposal which conforms with the existing standard rate or rates, from a responsible bidder and no oral bid which would meet the requirements of Section 16061.

CHAPTER 357

An act to amend Section 31391 and 31425 of the Water Code, relating to county water districts.

[Approved by Governor June 24, 1974 Filed with Secretary of State June 24, 1974]

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

SECTION 1. Section 31391 of the Water Code is amended to read:

31391. After the board has made its determination pursuant to Section 31387, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state:

(a) That it deems it necessary to incur the bonded indebtedness.

(b) The purpose for which the bonded indebtedness will be incurred.

(c) Either of the following in accordance with its previous determination:

(1) That the whole of the district will be benefited by incurring the bonded indebtedness.

(2) That a portion of the district will be benefited by incurring the bonded indebtedness, which portion shall be described as it is described in the resolution of the board made pursuant to Section 31387.

(d) The amount of debt to be incurred.

(e) The maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years from the date of the bonds or any series thereof.

(f) The annual rate of interest to be paid which rate shall not exceed 7 percent, payable annually or semiannually.

(g) The proposition to be submitted to the voters.

SEC. 2. Section 31425 of the Water Code is amended to read:

31425. If from the bond election returns it appears that more than two-thirds of the votes cast at the election are in favor of incurring the indebtedness, the board may, by resolution, at the time or times it deems proper, provide for the following:

(a) The form of the bonds.

(b) The execution of the bonds.

The board may divide the aggregate principal amount of any issue of bonds authorized in accordance with a proposal submitted to and approved by the eligible voters of the district into two or more series and may fix different dates for the bonds of each series. The bonds of any one series may be made payable at different times from those of any other series, provided that the maturity of each series shall comply with this division.

CHAPTER 358

An act to amend Section 31789.1 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor June 24, 1974 Filed with Secretary of State June 24, 1974]

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

SECTION 1. Section 31789.1 of the Government Code is amended to read:

31789.1. Upon the death of any member after retirement and while receiving a retirement allowance from this system, or any superseded system, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of seven hundred fifty dollars ($750).

This section applies to every member who dies after this section becomes operative whether he has retired before or after the operative date or effective date of this section.

Only one death benefit payment shall be paid under this section or under Section 31789, and shall be paid by the system subject to Section 31789 and this section where the member rendered his last active service.

This section shall not become operative in any county until such time as the board of retirement determines that its benefits may be financed from surplus earnings of the retirement fund. Upon this determination by the retirement board, the provisions of this section shall become operative.

CHAPTER 359

An act to amend Sections 23130.5, 27160, and 38280 of the Vehicle Code, relating to noise of vehicles.

[Approved by Governor June 24, 1974 Filed with Secretary of State June 24, 1974]

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

SECTION 1. Section 23130.5 of the Vehicle Code is amended to read:

23130.5. (a) Notwithstanding the provisions of subdivision (a) of Section 23130, the noise limits, within a speed zone of 35 miles per hour or less on level streets, or streets with a grade not exceeding plus or minus 1 percent, for the following categories of motor vehicles, or combinations of vehicles, which are subject to registration, shall be:

(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more and any combination of vehicles towed by such motor vehicle	82 dbA
(2) Any motorcycle other than a motor-driven cycle	77 dbA
(3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle	74 dbA

No person shall operate such a motor vehicle or combination of vehicles in such a manner as to exceed the noise limits specified in this section.

The provisions of subdivisions (c), (d), (e), and (f) of Section 23130 shall apply to this section.

(b) Measurements shall not be made within 200 feet of any intersection controlled by an official traffic control device, or within 200 feet of the beginning or end of any grade in excess of plus or minus 1 percent. Measurements shall be made when it is reasonable to assume that the vehicle flow is at a constant rate of speed, and measurement shall not be made under congested traffic conditions which require noticeable acceleration or deceleration.

(c) Test procedures and instrumentation to be utilized shall be in accordance with regulations of the Department of the California Highway Patrol, except that measurement shall not be conducted within 200 feet of any intersection controlled by an official traffic control device, or within 200 feet of the beginning or end of a grade.

(d) The noise limits established by this section shall be based on a distance of 50 feet from the center of the lane of travel within the speed limit specified in this section. The Department of the California Highway Patrol may provide for measuring at distances closer than 50 feet from the center of the lane of travel. In such a case, the measuring devices shall be so calibrated as to provide for measurements equivalent to the noise limit established by this section meas-

ured at 50 feet.

Vehicles equipped with at least two snowtread tires are exempt from this section.

SEC. 2. Section 27160 of the Vehicle Code is amended to read:

27160. (a) The Department of Motor Vehicles shall not register a new motor vehicle, except an off-highway motor vehicle subject to identification as defined in Section 38012, on a dealer's report of sale, which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the Department of the California Highway Patrol:

(1) Any motorcycle manufactured before 1970	92 dbA
(2) Any motorcycle, other than a motor-driven cycle, manufactured after 1969, and before 1973	88 dbA
(3) Any motorcyle, other than a motor-driven cycle, manufactured after 1972, and before 1975	86 dbA
(4) Any motorcycle, other than a motor-driven cycle, manufactured after 1974, and before 1978	80 dbA
(5) Any motorcycle, other than a motor-driven cycle, manufactured after 1977, and before 1988	75 dbA
(6) Any motorcycle, other than a motor-driven cycle, manufactured after 1987	70 dbA
(7) Any snowmobile manufactured after 1972	82 dbA
(8) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1967, and before 1973	88 dbA
(9) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1972, and before 1975	86 dbA
(10) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1974, and before 1978	83 dbA
(11) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1977, and before 1988	80 dbA
(12) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1987	70 dbA
(13) Any other motor vehicle manufactured after 1967, and before 1973	86 dbA
(14) Any other motor vehicle manufactured after 1972, and before 1975	84 dbA
(15) Any other motor vehicle manufactured after 1974, and before 1978	80 dbA
(16) Any other motor vehicle manufactured after 1977, and before 1988	75 dbA
(17) Any other motor vehicle manufactured after 1987	70 dbA

(b) The department may accept a dealer's certificate as proof of compliance with this section.

(c) Test procedures for compliance with this section shall be established by the Department of the California Highway Patrol, taking into consideration the test procedures of the Society of Automotive Engineers.

(d) No person shall sell or offer for sale a new motor vehicle, except an off-highway motor vehicle subject to identification as defined in Section 38012, which produces a maximum noise exceeding the noise limits set forth in subdivision (a) for which noise emission standards or regulations have not been adopted by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(e) No person shall sell or offer for sale a new motor vehicle, except an off-highway motor vehicle subject to identification as defined in Section 38012, which produces noise that exceeds or in any way violates the noise emission standards or regulations adopted for such a motor vehicle by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(f) As used in this section, the term "register" is equivalent to the term "licensing" as used in Section 6(e)(2) of the Federal Noise Control Act of 1972 (P.L. 92-574).

SEC. 3. Section 38280 of the Vehicle Code is amended to read:

38280. (a) The Department of Motor Vehicles shall not identify a new off-highway motor vehicle subject to identification, on a dealer's report of sale, which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the Department of the California Highway Patrol:

(1) Any such vehicle manufactured on or after January 1, 1972, and before January 1, 1973	92 dbA
(2) Any such vehicle manufactured on or after January 1, 1973, and before January 1, 1975	88 dbA
(3) Any such vehicle manufactured on or after January 1, 1975	86 dbA

(b) The department may accept a dealer's certificate as proof of compliance with this section.

(c) Test procedures for compliance with this section shall be established by the Department of the California Highway Patrol, taking into consideration the test procedures of the Society of Automotive Engineers.

(d) No person shall sell or offer for sale a new off-highway motor vehicle subject to identification which produces a maximum noise exceeding the noise limits set forth in subdivision (a) for which noise emission standards or regulations have not been adopted by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(e) No person shall sell or offer for sale a new off-highway motor vehicle subject to identification which produces noise that exceeds or in any way violates the noise emission standards or regulations adopted for such a motor vehicle by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(f) As used in this section the term "identify" is equivalent to the term "licensing" as used in Section 6(e)(2) of the Federal Noise Control Act of 1972 (P.L. 92-574).

SEC. 3. The Legislature declares that this act is intended to conform provisions of existing California law to the Federal Noise Control Act of 1972 (P.L. 92-574) so that the provisions of California law are not preempted and that for purposes of this act, the term "licensing", as used in Section 6(e)(2) of the Federal Noise Control Act of 1972 (P.L. 92-574), is equivalent to the California procedures for registering and identifying vehicles.

SEC. 4. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code.

CHAPTER 360

An act to add Sections 54774.1 and 54774.2 to the Government Code, relating to local agency formation commissions.

[Approved by Governor June 24, 1974 Filed with Secretary of State June 24, 1974.]

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

SECTION 1. Section 54774.1 is added to the Government Code, to read:

54774.1. The commission shall adopt, amend or revise spheres of influence after a public hearing called and held for that purpose. At least 15 days prior to the date of any such hearing, the executive officer shall give mailed notice of the hearing to each affected local agency or county, and to any interested party who has filed a written request for such notice with the executive officer. In addition, at least 15 days prior to the date of any such hearing, the executive officer, shall cause notice of the hearing to be published in accordance with Section 6061 in a newspaper of general circulation which is circulated within the territory affected by the sphere of influence proposed to be adopted. The commission may continue from time to time any hearing called pursuant to this section.

At any hearing called and held pursuant to this section, the commission shall hear and consider oral or written testimony presented by any affected local agency or county or any interested person who wishes to appear.

The provisions of this section shall only apply to spheres of influence adopted by the commission after the effective date of this section.

SEC. 2. Section 54774.2 is added to the Government Code, to read:

54774.2. If any local agency or county desires amendment or revision of an adopted sphere of influence, the local agency or county, by resolution of its legislative body, may file a request therefor with the executive officer who shall present the same to the commission at its next regular meeting. The commission, upon receipt of such a resolution, shall set a time and date for hearing of the request and shall direct the executive officer to give notice of the hearing at the times and in the manner prescribed in Section 54774.1. At the hearing, the commission shall hear any interested persons and consider the requests for amendment or revision of the sphere of influence. The commission may continue the hearing from time to time not to exceed 70 days from the date specified in the notice of hearing. At the conclusion of the hearing the commission shall deny or approve, in whole or in part, the request.

Any local agency or county making a request pursuant to this section shall reimburse the commission for the reasonable and necessary costs, not to exceed five hundred dollars ($500), incurred by the commission in complying with this section; provided, however, that the commission may in its discretion waive such reimbursements if it finds that the request for amendment or revision of a sphere of influence can be considered and studied as a part of the periodic review of spheres of influence required by Section 54774.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act requires the local agency making the request pursuant to this act to reimburse the commission for necessary and reasonable costs incurred as a result thereof and because local agencies making such reimbursements are voluntarily requesting the service.

CHAPTER 361

An act to amend Sections 22355 and 22358 of the Business and Professions Code, relating to process servers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1974 Filed with Secretary of State June 24, 1974]

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

SECTION 1. Section 22355 of the Business and Professions Code is amended to read:

22355. The county clerk shall maintain a register of process servers and assign a number to each process server. Upon renewal of a certificate of registration, the same number shall be assigned, provided there is no lapse in the period of registration. A successor entity composed of one or more registrants shall be permitted to transfer one or more registration numbers to the new entity.

SEC. 2. Section 22358 of the Business and Professions Code is amended to read:

22358. (a) A certificate of registration may be revoked or suspended by the county clerk of the county of registration whenever the registrant has made a service of process which does not comply with the provisions of law governing the service of process in this state or constitutes an improper service of process not amounting to a violation of law.

(b) An investigation concerning the revocation or suspension of a certificate of registration of a registrant may be commenced at any time the county clerk deems it appropriate or upon the complaint of any person who has been injured by a service of process which was made by the registrant and did not comply with the provisions of law governing the service of process in this state or constituted an improper service of process not amounting to a violation of law.

(c) If the county clerk determines from the investigation that cause may exist for the suspension or revocation of the certificate of registration, he shall set the matter for hearing and give notice to the registrant. The registrant shall be entitled to be represented by counsel at the hearing, produce evidence in his behalf, and cross-examine witnesses. Both the registrant and the county clerk shall have the right to subpoena witnesses, which subpoenas shall be issued by the clerk of the court.

(d) If, after the hearing, the county clerk finds that cause does exist for the suspension or revocation of the certificate of registration, he shall suspend or revoke the certificate. If the certificate is revoked, the bond or cash deposit required by Section 22353 shall be forfeited to the county treasury subject to the right of a person to recover against the bond or cash deposit under Section 22357.

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

Most process server registration certificates will expire on July 1, 1974. In order that the county clerk may issue registration numbers which are the same as those originally assigned to applicants for renewal, it is necessary that this act go into immediate effect.

CHAPTER 362

An act to amend Section 15451 of the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1974. Filed with Secretary of State June 24, 1974.]

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

SECTION 1. Section 15451 of the Education Code is amended to read as follows:

15451. The Department of General Services under the police power of the state shall supervise the design and construction of any school building or, if the estimated cost exceeds ten thousand dollars ($10,000), the reconstruction or alteration of or addition to any school building, to ensure that plans and specifications comply with the rules and regulations adopted pursuant to this article and building regulations published in the State Building Standards Code, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Nothing in this section shall be construed to allow a school district to perform work with its own forces in excess of the limitations set forth in Sections 15951 and 15957.

SEC. 2. Any school district which in the 1973–74 fiscal year levied a nineteen and seven-tenths cent ($0.197) tax rate per one hundred dollars ($100) of assessed valuation pursuant to Section 15518 of the Education Code and which district otherwise complies with the provisions of Section 19700.745 of the Education Code, shall be deemed in total compliance with the provisions of Section 19700.745 of the Education Code for purposes of authorizing an increase in the basic state matching ratio of assistance for the repair, reconstruction, or replacement of certain school buildings.

This section shall be in effect until August 16, 1974, and as of that date is repealed.

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

In certain school districts of the state, inadvertence on the part of school officials resulted in a tax levy in the 1973–74 fiscal year of three-tenths of a cent ($0.003) tax rate per one hundred dollars ($100) of assessed valuation less than the requisite tax rate necessary to receive an authorized increase in basic state matching ratio of assistance for purposes of undertaking the repair, reconstruction, or replacement of certain school buildings for earthquake safety purposes. In order to assure the needed repair, reconstruction or replacement of needed school buildings in such school districts, it is

necessary that this act go into effect immediately.

CHAPTER 363

An act to amend Section 412.20 of the Code of Civil Procedure, relating to summons.

[Approved by Governor June 28, 1974. Filed with Secretary of State June 28, 1974]

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

SECTION 1. Section 412.20 of the Code of Civil Procedure is amended to read:

412.20. (a) Except as otherwise required by statute, a summons shall be directed to the defendant, signed by the clerk and issued under the seal of the court in which the action is pending, and it shall contain:

(1) The title of the court in which the action is pending.

(2) The names of the parties to the action.

(3) A direction that the defendant file with the court a written pleading in response to the complaint within 30 days after summons is served on him. In justice courts, the direction shall be that the defendant file with the court a written pleading, or cause an oral pleading to be entered in the docket, in response to the complaint within 30 days after summons is served on him.

(4) A notice that, unless the defendant so responds, his default will be entered upon application by the plaintiff, and the plaintiff may apply to the court for the relief demanded in the complaint, which could result in garnishment of wages, taking of money or property, or other relief.

(5) The following statement in boldface type: "You may seek the advice of an attorney in any matter connected with the complaint or this summons. Such attorney should be consulted promptly so that your pleading may be filed or entered within the time required by this summons."

(6) The following introductory legend at the top of the summons above all other matter, in boldface type, in English and Spanish:

"Notice! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read information below."

(b) Each county may, by ordinance, require that the legend contained in paragraph (6) of subdivision (a) be set forth in every summons issued out of the courts of that county in any additional foreign language, if the legend in such additional foreign language is set forth in the summons in the same manner as required in such paragraph.

(c) A summons in form approved by the Judicial Council is

deemed to comply with this section.

(d) Subdivision (b) shall have no force or effect after June 30, 1989. Paragraph (6) of subdivision (a), to the extent that it requires using the Spanish language, shall have no force or effect after June 30, 1989.

CHAPTER 364

An act to amend Section 20847 of, and to repeal Section 20980.7 of, the Water Code, and to repeal Section 2 of Chapter 113 of the Statutes of 1973, relating to irrigation districts.

[Approved by Governor June 28, 1974 Filed with Secretary of State June 28, 1974]

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

SECTION 1. Section 20847 of the Water Code is amended to read:

20847. At the conclusion of the final hearing on the petition the board of supervisors shall make an order containing all of the following:

(a) Reaffirmance, when it is consistent with its conclusions, of the sufficiency of the petition and of the notice of the preliminary hearing.

(b) Recital that a report on the proposed district has been made by the department if it was in fact made, and if that be so, that it is on file in the records of the board.

(c) Description of the land as determined by the board.

(d) Name for the proposed district.

SEC. 2. Section 20980.7 of the Water Code is repealed.

SEC. 3. Section 2 of Chapter 113 of the Statutes of 1973 is repealed.

CHAPTER 365

An act to add Chapter 11 (commencing with Section 9960) to Division 9 of the Public Resources Code, relating to resource conservation.

[Approved by Governor June 28, 1974. Filed with Secretary of State June 28, 1974]

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

SECTION 1. Chapter 11 (commencing with Section 9960) is added to Division 9 of the Public Resources Code, to read:

CHAPTER 11. TAHOE RESOURCE CONSERVATION DISTRICT

9960. The Tahoe Resource Conservation District is hereby created to consist of those parts of the Counties of Placer and El Dorado lying within the Tahoe Basin adjacent to Lake Tahoe and that additional and adjacent part of the County of Placer outside of the Tahoe Basin which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The district lands defined and described herein shall be as precisely delineated on official maps of the district.

9961. (a) Except as otherwise provided in this chapter, the organization and functions of the Tahoe Resource Conservation District shall be governed by the provisions of this division.

(b) The initial board of directors of the Tahoe Resource Conservation District shall be composed of the following five persons who shall each be an owner of land within the area described in Section 9960:

(1) One person appointed by the California Tahoe Regional Planning Agency who may be a member of such agency.

(2) One person appointed by the City of South Lake Tahoe.

(3) One person appointed by the Board of Supervisors of El Dorado County.

(4) Two persons appointed by the Board of Supervisors of Placer County.

(c) The members of the initial board of directors shall classify themselves by lot so that the term of three members shall expire November 1976, and the term of two members shall expire November 1978. The members of the initial board of directors shall qualify, take office, and serve exactly as if elected at a general resource conservation district election. The expiration of the term of any such director shall not constitute a vacancy and he shall hold office until his successor has qualified. Successors to the members of the initial board of directors shall be elected at a general resource conservation district election in accordance with the provisions of this division.

(d) Moneys received by any resource conservation district pursuant to Section 9364 on lands transferred to the Tahoe Resource Conservation District shall be transferred to the Tahoe Resource Conservation District, and any and all costs of establishing the Tahoe Resource Conservation District shall be a first charge on any such funds. The board of directors of the Tahoe Resource Conservation District shall determine whether the treasury of Placer County or of El Dorado County shall be the depository of the funds of the Tahoe Resource Conservation District for the purposes of Article 2 (commencing with Section 9400) of Chapter 4 of this division.

9962. It is not the intent of the Legislature that the Tahoe Resource Conservation District shall in any way affect the

responsibilities, authority, and jurisdiction of the California Tahoe Regional Planning Agency, the Tahoe Regional Planning Agency, the California Tahoe Conservancy Agency, or the Tahoe Conservancy Agency.

SEC. 2. Any territory within an existing resource conservation district within the area described in Section 1 of this act is hereby transferred to the Tahoe Resource Conservation District upon the effective date of this act.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 366

An act to amend Sections 25211.16, 73648, 73958, 74343.1, and 74369 of, and to add Sections 24355.2 and 25211.171 to, the Government Code, relating to county fiscal procedures.

[Approved by Governor June 28, 1974 Filed with Secretary of State June 28, 1974]

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

SECTION 1. Section 24355.2 is added to the Government Code, to read:

24355.2. In counties using a mechanized management reporting system in reporting information for a uniform four-week period, the board of supervisors by ordinance may provide for the payment of moneys collected by each officer of a county or judicial district and the filing of a cash statement as required by Section 24353, and for the taking and subscribing of the affidavit required by either Section 24354 or Section 24355 on a corresponding uniform four-week period.

SEC. 2. Section 25211.16 of the Government Code is amended to read:

25211.16. The bonds shall be signed by the chairman of the board and also signed by the treasurer or auditor of the county and shall be countersigned by the clerk of the board or his deputy. The coupons of the bonds shall be signed by the treasurer or auditor of the county. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced except that one of the signatures or countersignatures to the bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act (Chapter 6 (commencing with Section 5500), Division 6, Title 1). If any officer whose signature appears on the bonds or coupons ceases to be such officer before the delivery of the

bonds, his signature is as effective as if he had remained in office. All bonds shall be payable at the office of the county treasurer, who is the depository of the area.

SEC. 2.5. Section 25211.171 is added to the Government Code, to read:

25211.171. Annually, the board of supervisors may determine to levy the bond tax on land only in the area or improvement area benefited by the purposes of the bonded debt. Such determination may be made only as to bonds for water purposes as defined under Section 25210.4a(1) and may be made only under the following conditions:

(a) If the right so to levy was reserved to the board of supervisors in the resolution provided for in Section 25211.10; or

(b) If, after the authorization of bonds, the board determines that the lands within the area subject to the debt of the bonds derived the primary benefit from the availability of water. Such determination shall be made only after a public hearing which shall be held and notice of which shall be given in substantially the same manner as provided for the determination of the necessity for incurring the bonded indebtedness. Mailed notice thereof shall also be given in the manner provided by Section 53521. The bond tax levied pursuant to this section constitutes a lien on all property, both land and improvements, located on the land benefited by the purposes of the bonded debt.

SEC. 3. Section 73648 of the Government Code is amended to read:

73648. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous positions and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the pay period following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, and in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County, and in the tuition refund and suggestion awards programs adopted by the board. Such privileges and benefits shall be retroactively applied The municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed,

suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 4. Section 73958 of the Government Code is amended to read:

73958. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the pay period following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, in any group health, accident or life insurance plan, and in the tuition refund and suggestion awards programs adopted by the Board of Supervisors of San Diego County. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person

appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 5. Section 74343.1 of the Government Code is amended to read:

74343.1. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Range and schedule number	A	B	C	D	E
22	$378	$397	$417	$438	$460
22.5	387	407	427	449	471
23	397	417	438	460	483
23.5	407	427	449	471	495
24	417	438	460	483	507
24.5	427	449	471	495	519
25	438	460	483	507	532
25.5	449	471	495	519	545
26	460	483	507	532	559
26.5	471	495	519	545	573
27	483	507	532	559	587
27.5	495	519	545	573	601
28	507	532	559	587	616
28.5	519	545	573	601	631
29	532	559	587	616	647
29.5	545	573	601	631	663
30	559	587	616	647	679
30.5	573	601	631	663	696
31	587	616	647	679	713
31.5	601	631	663	696	731
32	616	647	679	713	749
32.5	631	663	696	731	767
33	647	679	713	749	786
33.5	663	696	731	767	805
34	679	713	749	786	825
34.5	696	731	767	805	845
35	713	749	786	825	866
35.5	731	767	805	845	887
36	749	786	825	866	909
36.5	767	805	845	887	931

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37	786	825	866	909	954
37.5	805	845	887	931	978
38	825	866	909	954	1,002
38.5	845	887	931	978	1,027
39	866	909	954	1,002	1,052
39.5	887	931	978	1,027	1,078
40	909	954	1,002	1,052	1,105
40.5	931	978	1,027	1,078	1,132
41	954	1,002	1,052	1,105	1,160
41.5	978	1,027	1,078	1,132	1,189
42	1,002	1,052	1,105	1,160	1,218
42.5	1,027	1,078	1,132	1,189	1,248
43	1,052	1,105	1,160	1,218	1,279
43.5	1,078	1,132	1,189	1,248	1,311
44	1,105	1,160	1,218	1,279	1,343
44.5	1,132	1,189	1,248	1,311	1,376
45	1,160	1,218	1,279	1,343	1,410
45.5	1,189	1,248	1,311	1,376	1,445
46	1,218	1,279	1,343	1,410	1,481
46.5	1,248	1,311	1,376	1,445	1,518
47	1,279	1,343	1,410	1,481	1,555
47.5	1,311	1,376	1,445	1,518	1,594
48	1,343	1,410	1,481	1,555	1,633
48.5	1,376	1,445	1,518	1,594	1,674
49	1,410	1,481	1,555	1,633	1,715
49.5	1,445	1,518	1,594	1,674	1,758
50	1,481	1,555	1,633	1,715	1,801
50.5	1,518	1,594	1,674	1,758	1,846
51	1,555	1,633	1,715	1,801	1,891
51.5	1,594	1,674	1,758	1,846	1,938
52	1,633	1,715	1,801	1,891	1,986
52.5	1,674	1,758	1,846	1,938	2,035
53	1,715	1,801	1,891	1,986	2,085
53.5	1,758	1,846	1,938	2,035	2,137
54	1,801	1,891	1,986	2,085	2,189
54.5	1,846	1,938	2,035	2,137	2,243
55	1,891	1,986	2,085	2,189	2,298
55.5	1,938	2,035	2,137	2,243	2,355
56	1,986	2,085	2,189	2,298	2,413
56.5	2,035	2,137	2,243	2,355	2,473
57	2,085	2,189	2,298	2,413	2,534
57.5	2,137	2,243	2,355	2,473	2,588
58	2,189	2,298	2,413	2,534	2,661
58.5	2,243	2,355	2,473	2,588	2,727
59	2,298	2,413	2,534	2,661	2,794
59.5	2,355	2,473	2,588	2,727	2,863
60	2,413	2,534	2,661	2,794	2,934
60.5	2,473	2,588	2,727	2,863	3,007
61	2,534	2,661	2,794	2,934	3,081
61.5	2,588	2,727	2,863	3,007	3,158

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62	2,661	2,794	2,934	3,081	3,235
62.5	2,727	2,863	3,007	3,158	3,316

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the pay period following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied. Upon the first day of the pay period following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the pay period following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the pay period following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

(b) When any person in the service of the County of San Diego or in the service of another municipal court in San Diego County is appointed to a position in the service of the court compensated at a higher salary range than the salary range for the position relinquished or when any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the position relinquished; but if not, he shall receive initially that step schedule pertaining to such position which will provide a one-step increase in his compensation.

(c) Officers and attachés may be voluntarily transferred from a position in the service of a court in one judicial district to a position in the service of a court in another judicial district within the County of San Diego, from a position in the service of the County of San Diego to a position in the service of a court or between the offices of clerk and marshal within the same judicial district in the same manner that classified employees of the County of San Diego may be transferred between departments of the county. In determining the step of the salary range at which such transferred employee shall be paid, the employee may be given credit for continuous prior service in the service of the court or the County of San Diego from which he was transferred.

(d) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last

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previously received by such person.

(e) The hereinafter enumerated classes of positions in the court are deemed to be comparable in job level to certain classifications in the classified civil service of San Diego County and whenever the salaries of such classifications in the service of San Diego County are adjusted by the board of supervisors, the salaries of the comparable classifications in the clerk's office shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the ranges specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event that the salary of any of the San Diego County classifications listed in this section are adjusted by the board of supervisors on any date prior to the effective date of any amendments to this article enacted by the Legislature at the 1973–74 Regular Session of the Legislature, commensurate adjustments shall be applied to the salaries of the comparable classifications in the clerk's office, such adjustments to take effect on the effective date of any amendments of this article enacted at the 1973–74 Regular Session of the Legislature. Any salary adjustments made as a result of this section shall be effective only until January 1, 1976.

The comparable classifications are as follows:

Municipal court classification	County classification
Chief deputy	Superior court clerk
Deputy clerk, chief clerk	Superior court clerk
Deputy clerk, assistant chief clerk	Superior court clerk
Deputy clerk I	Junior clerk
Deputy clerk II	Intermediate clerk
Deputy clerk III	Senior clerk
Deputy clerk IV	Superior court clerk
Supervising deputy clerk	Superior court clerk
Supervising keypunch operator	Supervising keypunch operator
Keypunch operator	Keypunch operator
Court interpreter	Senior clerk
Deputy clerk stenographer	Senior stenographer

SEC. 6. Section 74369 of the Government Code is amended to read:

74369. All persons holding positions on the effective date of statutes enacted in any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the pay period

following completion of such required service.

CHAPTER 367

An act to amend Section 19627.5 of, and to add Section 19627.1 to, the Business and Professions Code, relating to fairs.

[Approved by Governor June 28, 1974. Filed with Secretary of State June 28, 1974]

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

SECTION 1. Section 19627.1 is added to the Business and Professions Code, to read:

19627.1. Notwithstanding the provisions of Section 19627, in determining need for the purposes of apportionment of funds to each fair, the Department of Food and Agriculture shall not consider any gift made from any source to any county, district, or combined county and district fair.

For purposes of this section, "gift" does not include any donation of money or property which is made to, and used by, any fair for its general operating expenses.

SEC. 2. Section 19627.5 of the Business and Professions Code is amended to read:

19627.5. Notwithstanding the provisions of Section 19627, any unanticipated revenues, other than any allocation from the state, which are in excess of the approved budget for any fiscal or calendar year of any county, district, combined county and district fair, or citrus fruit fairs, shall be retained by such fair and may be expended for any purpose described in Section 19627.3.

Such funds may be expended, without regard to any fiscal year, by any fair to which Section 19627 applies, upon positive action by the board of directors of such fair, which shall be recorded in the official minutes of such fair approving a plan of expenditure for such funds for the purposes described in Section 19627.3.

CHAPTER 368

An act to amend Sections 6034 and 6036 of, and to repeal Section 6044 of, the Food and Agricultural Code, relating to pest control, and making an appropriation therefor, to take effect immediately.

[Approved by Governor June 28, 1974 Filed with Secretary of State June 28, 1974]

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

SECTION 1. Section 6034 of the Food and Agricultural Code is amended to read:

6034. For the purpose of assessment, the following districts are established: District I, Imperial County; District II, Kern, Kings, Tulare, Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, and that portion of Los Angeles County lying north of the San Gabriel Mountains; District III, Sacramento, Solano, Yolo, Placer, Sutter, Yuba, Colusa, Butte, and Glenn Counties; District IV, Alameda, Contra Costa, Monterey, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, and Santa Barbara Counties; additional areas of the state may be established in districts by regulation of the director if he finds crops in any such district are subject to damage from curly top virus and that any such district is necessary to accomplish the purposes of this article.

SEC. 2. Section 6036 of the Food and Agricultural Code is amended to read:

6036. The assessment rate may vary from district to district and from crop to crop based on the degree of vulnerability to damage from curly top virus experienced by such crops in such districts. The rates may also vary in accordance with the protection afforded to such crops in such districts. Any rate or rates established shall be determined after hearing and shall be set by regulation. Such assessments shall be in total amount sufficient to reimburse the director to equal 65 percent of the expenditure by the department in carrying out the beet leafhopper control program.

SEC. 3. Section 6044 of the Food and Agricultural Code is repealed.

SEC. 4. There is hereby appropriated the sum of six hundred ten thousand dollars ($610,000) to the Department of Food and Agriculture, in augmentation of the 1974–75 support budget of such department, for purposes of carrying out the provisions of Article 7 (commencing with Section 6031) of Chapter 9 of Division 4 of the Food and Agricultural Code, as follows:

(a) Two hundred thirteen thousand five hundred dollars ($213,500) from the General Fund.

(b) Three hundred ninety-six thousand five hundred dollars ($396,500) from the Department of Agriculture Fund.

SEC. 5. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 369

An act to amend Sections 964, 1101, 1102, 1104, 1105, 1111, 1111.2, 1111.3, 1111.4, 1111.8, 1119, 1120, 1124.2, 1125.7, 1203, 1204, 1225, 1229, 3252, 25412.5, 25413, 25416, 25452, and 25452.2 of, and to add Section 1230 to, the Education Code, relating to the terms of office

of school district governing board members.

[Approved by Governor June 28, 1974 Filed with Secretary of State June 28, 1974]

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

SECTION 1. Section 964 of the Education Code is amended to read:

964. The governing board of each school district shall hold an annual organizational meeting on a day within the period of April 1 to April 15, inclusive. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to such April 1, and the board shall notify the county superintendent of schools of the day and time selected. The clerk of the board shall, within 15 days prior to the date of the annual meeting, notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to April 1 and after the regular meeting of the board held immediately prior to April 1, designate the day and time of the annual meeting. The day designated shall be within the period of April 1 to April 15, inclusive. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting the governing board of each high school district, union high school district, and joint union high school district shall organize by electing a president from its members and a clerk.

At the annual meeting each city board of education shall organize by electing a president from its members.

At the annual meeting the governing board of each other type of school district, except a community college district, shall elect one of its members clerk of the district.

As an alternative to the procedures set forth in this section, a city board of education whose members are elected in accordance with a city charter for terms of office commencing in December, may hold its annual organizational meeting required in this section between December 15 and January 14, inclusive, as provided in rules and regulations which shall be adopted by such board. At the annual meeting the city board of education shall organize by electing a president and vice president from its members who shall serve in such office during the period January 15 next to the following January 14, unless removed from such office by majority vote of all members of the city board of education.

SEC. 2. Section 1101 of the Education Code is amended to read:

1101. Within 15 days after the action necessary for the formation of any elementary school district or high school district is completed, the county superintendent of schools shall appoint an interim

governing board.

Within 15 days after the action necessary for the formation of any joint or joint union elementary school or high school district is completed, the county superintendent of schools having jurisdiction over the district shall appoint a majority of the members of an interim governing board. If the new district is in two counties, the other county superintendent shall appoint the rest of the interim governing board members within such 15-day period. If the new district is in more than two counties, the other county superintendents shall appoint the rest of the interim governing board members within such 15-day period as may be agreed upon by them. If they cannot agree within such 15-day period, the county superintendent who appointed the majority of the interim governing board members shall appoint the rest of the members.

The term of each governing board member so appointed shall expire on the April 1st following the election of the first elected governing board of the district.

If a majority of the members of the interim governing board of the school district is not appointed and qualified within such 15-day period, the county superintendent of schools having the power to appoint the interim governing board, or a majority thereof, shall assume the powers and duties belonging to the governing board until a majority of the governing board is selected and qualified.

SEC. 3. Section 1102 of the Education Code is amended to read.

1102. In newly formed unified school districts there shall be no interim governing board, but the county superintendent of schools having jurisdiction over the particular district shall call an election for the purpose of choosing the first governing board of the district.

In unified school districts the call shall be issued not later than the fourth Tuesday of December next succeeding the creation of the district. The election shall be held on the first Tuesday after the first Monday in March next succeeding the call. The first members of the governing board of either form of district shall take office on the day the canvass of the election is certified by the county superintendent of schools. The first meeting of the governing board shall be called by the county superintendent of schools not later than the third Monday following the election. The term of office of subsequent members of the board shall begin on April 1st following their election.

SEC. 4. Section 1104 of the Education Code is amended to read:

1104. In newly formed districts for which an interim governing board is appointed by the county superintendent of schools, a governing board member election shall be held:

(a) When the action necessary for the formation of a new school district is completed on or before the first of January of any odd-numbered year, on the first Tuesday after the first Monday in March of such year.

(b) When the action necessary for the formation of a new school district is completed after the first of February of any year, whether even-numbered or odd-numbered, on the first Tuesday after the first

Monday in March of the next succeeding year.

The terms of the members elected at the initial election shall begin on the first day of April, and the terms of their predecessors shall expire on the 31st day of March, following the election.

SEC. 5. Section 1105 of the Education Code is amended to read:

1105. Subject to the procedures prescribed by Sections 1111.1 and 1111.7 with respect to newly formed unified school districts and community college districts, the majority of members of the first elected board of any newly formed school district, the members of which majority received the highest number of votes, shall serve until March 31 of the second succeeding odd-numbered year. The other members' terms shall expire on March 31 of the first succeeding odd-numbered year. All such members shall continue in office until their successors are elected and qualified.

SEC. 6. Section 1111 of the Education Code is amended to read:

1111. After the initial election of governing board members in any school district, a governing board member election shall be held biennially on the first Tuesday after the first Monday in March of each succeeding odd-numbered year to fill the offices of members whose terms expire on March 31st next succeeding the election. Except as provided in this chapter, or in Chapter 5 (commencing with Section 1201) of this division, the elections shall be held and conducted in accordance with the provisions of Chapter 6 (commencing with Section 1301) of this division.

SEC. 7. Section 1111.2 of the Education Code is amended to read:

1111.2. (a) Notwithstanding the provisions of Section 1111, whenever, in a district which has been wholly absorbed into one or more other districts and continues in existence as a district pursuant to Section 1706 until the reorganization in which it has been included is effective for all purposes and a governing board member election is otherwise required to be held prior to such effective date of the reorganization, no such election shall be held. Instead, the county superintendent of schools shall appoint successors to the members whose terms expire on or before March 31st following the date upon which the election would otherwise have been held. Such appointees shall hold office until the reorganization becomes effective for all purposes.

(b) The provisions of subdivision (a) shall apply to any school district governed by a city board of education whenever such school district has been included with other school district territory within a unification effected pursuant to Chapter 9 (commencing with Section 3001) or Chapter 10 (commencing with Section 3100) of Division 5, where:

(1) The charter of the city involved requires an election of city school district governing board members to be held prior to the date the new unified district becomes effective for all purposes; and

(2) The governing board of the new unified school district is organized to be subject to the provisions of this code rather than the provisions of the city charter.

SEC. 8. Section 1111.3 of the Education Code is amended to read:

1111.3. Notwithstanding the provisions of Sections 1105 and 1111, in the case of a unified school district formed in an even-numbered year, where in connection with the formation of which the first governing board was elected in such even-numbered year, all of the members of such first elected governing board shall serve until March 31st of the second succeeding odd-numbered year. Their successors shall be elected at an election conducted on the first Tuesday after the first Monday in March of such second succeeding odd-numbered year. The majority of such successors receiving the highest number of votes shall serve until March 31st of the second odd-numbered year thereafter succeeding. The other members' terms shall expire on March 31st of the first odd-numbered year thereafter succeeding.

SEC. 9. Section 1111.4 of the Education Code is amended to read:

1111.4. Notwithstanding the provisions of Sections 1105 and 1111 to the contrary, when the first elected board of any newly formed district is elected on the same date that the election is held for adopting the proposal for the formation of the new district and when the terms of several members of the first governing board would expire prior to the date on which the district becomes effective for all purposes, no election shall be held in March of that odd-numbered year, but the several members whose terms expire shall serve until March 31st of the next succeeding even-numbered year. A governing board election shall be held, on the first Tuesday after the first Monday in March of that even-numbered year to fill the offices of such members whose terms expire on March 31st next succeeding the election. The terms of office of the members so elected shall expire on March 31st of the second succeeding odd-numbered year. Their successors shall be elected pursuant to Section 1111.

SEC. 10. Section 1111.8 of the Education Code is amended to read:

1111.8. (a) Notwithstanding any other provision of law, upon the recommendation of the county superintendent of schools and with the approval of the county board of supervisors, the election of governing board members of school districts whose boundaries are coterminous with the boundaries of the county, shall be consolidated with the November general elections held in the county pursuant to Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

In such case, the terms of members of the governing board elected in the general election pursuant to this section shall begin at noon on the first Monday after the first day in January following such general election and shall end at noon on the first Monday after the first day in January four years thereafter.

In such case, the terms of members of the governing board expiring on March 31 of any odd-numbered year next succeeding any general election, shall expire at noon on the first Monday after the first day in January following such general election.

(b) When the term of an incumbent expires at midnight March 31 of an odd-numbered year and no successor has been elected

because of the provisions of subdivision (a) of this section, the members of the board whose terms have not expired shall appoint a successor to serve until a successor is elected and qualified pursuant to subdivision (a) of this section.

SEC. 11. Section 1119 of the Education Code is amended to read:

1119. Each person elected at a regular biennial governing board member election shall hold office for a term of four years from April 1st next succeeding his election. Any member of the governing board of any school district whose term has expired shall continue to discharge the duties of his office until his successor has qualified. The term of the successor shall begin upon the expiration of the term of his predecessor.

SEC. 12. Section 1120 of the Education Code is amended to read:

1120. Whenever, in any elementary school district having a governing board of three members, the average daily attendance during the preceding fiscal year became 300 or more, the governing board of the district shall do either of the following:

(a) By its own action determine that the number of members of the governing board shall be increased to five, in which case two additional members shall be elected at the next regular governing board member election.

(b) Request the county superintendent of schools having jurisdiction to submit the question of whether the number of members of the governing board shall be increased to five to the voters of the elementary school district at the next regular governing board member election. At the same election two additional members shall be elected to take office if the number of governing board members is increased.

Candidates for the two additional offices or their sponsors shall state in the declarations of candidacy or nominations filed for the election that the candidates are candidates for the two additional offices separately from the other offices to be filled in the election and shall clearly indicate to the voters that they may vote for two of the candidates to take office if the voters approve the proposed increase in the number of board members.

If the voters at such election do not approve such an increase in membership of the governing board, the same question may be submitted to the voters at subsequent governing board member elections so long as the district continues to have an average daily attendance of 300 or more. Requests to the county superintendent to submit the question to the voters of a district shall be filed with him by the governing board of the district no later than 100 days prior to the election.

If, pursuant to either subdivision (a) or subdivision (b) of this section, two additional governing board members are authorized and elected, the one receiving the higher number of votes shall hold office for a term of four years from April 1st succeeding the election, and the other one shall hold office for a term of two years from April 1st succeeding the election. Thereafter the governing board shall be composed of five members elected in the same manner and for the

same term as governing boards having five members.

SEC. 13. Section 1124.2 of the Education Code is amended to read:

1124.2. If the number of members of the governing board is increased from five to seven, the two additional members of the board of trustees shall be appointed by the governing board of the district, with the term of one of such appointees being designated to expire on March 31st of the next succeeding odd-numbered year and the term of the other such appointee being designated to expire on March 31st of the second succeeding odd-numbered year.

SEC. 14. Section 1125.7 of the Education Code is amended to read:

1125.7. In the event an election is called pursuant to Section 1123, the county superintendent of schools having jurisdiction shall, as to each trustee area having more than its allotted number of representatives in the membership of the governing board for the next succeeding school year, determine by lot which of said representatives shall relinquish their offices either immediately upon the election and qualification of the governing board members who are elected as provided in Section 1125.6 or on the first day of April next succeeding the election establishing trustee areas in the district, whichever is the later.

SEC. 15. Section 1203 of the Education Code is amended to read:

1203. If the charter of any city provides for or has within two years prior to January 1, 1955, provided for a board of education of five members of a unified school district, and said charter has been or is hereafter amended so that it fails to provide for a board of education, a new board of education composed of five members is created under this section immediately upon the effective date of such amendment; the positions thereto shall be filled by appointment of the county superintendent of schools. The terms of the members first so appointed shall expire the last day of March of an odd-numbered year next following the effective date of such charter amendment, and an election shall be held for the members of such board at the time fixed by law for the regular election of members of governing boards of school districts, and the members so elected shall assume office on the first day of April following. If the effective date of such charter amendment is such that a legal election for board members cannot be held as aforesaid prior to the first day of April of an odd-numbered year next following such charter amendment, then the county superintendent of schools shall again appoint the members of such board who shall assume office on the first day of April as aforesaid. The terms of the board members who take office on the first day of April as aforesaid and thereafter shall be as follows:

(a) If such members were elected, the three receiving the largest number of votes shall serve for four-year terms, and the remaining two members shall serve for two-year terms; and all subsequent members shall serve for four-year terms.

(b) If such members were appointed, the county superintendent

of schools, upon making the appointments, shall designate three members to serve for four-year terms, and two members to serve for two-year terms.

Except as herein otherwise provided, the members of the board shall be elected at the last time fixed by law for the election of members of governing boards of schools districts prior to the commencement of a new term of office. If a general municipal election is to be held within 60 days prior to the time when an election for board members would be held as aforesaid, the board of education may, by resolution filed with the governing body of such city at least 60 days prior to such municipal election, call the school district election to coincide with the municipal election and request the governing body of such city to consolidate such elections in that portion of the school district which lies within such city, and the governing body of such city shall order such elections to be consolidated and to be held as are consolidated elections under the provisions of the Elections Code relating to consolidated elections, in which event the school district shall simultaneously with the holding of such consolidated election conduct an election in any portion of the district not included within such municipality. In the event of the holding of such consolidated election, the school district shall reimburse the city for its proportionate share of the costs of conducting such consolidated election in an amount to be agreed upon between the governing bodies of such school district and such city.

SEC. 16. Section 1204 of the Education Code is amended to read:

1204. The governing board of any elementary school district having an average daily attendance of 1,000 or more pupils and an assessed valuation of twenty million dollars ($20,000,000) or more may, and upon petition signed by 25 percent of the heads of families resident in the district, shall order an election to determine whether or not, it shall have the rights, powers, and duties of a city board of education and whether or not the district shall for all purposes be deemed to be a district governed by a city board of education.

If the governing board of the district consists of three members, there shall be elected at the election, to take office if the proposal for change in the rights, powers, and duties of the board is approved, two additional members to the board. If the change is approved by a majority of the qualified electors voting on the proposition at the election, the board shall have the rights, powers, and duties of a city board of education, and the district shall for all purposes be deemed to be a district governed by a city board of education. Also, if the change is so approved, the two additional board members shall take office, the one receiving the highest number of votes to serve until the first day of April following the second succeeding regular election at which board members are elected, and the one receiving the next highest number of votes to serve until the first of April following the next such regular election. Thereafter, the governing board of the district shall consist of five members elected in the manner prescribed for other school districts for terms of four years

and until their successors are qualified, provided that vacancies shall be filled in the manner provided for unified school districts.

SEC. 17. Section 1225 of the Education Code is amended to read:

1225. In any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, the governing board shall be composed of seven members holding office numbers 1, 2, 3, 4, 5, 6, and 7, and shall be elected at large at the same time and in the same manner as the members of the city council of said city, and shall serve for a term of four years. The four members of such board whose terms of office expire July 1, 1947, shall be considered as holding office numbers 1, 3, 5, and 7 (such members within 15 days after the effective date of Chapter 725 of the Statutes of 1945 to determine by lot at a regular board meeting the number of the office each holds), and the remaining offices shall be known as office numbers 2, 4, and 6 (to be allocated by lot in the same manner as hereinbefore provided for office numbers 1, 3, 5, and 7). All such members' terms shall commence on the first day of April next succeeding their election.

SEC. 18. Section 1229 of the Education Code is amended to read:

1229. If a unified district governed by a board of education of five members includes a chartered city, the charter of which provides for a board of education, the members of which are to be elected pursuant to this code and to hold office for the terms provided by this code, and three members of such board of education were elected to hold office for a term expiring during the school year commencing on the date the district was formed for all purposes, the office of three members of the board of education shall be filled at the first election of governing board members following such date of formation for all purposes.

The term of office of such three members shall be determined by lot. The term of one member shall expire on March 31st of the next succeeding odd-numbered year following his election; and the terms of two members shall expire on March 31st of the second succeeding odd-numbered year following their election. The persons elected to succeed such three members shall hold office for four years.

In a unified school district formed pursuant to Chapter 10 (commencing with Section 3100) of Division 5 which includes a chartered city, the governing board of the district shall be the board of education of such city or city and county, provided, that all qualified electors residing within the unified school district are eligible to vote at all elections held for the election of members of the city board of education and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of said board.

In the event a unified district includes a chartered city the governing board of the unified district shall consist of either five or seven members and shall be elected at large or by trustee areas, as designated by the unification proposal, and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of the board. The first

governing board of any such unified school district shall be elected in the manner prescribed by Section 1102, except where the charter of the included chartered city expressly provides for the election of the first governing board of a newly formed unified school district, in which case such provisions of the charter shall control the election of the governing board.

SEC. 18.5. Section 1230 is added to the Education Code, to read:

1230. Notwithstanding any other provision of law, when elections for school district governing board members in existing or newly formed school districts are conducted in conjunction with the municipal election of a chartered city on other than the first Tuesday after the first Monday in March, newly elected members shall take office 30 days after the official verification of the results of such election. The terms of office of outgoing members and shall expire on the day before such newly elected members take office.

SEC. 19. Section 3252 of the Education Code is amended to read:

3252. In any county in which property representing more than 35 percent of the total assessed valuation of property in the county is situated in one elementary school district with an average daily attendance of less than 1,500, the county committee may formulate plans for the establishment of a countywide unified school district. The proposal shall contain a provision for division of the county into trustee areas of an odd number not to exceed 15.

The governing board shall consist of one member from each trustee area to be elected at large by the electors of the county. The terms of office of the members of the first governing board shall be determined by lot, and shall be staggered so that as nearly as possible an equal number of terms shall expire on March 31st of each year. Except for members of the first governing board, the term of office shall be four years.

SEC. 20. Section 25412.5 of the Education Code is amended to read:

25412.5. The first members of the governing board shall take office on the third Monday following their election The term of office of subsequent members of the board shall begin on April 1st following their election.

SEC. 21. Section 25413 of the Education Code is amended to read:

25413. At the initial meeting of the governing board of a newly formed community college district it shall elect one of its members as chairman, and shall designate a secretary.

The majority of members of the first elected board of any newly formed community college district, the members of which majority received the highest number of votes, shall serve until March 31st of the second succeeding odd-numbered year. The terms of the other members shall expire on March 31st of the first succeeding odd-numbered year. All such members shall continue in office until their successors are elected and qualified.

SEC. 22. Section 25416 of the Education Code is amended to read:

25416. (a) The governing board of each community college district shall hold an annual organizational meeting on a day within

the period of April 1 to April 15, inclusive. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to such April 1, and the board shall notify the county superintendent of schools of the day and time selected. The secretary of the board shall, within 15 days prior to the date of the annual meeting notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to April 1 and after the regular meeting of the board held immediately prior to April 1, designate the day and time of the annual meeting. The day designated shall be within the period of April 1 to April 15, inclusive. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting, the governing board of the community college district shall organize by electing a president from its members and a secretary.

(b) As an alternative to the procedures set forth in subdivision (a), in a community college district the boundaries of which are coterminous with the boundaries of a city and county, the governing board members of which district are elected in accordance with a city and county charter, the annual organizational meeting of the governing board may be held between January 8 and January 31, inclusive, as provided in rules and regulations adopted by the board. At the annual organizational meeting each such community college district governing board shall organize by electing a president and vice president from its members.

SEC. 23. Section 25452 of the Education Code is amended to read:

25452. If an individual, whose term on the common governing board is to expire on March 31 of the second succeeding odd-numbered year following the even-numbered year set out in Section 25451.9, elects to serve on the community college district governing board only, such act shall be deemed to have created a vacancy in his membership on the unified district governing board commencing on the first day of April of the first odd-numbered year following such even-numbered year. Such vacancy shall be filled as provided by law.

In any odd-numbered year first succeeding the year set out pursuant to Section 25451.9 on the same date upon which the election for members of the common governing board is held, an election shall be held in the community college district to elect members to the community college district governing board to fill the positions of the governing board members whose terms will expire on March 31 of such odd-numbered year, and the other governing board members, if any, whose terms will expire on March 31 of the next succeeding odd-numbered year, and who have elected, pursuant to Section 25451.9, to serve as members of the unified district board only Of the members elected to the governing board of the community college district at that election, those receiving the

lowest number of votes shall be deemed to have been elected to the positions, if any, held by members whose terms would otherwise have expired in the next succeeding odd-numbered year and who elected to serve on the unified district governing board only. The first term of office of any such newly elected member receiving such lower number of votes shall expire on March 31 of the next succeeding odd-numbered year. The election shall be held throughout the community college district, and the members elected to the community college district governing board thereat shall be elected at large.

SEC. 24. Section 25452.2 of the Education Code is amended to read:

25452.2. If an individual elects, pursuant to Section 25452.1, to serve on the community college district governing board, such an act shall be deemed to have created a vacancy on the unified district governing board commencing on the first day of April next succeeding such election. Such a vacancy shall be filled as provided in the charter of the city, or if no such provision is made, as provided for in this code.

A member of the common board who elects to be a member of the community college district governing board, shall hold such office until March 31 of the year in which his term of office on the common board would have expired. Positions on the community college district governing board which remain unfilled after such elections have been made by the members of the common board, shall be filled as provided for in Section 25413.5. A member so appointed shall serve until March 31 of the first odd-numbered year next succeeding the year set out pursuant to Section 25452.1.

In the first odd-numbered year next succeeding the year set out pursuant to Section 25452.1 on the same date upon which governing boards of a majority of other school districts in the county are elected, an election shall be held to fill those positions held by appointees pursuant to this section and members who elected to serve and whose terms will expire on March 31 of such first odd-numbered year. After the election, the members of the board shall have terms of office such that three members shall have terms which expire on March 31 of the next succeeding odd-numbered year and two members shall have terms which expire on March 31 of the second succeeding odd-numbered year. Governing board members who had been members of the common board shall have terms of office as provided for in this section. Governing board members elected at such election who received the lowest number of votes shall be deemed to have been elected to the positions of those, if any, whose terms will expire on March 31, of the next succeeding odd-numbered year. Others elected at such election shall have terms of office which expire on the second succeeding odd-numbered year. The election shall be held throughout the community college district and the members elected to the community college district governing board shall be elected at large. Except for the initial terms of office, the term of office for a member of the governing board of the

community college district shall be four years and shall commence on April 1 and terminate on March 31.

SEC. 25. For purposes of the changes in law effected by this act, the expiration of the terms of office of school district governing board members who hold such offices on the effective date of this act and subject to Section 1119 and various other provisions of the Education Code affected by this act, is hereby accelerated, in each instance, from the 30th day of June to the 31st day of March of the calendar year in which such terms would otherwise have expired.

CHAPTER 370

An act to amend Section 4507 of, and to add Sections 4508, 4509, and 4510 to, the Food and Agricultural Code, to amend Section 19627.7 of the Business and Professions Code, and to repeal Title 14 (commencing with Section 620) of Part 4 of Division 1 of the Civil Code, relating to fairs.

[Approved by Governor June 28, 1974 Filed with Secretary of State June 28, 1974]

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

SECTION 1. Section 4507 of the Food and Agricultural Code is amended to read:

4507. The department shall annually classify fairs which are required to file reports pursuant to Section 4505. The department shall annually request advice and recommendations for modification of the classification from boards of directors of fairs. In making classifications, it shall take into consideration all of the following:

(a) The type and class of agricultural, including livestock, industrial, and natural resources that are exhibited, and the amount of premiums which are paid in accordance with the approved premium list of the fair.

(b) Whether the fair is regional in nature, offers a special feature for agriculture, livestock, or industry, or is a sectional fair limiting exhibits to the region in which the fair is held, and such other characteristics and factors as the department deems necessary.

(c) The ratio of attendance at the fair to the population of the area which is served by it.

(d) The efficiency of management, including operational procedures, revenue from sources other than the state, quality of exhibits, and community interest in the fair.

(e) The extent and nature of interim utilization of fair property as promoted by the fair management.

(f) The need of the fair for money from state sources.

SEC. 2. Section 4508 is added to the Food and Agricultural Code, to read:

4508. The classifications of fairs established pursuant to Section 4507 may be considered in determining the basis of compensation to fair managers of fairs that are classified under such provisions.

The department shall annually perform all of the following:

(a) Review and maintain a separate and accurate job description for each fair manager.

(b) Solicit information from fair board of directors that will accurately describe the fair managers performance and responsibilities in regard to merit salary increases for its fair manager.

SEC. 3. Section 4509 is added to the Food and Agricultural Code, to read:

4509. The director shall submit the findings made under Section 4507 and the information he receives pursuant to Section 4508 to the Fair Budget Review Board, established pursuant to Section 19627.7 of the Business and Professions Code, for its review and recommendations.

The Fair Budget Review Board shall report its recommendations to the director not later than 45 days after it receives such findings and information.

SEC. 4. Section 4510 is added to the Food and Agricultural Code, to read:

4510. The department shall prepare a manual setting forth the powers, duties, and responsibilities of directors of county and citrus fruit fairs, and a separate manual setting forth the powers, duties, and responsibilities of directors of district and combined county and district fairs. The department shall also:

(a) Revise the manuals annually.

(b) Provide copies of the manuals to each director and manager of every county, district, combined county and district, and citrus fruit fair.

SEC. 5. Section 19627.7 of the Business and Professions Code is amended to read:

19627.7. There is in the Department of Food and Agriculture a Fair Budget Review Board to advise the Director of Food and Agriculture on the following:

(a) Allocation of state support to county, district, combined county and district, or citrus fruit fairs, for operational purposes.

(b) The types and amount of capital outlay projects approved for each eligible fair.

(c) On all matters relating to the classification of fairs and the methods used to determine the compensation for fair managers.

As used in this section, "board" means the Fair Budget Review Board.

The board shall act as a review board making recommendations to the Director of Food and Agriculture relative to proposed legislation affecting fairs.

The board of directors of the fairs in each fair area designated in Section 4532 of the Food and Agriculture Code shall nominate three persons to serve on the board. The director shall appoint one person

from among the nominees of each such area to serve on the board. Each member of the board shall be subject to confirmation by the Senate.

Any member of the board initially appointed from a fair area designated by Section 4532 of the Food and Agricultural Code as 1, 3, 5, or 7 shall serve a term of office of four years, and any member initially appointed from a fair area 2, 4, or 6 shall serve a term of office of six years. Each appointment made thereafter from any of such fair areas shall be for six-year terms.

Any appointment made to fill a vacancy on the board of any unexpired term, shall be made only for the remainder of the unexpired term.

The board shall, from time to time, elect a chairman and vice chairman from among its members. The board shall meet at the call of its chairman, at the request of the Director of Food and Agriculture, or upon request of a majority of its members.

The members of the board shall be reimbursed for any necessary expenses incurred in the performance of their duties, in accordance with the rates set by the Board of Control for boards and commissions.

SEC. 6. Title 14 (commencing with Section 620) of Part 4 of Division 1 of the Civil Code is repealed.

CHAPTER 371

An act to amend Sections 2145.5, 2147, 2147.5, 2147.6, 2191 and 2192 of, to add Sections 2145.6, 2193, and 2193.5 to, and to repeal Sections 2169, 2193 and 2193.5 of, the Business and Professions Code, relating to medicine, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1974 Filed with Secretary of State June 28, 1974.]

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

SECTION 1. Section 2145.5 of the Business and Professions Code is amended to read:

2145.5. (a) When clearly outstanding physicians who are leaders in important fields in medicine and surgery and who are graduates of medical schools other than those of the United States are greatly needed to fill important full-time faculty positions in approved California medical schools for the teaching of medical students who are candidates for the degree "doctor of medicine," and if such physician has been offered by the dean of the medical school a full-time faculty appointment, the Board of Medical Examiners may

review the credentials of such physician and may decide whether to require such physician to pass an oral or a written examination, and may grant a certificate of registration to engage in the practice of medicine only to the extent that such practice is incident to and a necessary part of his duties in the medical school's major teaching hospitals approved by the board. Such certificate of registration shall be valid for a period of not more than five years and shall be renewable at the discretion of the board and during which period he shall not otherwise hold himself out as a physician and surgeon in this state.

(b) Any physician who receives a certificate of registration under subdivision (a) and who desires unlimited licensure in this state must take and pass such portions of the written licensing examination as required by the Board of Medical Examiners. Notwithstanding any other provision of law, the board shall accept time spent in an appointment pursuant to subdivision (a) as qualifying time to meet the requirements of full licensure.

SEC. 2. Section 2145.6 is added to the Business and Professions Code, to read:

2145.6. (a) Any applicant not immediately entitled to an unlimited physicians and surgeons certificate under any other provision of this chapter who is offered by the dean of an approved California medical school a full-time faculty position may, after application to and approval by the board, be granted a certificate of registration to engage in the practice of medicine only to the extent that such practice is incident to and a necessary part of his duties in the medical school's major teaching hospitals approved by the board.

(b) To qualify for a certificate pursuant to subdivision (a), an applicant shall satisfy each of the following requirements:

(1) He shall furnish documentary evidence satisfactory to the board that he is a United States citizen or, if not a citizen, that he is legally admitted to the United States.

(2) If he is a graduate of a medical school other than in the United States or Canada, he shall furnish documentary evidence satisfactory to the board that he has been licensed to practice medicine and surgery for not less than four years in the United States or in a country or countries whose requirements for licensure are satisfactory to the board, or has been engaged in the practice of medicine in the United States for at least four years in hospitals approved for postgraduate training, or has completed a combination of such licensure and practice.

If he is a graduate of an approved medical school in the United States or Canada, he shall furnish documentary evidence satisfactory to the board that he has completed in such school a resident course of professional instruction equivalent to that required by Sections 2191 and 2192.

(3) He shall take and pass an oral and clinical examination if required by the board

(4) The chairman of the department in which he is to be

appointed shall certify in writing to the board that the applicant will be under his direction and will not be permitted to practice medicine or surgery unless incident to and a necessary part of his duties in the medical school's major teaching hospitals approved by the board.

(c) A certificate may be valid for a period of up to one year after its issuance. During the period for which a certificate has been issued pursuant to this section, the applicant shall take the written examination required for the issuance of an unlimited physicians and surgeons certificate in this state.

If the applicant does not pass the examination, the certificate issued pursuant to this section shall nevertheless be effective for the period issued and if the effective period of the certificate will lapse before he can repeat the examination, the certificate may be renewed, subject to the discretion of the board, for a period not in excess of one year.

(d) Any graduate of a medical school other than in the United States or Canada who is serving an appointment pursuant to this section and desires full licensure in this state shall meet the requirements of Section 2193. Notwithstanding any other provision of law, the board may accept time spent in an appointment pursuant to this section as qualifying time to meet the requirements under Section 2193.

SEC. 2.3. Section 2147 of the Business and Professions Code, as amended by Section 1 of Chapter 85 of the Statutes of 1972, is amended to read:

2147. Nothing in this chapter shall be construed to prevent a student regularly matriculated in any legally chartered school approved by the board or a foreign medical student who is enrolled in a California medical school approved by the board or a person enrolled in a program of supervised clinical training pursuant to Article 4.6 (commencing with Section 2185) of this chapter from treating the sick or afflicted whenever and wherever prescribed as a part of his course of study

SEC. 2.5. Section 2147 of the Business and Professions Code, as added by Section 1.5 of Chapter 933 of the Statutes of 1972, is amended to read:

2147. Nothing in this chapter shall be construed to prevent a student regularly matriculated in any legally chartered school approved by the board, or to prevent a foreign medical student who is enrolled in a California medical school approved by the board from treating the sick or afflicted whenever and wherever prescribed as a part of his course of study.

SEC. 2.7. Section 2147.5 of the Business and Professions Code is amended to read:

2147.5. Any graduate student registered with the board and upon whom a degree of doctor of medicine, bachelor of medicine, or equivalent degree, diploma, or certificate has been conferred by a school, approved by the board, may, during and as a part of his course of study, but not for a period of more than two years, treat the sick

and afflicted either as such student in a school approved by the board, teaching medicine or surgery in this state, or as an intern or postdoctoral fellow or its educational equivalent in a general hospital otherwise approved for the first year of postgraduate training in medicine or surgery or pediatrics or obstetrics and gynecology or family practice, and may, for rendering such treatment, receive compensation therefor from the hospital or school. Hospitals functioning as a part of the teaching program of an approved school in this state may exchange instructors or resident or assistant resident physicians with an out-of-state approved school, or may appoint a graduate of an approved school as a resident or assistant resident for postgraduate training, and the exchange instructor, resident or assistant resident from such out-of-state school or the resident or assistant resident for postgraduate training may, for a period not exceeding one year, serve as an instructor, resident or assistant resident in such hospital in this state. Any person registered with the board and upon whom a degree of doctor of medicine or equivalent degree, diploma, or certificate has been conferred by a school approved by the board may act as a resident or assistant resident physician in any hospital or public health department approved for residencies or for first-year postgraduate training, and may receive compensation therefor from the hospital or public health department, provided, that any such resident or assistant resident shall qualify for and take the next succeeding examination for a physician's and surgeon's certificate given by the board or shall qualify for and receive a physician's and surgeon's certificate by one of the other methods specified in this chapter. If he shall fail to pass such examination or fail to receive a certificate by one of the other methods, pending the results of the examination, all privileges under this section shall automatically cease.

Except to the extent authorized by this section, no graduate student or resident may treat the sick or afflicted or receive compensation therefor, or otherwise engage in or offer to engage in the practice of medicine or surgery; unless he shall hold a valid, unrevoked and unsuspended physician's and surgeon's certificate.

SEC 3 Section 2147.6 of the Business and Professions Code is amended to read:

2147 6. Physicians, who are legally admitted to the United States of America, who seek postgraduate study in an approved medical school either as a fellow, instructor, or exchange professor, may, after proper application to and approval by the board and receipt of an appointment from the dean of an approved medical school, be permitted by the board to participate in the professional activities of the department in the approved medical school to which they are appointed under the direction of the chairman of the department. Such permission granted by the board shall be for a period not in excess of five years, and must be renewed semiannually. Such renewal shall only be granted subject to the discretion of the board. Except to the extent authorized by this section, no such visiting

physician may treat the sick or afflicted or receive compensation therefor or otherwise engage in or offer to engage in the practice of medicine and surgery.

The time spent in an approved medical school pursuant to this section shall not be used to satisfy the requirements contained in Sections 2193 and 2193.5.

SEC. 3.3. Section 2169 of the Business and Professions Code is repealed.

SEC. 3.5. Section 2191 of the Business and Professions Code is amended to read:

2191. Each applicant shall present evidence satisfactory to the board that he has completed a two-year resident course of college grade, or its equivalent, before completing the study of medicine.

The two-year resident course of college grade shall include the subjects of physics, chemistry, and biology. In the event that one of the above subjects was not completed as a part of the two-year resident course of study, an applicant must complete a course of instruction in such subject in an institution of higher learning satisfactory to the board prior to taking the written examination.

SEC. 3.7. Section 2192 of the Business and Professions Code is amended to read:

2192. Each applicant shall show by evidence satisfactory to the board that he has successfully completed a medical curriculum extending over a period of at least four academic years in a school or schools located in the United States or Canada, approved by the board, and total number of hours of all courses shall consist of a minimum of 4,000 hours. The curriculum for all applicants who matriculate before September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
  Embryology
  Histology
  Neuroanatomy
Physiology
Psychobiology
Biochemistry
Pathology, bacteriology
    and immunology
Pharmacology
Preventive medicine
  Hygiene and sanitation

Medicine
  Pediatrics
Psychiatry
  Neurology
  Dermatology
  Physical medicine
  Therapeutics
  Tropical medicine
Surgery, including
    orthopedic surgery
  Urology
  Ophthalmology
  Radiology
  Anesthesia
  Otolaryngology
  Obstetrics and
      gynecology

The curriculum for all applicants who matriculate on or after September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
Embryology
Histology
Neuroanatomy
Physiology
Biochemistry
Pathology, bacteriology and immunology
Pharmacology
Preventive medicine
Radiology, including radiation safety
Medicine
Pediatrics
Psychiatry
Neurology
Dermatology
Physical medicine
Therapeutics
Tropical medicine
Surgery, including orthopedic surgery
Urology
Ophthalmology
Anesthesia
Otolaryngology
Obstetrics and gynecology

Before a physician's and surgeon's license may be issued each applicant must show by evidence satisfactory to the board that he has completed a year's service satisfactory to the board in a hospital approved by the board for first-year postgraduate studies. At the discretion of the board the written examination provided for in Section 2288 may be taken following completion of his medical course and prior to the granting of a degree by the school; provided, that a certificate shall not be issued to any applicant until satisfactory evidence is filed with the board that a degree has been issued to him by the school.

SEC. 4. Section 2193 of the Business and Professions Code is repealed.

SEC. 5. Section 2193 is added to the Business and Professions Code, to read:

2193. Any applicant who does not qualify under Section 2193.5 and whose application is based on a medical education acquired in a country other than the United States or Canada shall provide evidence satisfactory to the board that he has done each of the following:

(a) He has completed in a medical school or schools a resident course of professional instruction equivalent to that required by Sections 2191 and 2192 for a physician and surgeon applicant and has been issued a document approved by the board which shows final and successful completion of the course.

(b) He has been admitted or licensed to practice medicine and surgery in a country or other state of the United States wherein licensure requirements are satisfactory to the board.

(c) He has completed one of the following types of hospital service:

(1) He has completed the premedical education required by Section 2191 in a college or university in the United States and has served at least one year in a clinical service satisfactory to the board in a hospital located in the United States or Canada which the board finds provides satisfactory first-year postgraduate training.

(2) He has served at least one year in a clinical service satisfactory

to the board in a hospital located in this state which the board finds provides satisfactory first-year postgraduate training.

(3) He has served at least two years of clinical service satisfactory to the board in a hospital located in the United States or Canada which the board finds provides satisfactory first-year postgraduate training.

(4) He is a diplomate of an American specialty board approved by the American Medical Association, but no more than one year of his specialty training was acquired outside the United States or Canada.

Before a certificate may be issued, the applicant shall not only meet the requirements of subdivisions (a), (b), and (c) but also pass the written examination as provided under Article 10 (commencing with Section 2280) of this chapter, and an oral and comprehensive clinical examination. Prior to commencing any clinical service in a hospital in this state, an applicant shall have first passed the written examination prescribed in Article 10.

Nothing contained in this section shall prohibit the board from disapproving any foreign medical school nor from denying the application if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this article for a physician and surgeon applicant.

SEC. 6. Section 2193.5 of the Business and Professions Code is repealed.

SEC. 7. Section 2193.5 is added to the Business and Professions Code, to read:

2193.5. Any applicant whose application is based on a medical education acquired in a country other than the United States or Canada and who either (1) is a United States citizen or (2) has filed a declaration of intention to become a United States citizen or a petition for naturalization or comparable document, shall provide evidence satisfactory to the board that he has done each of the following:

(a) He has completed in a medical school or schools a resident course of professional instruction equivalent to that required in Sections 2191 and 2192 for a physician and surgeon applicant, and has been issued a document approved by the board which shows final and successful completion of the course.

(b) He has completed one of the following types of hospital service:

(1) He has been engaged in the practice of medicine in the United States for at least four years in a hospital or hospitals approved by the board for postgraduate training, one of which years shall have been a formal postgraduate training position.

(2) He is a diplomate of an American specialty board approved by the American Medical Association, but no more than one year of the specialty training was acquired outside the United States or Canada.

(3) He has served at least two years of clinical service satisfactory to the board in a hospital located in the United States or Canada which the board finds provides satisfactory first-year postgraduate training.

(4) He has completed the premedical education required by Section 2191 in a college or university located in the United States, and has served at least one year in a clinical service satisfactory to the board in a hospital located in the United States or Canada which the board finds provides satisfactory first-year postgraduate training.

Before a certificate may be issued, the applicant shall not only meet the requirements of subdivisions (a) and (b) of this section, but also pass the written examination as provided under Article 10 (commencing with Section 2280) of this chapter, and an oral and comprehensive clinical examination. Prior to commencing any clinical service in a hospital in this state, an applicant shall have first passed the written examination prescribed in Article 10.

Nothing contained in this section shall prohibit the board from disapproving any foreign medical school nor from denying the application if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this article for a physician and surgeon applicant.

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

In order to permit medical schools to recruit foreign-trained faculty and offer clinical clerkships to foreign medical students in the academic year commencing in the fall of 1974, this act must go into effect immediately.

SEC. 9. Section 2.3 shall be operative until December 31, 1974, and thereafter is repealed.

SEC. 10. Section 2.5 shall become operative December 31, 1974.

CHAPTER 372

An act to repeal Sections 11610.5, 11610.7 and 11610.8 of, and to add Article 8.5 (commencing with Section 11606) to Chapter 2 of Part 2 of Division 4 of, the Business and Professions Code and to repeal Division 10 (commencing with Section 10000) of the Public Resources Code, relating to subdivisions.

[Approved by Governor June 28, 1974 Filed with Secretary of State June 28, 1974]

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

SECTION 1. Article 8.5 (commencing with Section 11609) is added to Chapter 2 of Part 2 of Division 4 of the Business and Professions Code, to read·

Article 8.5. Dedication of Public Access Routes

11606. It is the intent of the Legislature, by the provisions of this article to implement Section 2 of Article XV of the California Constitution insofar as this article is applicable to navigable waters.

11607. The Legislature finds and declares that:

(a) The public natural resources of this state are limited in quantity and that the population of this state has grown at a rapid rate and will continue to do so, thus increasing the need for utilization of public natural resources. The increase in population has also increased demand for private property adjacent to public natural resources through real estate subdivision developments which resulted in diminishing public access to public natural resources.

(b) It is essential to the health and well-being of all citizens of this state that public access to public natural resources be increased.

11608. It is the policy of the state and intent of the Legislature to increase public access to public natural resources.

11609. (a) No city or county shall approve either the tentative or the final map of any subdivision fronting upon the coastline or any bay shoreline if such proposed subdivision does not provide or have available reasonable public access by fee or easement from a public highway to land below the ordinary high water mark on such coastline or shoreline within or at a reasonable distance from the subdivision.

(b) This section shall not apply to the final map of any subdivision the tentative map of which was approved by a city or county prior to November 23, 1970, nor to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community which has been approved by a city or county prior to December 31, 1968.

11609.1. (a) No city or county shall approve either the tentative or the final map of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency, including the state, if such proposed subdivision does not provide or have available reasonable public access by fee or easement from a public highway to any water to such lake or reservoir within or at a reasonable distance from the subdivision.

(b) This section shall not apply to the final map of any subdivision the tentative map of which was approved by a city or county prior to November 23, 1970.

11609.2. No city or county shall issue any permit or grant any approval necessary to develop any real property which is excluded from regulation under this chapter as a subdivision pursuant to paragraph 4 of subdivision (c) of Section 11535 because such property is in excess of forty (40) acres and was created as such a parcel after December 31, 1969, when such property fronts on the coastline, a bay shoreline, or any lake or reservoir which is owned in part or entirely by any public agency, including the state, unless it finds that reasonable public access has been provided or is available

from a public highway to land below the ordinary high water mark on any ocean coastline or bay shoreline or to any water of any such lake or reservoir, either across or at a reasonable distance from such real property.

11609.3. (a) No city or county shall approve either the tentative map or the final map of any subdivision fronting upon a public waterway river or stream if such proposed subdivision does not provide or have available reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision, or does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision.

(b) As used in this article, "public waterway river or stream" means those waterways, rivers and streams defined in Sections 100 through 106 of the Harbors and Navigation Code, any stream declared to be a public highway for fishing pursuant to Sections 25660 to 25662, inclusive, of the Government Code, the rivers listed in Section 1505 of the Fish and Game Code as spawning areas, and all waterways, rivers and streams downstream from any state or federal salmon or steelhead fish hatchery.

(c) The provisions of subdivision (a) shall not apply to the site of electric power generating facilities, nor to industrial subdivisions.

11609.4. Any dedication made by the subdivider or owner, as the case may be, pursuant to this article shall be expressly designated on the tentative or final subdivision map or, with respect to dedications made pursuant to Section 11609.2, on a separately recorded map, and such map shall in all cases expressly designate the governmental entity to which such route or routes are dedicated. Such governmental entity must accept such dedication within four years of the approval of the final subdivision map or of the issuance of a permit or granting of approval specified in Section 11609.2, at which time, unless accepted, such dedication shall be deemed abandoned.

11609.5. (a) Reasonable public access, as used in this article, shall be determined by the city or county in which the property lies. In making such determination, the city or county shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision or property divided.

(3) The type of shoreline or riverbank and the various appropriate recreational, educational, and scientific uses, including but not limited to walking, swimming, diving, boating, fishing, sunbathing, surfing, water skiing, beachcombing, taking of shellfish, scientific exploration and collection, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses

(b) The extent, width and character of the public easement along a riverbank required by Section 11609.3 shall be reasonably defined to achieve reasonable public use of the public waterway river or stream consistent with public safety. The reasonableness and extent

of the easement shall be determined by the city or county in which the proposed subdivision is to be located, and in making such determination the city or county shall use the same criteria as those set forth in subdivision (a) except that such easement may not be required to be a highway.

11609.6. Nothing in this article shall require a city or county to disapprove either a tentative or final subdivision map, or to refuse to issue a permit or grant approval pursuant to Section 11609.2, solely on the basis that reasonable public access otherwise required by this article is not provided through or across the subdivision itself or the real property in question if the city or county makes a finding that reasonable public access is otherwise available within a reasonable distance from the subdivision. Where approval of a tentative or final subdivision map is involved, any such finding must be set forth on the face of such map.

11609.7. Any route or routes provided by the subdivider or owner, as the case may be, pursuant to this article may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

11609.8. Nothing in this article shall be construed as requiring the subdivider to improve any route or routes which are primarily for the benefit of nonresidents of the subdivision area or nonowners of the real property in question.

11609.9. Nothing in this article shall be construed as to limit any powers or duties in connection with or affect the operation of beaches or parks in this state or to limit or decrease the authority, powers, or duties of any public agency or entity.

SEC. 2. Section 11610.5 of the Business and Professions Code is repealed.

SEC. 3. Section 11610.7 of the Business and Professions Code is repealed.

SEC. 4. Section 11610.8 of the Business and Professions Code is repealed.

SEC. 5. Division 10 (commencing with Section 10000) of the Public Resources Code is repealed.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency because the Legislature hereby determines and finds that in this act there are no duties, obligations, or responsibilities imposed on local governmental entities.

SEC. 7. It is the intent of the Legislature, if this bill and Senate Bill No. 977 are both chaptered and become effective on or before January 1, 1975, and this bill is chaptered either before or after S B.

977, that Sections 1, 2, 3, 4, 5 and 6 of this bill shall not become operative.

CHAPTER 373

An act to amend Section 6631 of the Streets and Highways Code, relating to improvement bonds.

[Approved by Governor June 28, 1974 Filed with Secretary of State June 28, 1974]

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

SECTION 1. Section 6631 of the Streets and Highways Code is amended to read:

6631. Notwithstanding the provisions of Section 6619, the treasurer shall reinstate any delinquent bond upon which an action or proceeding for sale or foreclosure has been commenced, upon the payment to him of all principal and interest coupons delinquent at the time of such reinstatement together with:

(a) All penalties imposed pursuant to Section 6442;

(b) Fees for filing with the county recorder of a notice of pendency of a sale or foreclosure pursuant to Part 3 (commencing with Section 3120) of Division 4.5 of this code;

(c) If the proceedings are pursuant to Chapter 6 (commencing with Section 6500) of this part, the expenses of publication of notice of sale paid or incurred by the treasurer, and the cost, if incurred, of obtaining evidence of title;

(d) If the proceedings are pursuant to Chapter 11 (commencing with Section 6610) of this part, the costs of suit, the cost of abstract or report of search of title, and authorized attorneys fees; and

(e) A reinstatement fee determined as follows:

If the action or proceeding for sale or foreclosure was commenced within the following periods, measured from the date of the first delinquent principal or interest coupon:

1. Less than six months, the reinstatement fee shall be five dollars ($5);

2 Six months but less than a year, the reinstatement fee shall be ten dollars ($10);

3. One year or more, and

(i) The unpaid principal is less than one hundred dollars ($100), the reinstatement fee shall be fifteen dollars ($15);

(ii) The unpaid principal is one hundred dollars ($100) or more, the reinstatement fee shall be twenty dollars ($20).

CHAPTER 374

An act to amend Sections 20603, 20604, 20605, 20606, 21361, 22810, 22828, and 22863 of, to add Sections 18548, 18548.1, 18548.2, 18850.1, 18850.2, 20603.02, 20750.22, 20750.33, 20750.88, 20896, 21222.3, 21263.4, 22790.1, and 22825.1 to, to add Chapter 3.5 (commencing with Section 18120) to Part 1 of Division 5 of Title 2 of, to add Article 7 (commencing with Section 21400) to Chapter 9 of Part 3 of Division 5 of Title 2 of, and to repeal Section 18712 of, the Government Code, and to add Section 699.1 to the Insurance Code, relating to total compensation for state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1974. Filed with Secretary of State June 28, 1974.]

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

SECTION 1. It is the intent of the Legislature that recommendations on the total compensation of state employees be based on the principle of equivalency with the value of total compensation that prevails in private industry and other public agencies with the objective of providing a balanced and integrated compensation program with respect to both salaries and benefits, that the State Personnel Board and the Public Employees' Retirement System cooperate in developing the measurement of such equivalency and recommendations on total compensation improvement, that the Public Employees' Retirement System be responsible for measurement for service retirement, social security, death benefits, life insurance, disability, health and medical plans, that the State Personnel Board be responsible for measuring all other areas of total compensation, and that the State Personnel Board be responsible for making integrated recommendations to meet any total compensation lag and consider the recommendations of the Public Employees' Retirement System in arriving at its recommendations.

It is the further intent of the Legislature that the meet and confer process be utilized in the development of specific benefit plan proposals within the total compensation lag with the objective of providing a balanced and integrated compensation program and that the Governor or his designee meet and confer in good faith with employee organizations on benefit program changes prior to submitting his recommendations to the Legislature.

SEC. 2.5. Chapter 3.5 (commencing with Section 18120) is added to Part 1 of Division 5 of Title 2 of the Government Code, to read:

CHAPTER 3.5. INDUSTRIAL DISABILITY LEAVE

18120. This chapter applies to state officers and employees who are members of the Public Employees' Retirement System in compensated employment on and after the effective date of this chapter.

This chapter does not apply to state officers and employees who are included in the provisions of Article 6 (commencing with Section 4800) of Chapter 2 or Part 2 of Division 4 of the Labor Code.

18121. As used in this chapter:

(a) "Industrial disability leave" means temporary disability as defined in Divisions 4 (commencing with Section 3201) and 4.5 (commencing with Section 6100) of the Labor Code and includes any period in which the disability is permanent and stationary and the disabled employee is undergoing vocational rehabilitation.

(b) "Full pay" means the amount to which the state officer or employee's appropriate retirement system retirement contribution is applied at the time of commencement of industrial disability leave.

18122. When a state officer or employee is temporarily disabled by illness or injury arising out of and in the course of state employment, he shall become entitled, regardless of his period of service, to receive industrial disability leave and payments, in lieu of workmen's compensation temporary disability payments and payments under Section 18102, for a period not exceeding 52 weeks within two years from the first day of disability. Such payments shall be in the amount of the employees full pay less withholding based on his exemptions in effect on the date of his disability for federal income taxes, state income taxes, and social security taxes not to exceed 22 working days of disability subject to Section 18126. Thereafter, the payment shall be two-thirds of full pay Payments will be additionally adjusted to offset disability benefits the employee may receive from other programs, except that no adjustment will be made for benefits to which the employee's family is entitled up to a maximum of three-quarters of full pay. Contributions to the Public Employees' Retirement System shall be deducted in the amount based on full pay. Discretionary deductions of the employee shall continue to be deducted unless canceled by the employee. State contribution to the Public Employees' Retirement System shall be made on the basis of full pay.

18123. The disabled employee shall not receive temporary disability indemnity or sick leave with pay for any period for which he receives industrial disability leave: however, he may elect to waive the provisions of this chapter and to receive disability indemnity pursuant to Divisions 4 (commencing with Section 3201) and 4.5 (commencing with Section 6100) of the Labor Code and to payments under Section 18102 in lieu of the benefits provided in this chapter. If the amount of the employee's benefits payable under this chapter is less than the amount he would receive under Divisions 4 (commencing with Section 3201) and 4.5 (commencing with Section 6100) of the Labor Code, the employee shall be deemed to have

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rejected the benefits of this chapter and shall be paid benefits pursuant to Divisions 4 (commencing with Section 3201) and 4.5 (commencing with Section 6100) of the Labor Code.

18124. Division 4.7 (commencing with Section 6200) of the Labor Code shall not apply to employees to which this chapter applies.

18125. If the employee continues to be temporarily disabled after termination of benefits under this chapter, he shall be entitled to the benefits provided by Divisions 4 (commencing with Section 3201) and 4.5 (commencing with Section 6100) of the Labor Code and to payments under Section 18102.

18126. If an illness or injury causes temporary disability, the employee shall be placed on industrial disability leave on the fourth calendar day after the injured employee leaves work as a result of the illness or injury, except that in case the injury causes disability of more than 14 days or necessitates hospitalization, the employee shall be placed on industrial disability leave from the first day he leaves work or is hospitalized as a result of the injury.

18127. Payments shall be contingent on the complete medical certification of the illness or injury including diagnosis and any prognosis of recovery. Further, payments shall be contingent on the employee's agreement to cooperate and participate in a reasonable and appropriate vocational rehabilitation plan when furnished by the state subject to appropriate medical approval as determined by the State Personnel Board.

18128. The State Personnel Board shall adopt any rules and regulations necessary for the administration of this chapter.

18129. The provisions of this chapter shall be effective upon the adoption of applicable rules and regulations, but not later than January 1, 1975.

SEC. 4. Section 18548 is added to the Government Code, to read:

18548. "Total compensation" is the sum of salaries and wages as determined by Section 18850, employee benefits and allowances provided directly or indirectly to employees for services rendered. Benefit program recommendations submitted pursuant to Sections 18850.1 and 18850.2 shall be based upon the principles that program objectives are to provide for employee needs, support state personnel policies, provide benefits equitably, provide benefits economically, and promote efficient administration.

SEC. 5. Section 18548.1 is added to the Government Code, to read:

18548.1. "Employee benefit" means compensation for service rendered within or in addition to salary to provide for either:

(a) Amounts paid because of death, accident, retirement, illness, or unemployment; or

(b) Health insurance; or

(c) Payment for any other time not worked.

SEC. 6. Section 18548.2 is added to the Government Code, to read:

18548.2. "Allowances" means mileage, travel allowances, moving allowances, uniform and tool allowances, and other sums paid for

actual and necessary expenses incurred by the employee in the performance of the state's business

SEC. 7. Section 18712 of the Government Code is repealed.

SEC. 8. Section 18850.1 is added to the Government Code, to read:

18850.1 On or before December 10 of each year the Board of Administration of the Public Employees' Retirement System shall submit to the board a report which shall include the findings of the board of administration relating to the benefits of state employees including, but not limited to, the following areas: service retirement, federal social security, death, life insurance, disability, health and medical plans. These findings shall include a determination of the amount by which such compensation exceeds or lags behind the costs to the state of matching prevailing employee benefit practices in other public employment and in private business and recommendations as to priorities for benefit improvements.

SEC. 9 Section 18850.2 is added to the Government Code, to read:

18850.2. The board shall annually file a report with the Governor and each house of the Legislature containing the board's recommendations on the total compensation of state civil service employees including salaries and wages as determined by Section 18850, employee benefits, and on the hours of work, conditions of work, and other matters relating to the civil service personnel of the State of California. In making such recommendations, consideration shall be given to the recommendations and report of the Board of Administration of the Public Employees' Retirement System on employee benefits.

The board's report shall be filed with the Governor and with each house of the Legislature on or before January 10 of each year.

SEC. 10. Section 20603 of the Government Code is amended to read:

20603. (a) The normal rate of contribution for a state miscellaneous member whose service is not included in the federal system shall be 6 percent of the compensation paid such member for service rendered on and after July 1, 1974. The normal rate of contribution for a school member, or a local miscellaneous member shall be 7 percent of the compensation paid such member for service rendered on and after the operative date of the amendments to this section at the 1971 Regular Session.

The normal rate of contribution as established under this subdivision for a member whose service is included in the federal system, and whose service retirement allowance is reduced under Section 21251.13 because of such inclusion, shall be reduced by one-third as applied to compensation not exceeding four hundred dollars ($400) per month for service after the date of execution of the modification of the federal-state agreement including such service in the federal system and prior to termination of such agreement with respect to the coverage group to which he belongs.

(b) The normal rate of contribution for a state miscellaneous

member whose service has been included in the federal system shall be 5 percent of compensation paid such member for service rendered on and after July 1, 1974. Such rate shall be reduced by one-third as applied to such compensation not exceeding four hundred dollars ($400) per month

SEC. 10.1. Section 20603.02 is added to the Government Code, to read:

20603.02. Notwithstanding Section 20603.01, the normal rate of contribution for patrol members for service rendered on and after July 1, 1974, shall be 8 percent of the compensation paid such members. The Legislature reserves the right to increase the rate of contribution of patrol members as it may find appropriate from time to time.

SEC. 10.2 Section 20604 of the Government Code is amended to read:

20604. The normal rate of contribution of a state safety member who is not subject to Section 21252.6 is the rate of contribution under this part as it read and applied to him as a forestry, warden, or law enforcement member on the day preceding the operative date of this section. The normal rate shall be reduced by 1 percent of compensation for service rendered on and after July 1, 1974.

SEC. 10.3 Section 20605 of the Government Code is amended to read:

20605 For each member subject to Section 21252.6 of this code, effective on the operative date of this section, or the later date of entrance into this system as such a member, the normal rate of contribution shall be 6 percent of compensation paid on and after such operative date.

The normal rate of contribution as established under this section for a member whose service is included in the federal system and whose retirement allowance is reduced because of such inclusion shall be reduced by one-third as applied to compensation not exceeding four hundred dollars ($400) per month for service rendered after the date of execution of the modification of the federal-state agreement including such services in the federal system and prior to termination of his coverage under the federal system.

The operative date of this section with respect to a local safety member shall be the date upon which he becomes subject to Section 21252.6.

SEC. 10.4 Section 20606 of the Government Code is amended to read:

20606 For each state safety member defined in subdivision (b) of Section 20017.75 and whose current and prior service pensions will be computed pursuant to Section 21252.9, effective on the operative date of this section, the normal rate of contribution shall be 8 percent The Legislature reserves the right to increase the rate of contribution as it may find appropriate from time to time. No adjustment shall be included in rates adopted under this section as the result of amendments hereto, changing the time at which members may retire or the benefits members will receive, because

of time during which members have contributed at different rates prior to such adoption.

SEC. 10.5. Section 20750.22 is added to the Government Code, to read:

20750.22. An employer's contribution to the retirement fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to 0.77 percent of the compensation paid such member by such employer.

SEC. 10.6. Section 20750.33 is added to the Government Code, to read:

20750.33. An employer's contribution to the retirement fund in respect to state safety members provided by any and all other provisions of this chapter is increased by a sum equal to 0.77 percent of the compensation paid such member by such employer.

SEC. 11. Section 20750.88 is added to the Government Code, to read:

20750.88. The state shall make contributions on account of liability for benefits under Section 21222.3 and 21263.4 and because of amendments to Section 20603 at the 1973–74 Regular Session in addition to contributions otherwise specified in this chapter in a sum equal to 1.89 percent of the compensation paid state miscellaneous members.

SEC. 11.5 Section 20896 is added to the Government Code, to read:

20896 Time during which a member is absent from state service under leave of absence because of injury or illness which arose out of and in the course of employment, and for which he receives full or part salary in lieu of disability indemnity, shall be considered as time spent in state service for purposes of requirement of employer and member contribution, computation of service credit and qualification for and calculation of benefits as though he had not been absent.

SEC. 12. Section 21222.3 is added to the Government Code, to read:

21222.3. In addition to the increase in allowance authorized by and granted pursuant to the provisions of Section 21222, and notwithstanding the limitation in subdivision (b) of Section 21224, any monthly allowance computed under or limited by Section 21251.1 prior to its repeal by Chapter 266, Statutes of 1972, and paid with respect to a state member whose retirement or whose death before retirement occurred prior to July 1, 1971, shall be increased by 15 percent. Such percentage shall be applied to the allowance payable on July 1, 1974, and the allowance as so increased shall be paid for time on and after that date and until the first day of April, 1975. The base allowance shall be increased by the same percentage for annual adjustments beginning with the adjustment effective for time commencing on April 1, 1975.

Notwithstanding Sections 20019.1 and 20493 of this code, this section shall not apply to allowances based on service in employment in which the member was a school member or a local miscellaneous member.

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SEC 13. Section 21263.4 is added to the Government Code, to read:

21263.4. Upon the death after the effective date of retirement of a state miscellaneous member none of whose service rendered in state employment has been included in the federal system and whose retirement is effective on or after July 1, 1974, a monthly allowance derived from employer contributions equal to 50 percent of the amount of his retirement allowance as it was at his death and based on service credited to him as a member subject to this section but excluding any portion of the retirement allowance derived from additional contribution of the member shall be paid to the surviving spouse throughout life or until remarriage. If there be no surviving spouse, or upon death or remarriage of such spouse before every child of the deceased member attains the age of 18, such allowance shall be paid to his child or children under such age, collectively, until every such child dies or attains such age; provided that no child shall receive any allowance after marrying or attaining such age. If at the time of the retired person's death there is no surviving spouse or children under age 18, the allowance shall be paid to a parent or collectively to parents of the deceased member dependent upon him for support. If at the effective date of retirement there is a person who will be eligible if such person survives, the member's election of an optional settlement shall apply only to a portion of his allowance as provided in Section 21330 with respect to allowances under Section 21263. If at the effective date of his retirement the member has no surviving spouse, eligible children or dependent parents and elected an optional settlement, no allowance under this section shall be paid.

"Surviving spouse" for purposes of this section means a husband or wife who was married to the member for a continuous period beginning at least one year prior to his retirement and ending on the date of his death.

Notwithstanding Section 20019.1 making provisions applicable to state miscellaneous members applicable to school members, this section shall not apply to school members.

SEC 14. Section 21361 of the Government Code is amended to read:

21361. The basic death benefit is payable in all cases where the retirement system is liable under Section 21360 for either the basic or a special death benefit and the special death benefit is not payable

The basic death benefit shall consist of:

(a) The accumulated contributions of the member.

(b) If the member is not an insured member, or is an insured member eligible for service retirement, an amount, provided from contributions by the state, or a contracting agency, equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of current service credited to the member, but not to exceed one-half of such compensation. If the

member is an insured member who is ineligible for service retirement and is also credited with service as a local member only such service shall be used in computing the amount under this subdivision and such amount shall not be a part of the basic death benefit payable with respect to the insured member.

The basic death benefit for a member who dies under the circumstances described in subdivision (a) (5) of Section 21360 shall not exceed an amount which when added to the death benefit paid for such member under such other system equals the maximum death benefit payable under that system, if the death is not the result of injury or disease arising out of and in the course of his employment under that system; provided, however, that such benefit shall be at least equal to his accumulated contributions. The basic death benefit for such member shall be the amount of his accumulated contributions if death is the result of disease or injury arising out of and in the course of employment under such other system.

SEC. 15. Article 7 (commencing with Section 21400) is added to Chapter 9 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Article 7. Group Term Life Insurance

21400. The purpose of this article is to provide group term life insurance benefits for members of this system who are full-time employees of the State of California or the university. Notwithstanding any other provision of this part, this article shall not apply to a school member, or any other local member.

21401. A separate account shall be established in the Public Employees' Retirement Fund to be known as the Insurance Benefits Account Moneys in such account shall be expended for the sole purpose of payment of insurance benefits under this article. Interest shall be credited to such account at the annual rate and in the same manner as interest is credited to employer and employee contributions in the fund.

21402. The board shall transfer annually on July 1 during any period of insurance from accumulated state contributions on account of current service to the Insurance Benefits Account the amount estimated to be necessary for payment during that fiscal year, of the portion of the insurance benefit prescribed in subdivision (b) of Section 21405 plus any deficiency in the transfer for the previous fiscal year for such purpose. In addition to any and all other contributions to the Public Employees' Retirement Fund, the state shall contribute 0 13 percent of the compensation paid state members on and after July 1, 1974, and during a period of insurance such contribution shall be credited to the Insurance Benefits Account. The board shall, pursuant to actuarial valuation of the fund in accordance with this part, adjust such rate effective with the beginning of a fiscal year as is determined to be necessary to fund the portion of the insurance benefit prescribed in subdivision (a) of Section 21405. In the event the period of insurance is not continued,

the state shall pay to such account any deficiency in the account as of the end of the fiscal year.

21403. An insured member, for purposes of this part, is a member of this system who is a full-time state or university employee and whose death occurs under conditions specified in Section 21404.

21404. The insurance benefit shall be paid upon death of an insured member of this system to his designated beneficiary if all of the following conditions concur:

(a) Death occurs either:

(1) While in such state service; or

(2) While absent from such state service on military service or on approved leave of absence; or

(3) Within four months of discontinuance of such state service; or

(4) While physically or mentally incapacitated for performance of duty continuously from discontinuance of such state service.

(b) Death occurs while a member and before the effective date of retirement or if an optional settlement 2 or 3 has not been elected after the effective date and before approval of the retirement.

(c) Death occurs during a period of insurance.

(d) Death occurs under circumstances other than those described in subdivision (a) (5) of Section 21360.

21405 The insurance benefit shall be the sum of the following amounts:

(a) Five thousand dollars ($5,000); and

(b) An amount equal to 50 percent of the annual compensation earnable by the deceased member during the 12 months immediately preceding his death, or if a member also has state service in an employment in which employees are ineligible to be insured members, a proportionate part of such amount in the ratio of eligible service to total service.

No amount shall be paid under this subdivision (b) if the member is eligible for service retirement

21406 The effective period of insurance shall be the 1974–75 fiscal year. The effective period of insurance may be extended annually thereafter to the succeeding fiscal year by order of the Governor promulgated prior to January 1 of the preceding fiscal year.

SEC. 15.5. Section 22790.1 is added to the Government Code, to read:

22790.1. Notwithstanding Section 22790, the board may approve a major medical plan in existence on July 1, 1974, which is offered by an employee organization having an approved basic health benefits plan on July 1, 1974, and for which payroll deductions were authorized under Section 1156 of this code.

SEC. 16. Section 22810 of the Government Code is amended to read:

22810. An employee or annuitant may, in the manner, and under such eligibility rules as the board may by regulation prescribe, enroll in an approved health benefits plan, either as an individual or for self and family, except that an employee of a contracting agency, or an

annuitant who retired while such an employee or is the beneficiary of such an employee, may enroll only in a health benefits plan for which the board has contracted. With respect to state officers and employees, the regulations shall provide that every employee or annuitant enrolled in a health benefits plan shall be enrolled in a major medical plan or shall provide for inclusion of major medical benefits in health benefit plans The regulations may provide for the exclusion of employees on the basis of the nature and type of their employment or conditions pertaining thereto, such as, but not limited to, short term appointments, seasonal or intermittent employment, and employment of a like nature, but no employee or group of employees shall be excluded solely on the basis of the hazardous nature of the employment. Any such enrollment shall authorize the deduction of the contributions required under this part from the employee's or annuitant's salary or retirement allowance

Any annuitant who, at the time he became an annuitant was enrolled in a health benefits plan, may continue his enrollment as provided by regulations of the board, without discrimination as to premium rates or benefit coverage.

The board shall, by rule and regulation, make such provision as it deems necessary to eliminate or minimize the impact of adverse selection which would affect any plans approved or contracted for, because of enrollment of annuitants

SEC. 17. Section 22825.1 is added to the Government Code, to read:

22825.1. Notwithstanding any other provision of this article, the employer's contribution, with respect to each state officer and employee or an annuitant who was in such employment or office including an academic position with a California state university or college or is a survivor of such person, shall be the amount necessary to pay the cost of his enrollment, including the enrollment of his family members, in a health benefits plan or plans or, if less, nineteen dollars ($19) for basic and related major medical plans with respect to employees or annuitants enrolled for self alone or for an employee or annuitant so enrolled for self and one family member, thirty-three dollars ($33) or, for an employee or annuitant so enrolled for self and two or more family members, forty-one dollars ($41). The annual total compensation report by the State Personnel Board shall recommend adjustments of the dollar amounts herein based on the principle that the employer's contribution for each employee or annuitant shall be an amount equal to 80 percent of the weighted average of the premium charges required for basic and related major medical plans with respect to employees or annuitants enrolled for self alone plus 60 percent of the weighted average of the additional premium charges required for enrollment of family members in basic and major medical plans as applicable for the level of benefits offered by (1) the statewide service plan contracted by the state, (2) the statewide indemnity plan contracted by the state, (3) the two prepaid comprehensive medical-hospital plans with the largest number of enrollments contracted by the state, as determined by the

board, whichever is less There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant.

The employer's contribution under this section for each employee shall commence on the effective date of his enrollment.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan or plans less the portion thereof to be contributed by the employer.

SEC. 18 Section 22828 of the Government Code is amended to read:

22828. From the General Fund in the State Treasury, there is appropriated monthly the state's contributions under Sections 22825, 22825.1, and 22826 for:

(a) All employees whose compensation is paid from the General Fund.

(b) All employees whose compensation is paid from funds of, or funds appropriated to, the university.

(c) All employees who are employed by the Department of Education or the Department of Rehabilitation and whose compensation is paid from the Vocational Education Federal Fund, the Vocational Rehabilitation Federal Fund, or any other fund received, in whole or in part, as a donation to the state under restrictions preventing its use for such contributions

(d) All employees whose compensation is paid from the Senate Contingent Fund or Assembly Contingent Fund or the Contingent Funds of the Assembly and Senate.

(e) All annuitants

SEC. 18.5. Section 22863 of the Government Code is amended to read:

22863. When an out-of-state employee is enrolled in any plan, policy, contract, service agreement, or arrangement described in Section 22862 and elects to receive the benefits provided by this article, the State of California and the employee shall contribute and disburse a portion of the cost of providing the benefit coverage in the same amounts and in a like manner as is provided for contributions, withholdings, appropriations and payments for health benefit plans under Sections 22825.1, 22826, 22827, 22828, 22829, and 22841. Disbursements may be made to any person, association, corporation, insurer, or other entity responsible for providing the benefit coverage, except that the state shall make no contribution to the State Employees' Contingency Reserve Fund, for other than administrative expense, with respect to such employee and said fund shall not be available to any extent or for any purpose other than payment of costs of administration with respect to such employee or the plan, policy, contract, service agreement or arrangement in which he is enrolled under this article.

SEC. 19. Section 699.1 is added to the Insurance Code, to read:

699.1. The Public Employees' Retirement System is exempt from the provisions of this code with respect to the group life insurance program established pursuant to Article 7 (commencing with

Section 21400), Chapter 9, Part 3, Title 2 of the Government Code.

SEC. 20. The sum of seven hundred thirty-one thousand six hundred twenty-seven dollars ($731,627) is hereby appropriated for expenditure during the 1974–75 fiscal year for the administration of this act as follows:

(a) To the Public Employees' Retirement System	$557,627
(1) From the General Fund to be transferred to the Public Employees' Retirement Fund	$288,617
(2) From the Public Employees' Retirement Fund	$225,258
(3) From the State Employees' Contingency Reserve Fund to be transferred to the Public Employees' Retirement Fund	$43,752
(b) To the State Personnel Board from the General Fund	$174,000

SEC. 21. This act shall become operative on July 1, 1974.

SEC. 22. This act may be cited as the Berryhill Total Compensation Act.

SEC. 23. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the benefits of this act may be available to state employees at the commencement of the 1974–75 fiscal year, this act must take effect immediately.

CHAPTER 375

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1974. Filed with Secretary of State June 30, 1974]

I object to the following appropriations contained in Senate Bill No 1525

Item 17—For support of Supreme Court of California, Courts of Appeal, Judicial Council of California, Commission on Judicial Qualifications I reduce this item from $12,409,806 to $12,209,500

I am eliminating from this item $200,306 which included eight new positions and operating expenses for the Supreme and Appellate Courts pending receipt and review of the final report of the National Center for State Courts regarding organization,

operations and staffing of the courts

Item 33—For support of Office of Emergency Services I reduce this item from $1,980,843 to $1,735,130 by reducing paragraph (c) for purchase of fire trucks from $491,425 to $245,712

I am reducing the legislative augmentation which provided for the purchase of 10 additional fire trucks The budget submitted to the Legislature in January provides for the purchase of five fire trucks in accordance with the annual replacement program The legislative augmentation provided for the purchase of 10 additional fire trucks, which I believe is an undesirable acceleration in the replacement program Therefore, I am reducing this item to eliminate five of the 10 additional fire trucks provided by the Legislature

Item 37—For support of The Department of Justice I reduce this item from $36,923,678 to $35,907,453 by reducing paragraph (a) Personal Services from $31,620,004 to $30,955,774 and paragraph (b) Operating Expenses and Equipment from $10,193,733 to $9,841,738

I am reducing this item to its budgeted level by eliminating the augmentations provided by the Legislature for antitrust and consumer protection activities in the amount of $1,016,225

Sufficient funds were budgeted for the Department of Justice to meet its responsibilities in these areas

Item 40—For support of The Commission on Peace Officers Standards and Training I reduce this item from $1,864,439 to $1,657,510 by reducing paragraph (a) Personal Services from $1,395,872 to $1,228,943 and paragraph (b) Operating Expenses and Equipment from $619,755 to $579,755

I am eliminating $206,929 from this item $81,827 was added for the Penal Code Section 832 Program which has been established and existing staff is capable of maintaining the program $115,102 for added staff in the Education and Training Division is not needed because existing vacant positions can be utilized without the necessity of adding new positions $10,000 was added for the feasibility study of computerizing the present record system The use of local assistance funds to study the feasibility of possibly mechanizing records would reduce the funds available for reimbursement of local agencies and would be detrimental to the objectives of the program

Item 46—For support of Assistance to Counties for Public Defenders I reduce this item from $1,500,000 to $775,000 by reducing local assistance from $1,500,000 to $775,000

I am reducing this item to the budgeted amount of $775,000, which will provide for the traditional level of support to counties for legal assistance to indigents The enactment of SB 90 and federal revenue sharing have provided a much greater level of assistance to counties than that which existed at the time this program was begun

Item 57—For support of State Board of Equalization I reduce this item from $32,891,260 to $32,743,110 by reducing paragraph (a) Personal Services from $34,677,339 to $34,542,657 and paragraph (b) Operating Expenses and Equipment from $8,595,347 to $8,581,879

I am eliminating from this item $148,150 which was added by the Legislature to increase the Board's intercounty equalization program There remains in this item sufficient funds for the board to meet its responsibilities

Item 62—For support of Heritage Preservation Commission I reduce this item from $10,800 to $800

I am reducing this item by $10,000 to the level originally submitted since the records maintenance schedule and manual is properly a function of local government and, as such, should be funded at the local level

Item 62 1—For support of Heritage Preservation Commission, Earl Warren Oral History Project I eliminate this item

I am eliminating this item because the University of California did not consider it to be of sufficient priority to be included in its 1974–75 Budget request

Item 70—For support of Public Utilities Commission I reduce this item from $8,907,541 to $8,823,998 by reducing paragraph (a) Personal Services from $13,500,091

to $13,429,738 and paragraph (b) Operating Expenses and Equipment from $2,757,696 to $2,746,506

I am eliminating the funds added for four additional financial examiner positions to conduct biennial audits of the 49 major California utilities The budget, as submitted, contains sufficient funds to provide an adequate audit of the utilities Further, I am eliminating the language related to the examiner positions which was added to amplify the duties of the added financial examiner positions

Item 74—For support of California Arts Commission I reduce this item from $2,090,000 to $1,000,000 by reducing paragraph (a) Personal Services from $164,352 to $149,352 and paragraph (b) Operating Expenses and Equipment from $225,648 to $150,648, and (c) grants for programs and projects supporting the arts from $2 million to $1 million

I am reducing this item to the amount proposed in the budget I submitted in January It will be adequate for the state to continue to stimulate interest and innovation in the arts.

Item 82—For providing open space reimbursement to local taxing authorities I reduce this item from $20,000,000 to $16,000,000 I am also deleting the following language relating to the reduction of $4,000,000 I made in the appropriation itself

"Provided, that of the amount appropriated by this item, the sum of $4,000,000 shall not be expended unless Assembly Bill No 2853 of the 1973–74 Regular Session is chaptered."

I am reducing this item to the amount required to carry out the program under current law

Item 90 1—For support of Augmentation for salary increase and employee benefits—Civil Service and related—Salary Compaction Relief Funds I eliminate this item.

Salary compaction at the upper executive, management and professional levels cannot be dealt with effectively until legislation is implemented to realign the salaries of statutory officers Such legislation should contain the required funds

Item 91 1—For support of Augmentation for salary increase and employee benefits—Civil Service and related—Salary Compaction Relief Funds I eliminate this item

Salary compaction at the upper executive, management and professional levels cannot be dealt with effectively until legislation is implemented to realign the salaries of statutory officers Such legislation should contain the required funds

Item 92 1—For support of Augmentation for salary increase and employee benefits—Civil Service and related—Salary Compaction Relief Funds I eliminate this item

Salary compaction at the upper executive, management and professional levels cannot be dealt with effectively until legislation is implemented to realign the salaries of statutory officers. Such legislation should contain the required funds

Item 111—For support of Department of Food and Agriculture I reduce this item from $17,052,247 to $17,044,447 by reducing paragraph (b) Operating Expenses and Equipment from $8,438,909 to $8,431,109

I am reducing this item because the Fairs and Exposition Study report prepared in August 1973 has not demonstrated that it will be of material assistance to the management of the fairs Further, no evidence has been provided to warrant expenditure of state funds to update a report completed so recently

Item 118 1—For support of loan to 1A District Agricultural Association (Cow Palace) I eliminate this item

I have eliminated the loan provisions because this fair is receiving, through Item 118, funds to accomplish essential repairs The proposed work can be deferred until operating revenues become available

Item 122—For support of Department of Commerce I reduce this item from $922,005 to $822,005 by reducing paragraph (b) Operating Expenses and Equipment from $558,345 to $458,345

I am eliminating the augmentation of $100,000 provided by the Legislature for an

expansion of tourism activities within the Department of Commerce and removing the restrictive language related to the augmentation According to the department, there are sufficient funds to conduct an adequate statewide tourism program

Item 123 2—For support of Division of Consumer Services I reduce this item from $580,038 to -0- by reducing paragraph (a) Personal Services from $857,983 to $317,751 and paragraph (b) Operating Expenses and Equipment from $167,977 to $128,171

This augmentation establishes a new policy that consumer service activities be partially funded from the General Fund

The Item is being reduced because the Division of Consumer Services serves special fund constituent boards, bureaus, and commissions of the department and should be supported by special fund assessments rather than by the General Fund The funds provided from the special fund sources are sufficient to carry out the program responsibilities

Item 127—For support of Bureau of Automotive Repair, Department of Consumer Affairs I reduce this item from $1,728,529 to $1,671,877 by reducing paragraph (a) Personal Services from $1,677,902 to $1,637,715 and paragraph (b) Operating Expenses and Equipment from $1,339,270 to $1,322,805

I am reducing this item to the level originally proposed in the budget since there are sufficient resources for the bureau to meet its responsibilities.

Item 166 1—For support of Department of General Services I eliminate this item

I am eliminating this item for maintenance of tree and plant growth in Capitol Park I am asking the Director of General Services to develop a plan addressing the planting, pruning, trimming, and surgical needs in Capitol Park for evaluation during development of the 1975–76 budget

Item 178—For support of The Department of Industrial Relations I reduce this item from $30,187,217 to $29,531,686 by reducing paragraph (a) Personal Services from $28,194,403 to $27,655,737 and paragraph (b) Operating Expenses and Equipment from $8,973,131 to $8,856,266

I am reducing this item to a level that I am assured is adequate for handling the workload of the department's various divisions I am also eliminating language authorizing additional Fair Employment Practices Commission field offices because staffing for these offices is included in the reduction

Item 178 1—For support of Uninsured Employers Fund I eliminate this item

I am eliminating this appropriation from the General Fund for transfer to the Uninsured Employers Fund Legislation establishing the latter fund was enacted with the anticipation that the Uninsured Employers Fund would be self-supporting The Department of Industrial Relations is sponsoring legislation which will make possible the original concept of a totally self-supporting activity

Item 181—For support of State Personnel Board I reduce this item from $13,920,196 to $10,420,196 by reducing paragraph (b) Operating Expenses and Equipment from $9,088,733 to $5,588,733

I am eliminating from this item $3,500,000 which was added by the Legislature to increase the board's Career Opportunities Development Program Although there has been a reduction in the amount of federal funds available to this program for 1974–75, there exists a sufficient backlog of unfilled job slots in the program to enable the board to meet its responsibilities

Item 185—For support of Public Employees' Retirement System I reduce this item from $6,247,378 to $6,193,345 by reducing paragraph (a) Personal Services from $4,730,384 to $4,684,161 and paragraph (b) Operating Expenses and Equipment from $2,319,823 to $2,312,013

I am reducing this item by the $54,033 which was added by the Legislature to provide increased services to Public Employees' Retirement System members There remains in this item sufficient funds to enable the system to meet its responsibilities

Item 191—For support of Veterans' Home of California I reduce this item from $5,455,730 to $5,365,986 by reducing paragraph (a) Personal Services from $8,467,310 to $8,377,566

I am reducing the amount of the augmentation made to this item by the Legislature from $199,744 to $110,000 The change will provide a staff increase at the Veterans'

Home of 13 new positions of higher level skills which will provide better treatment for patients than the 29 "aid and worker" positions added by the Legislature This action results from a recent study at the Veterans' Home by the Department of Finance

I am requesting the Director of Veterans Affairs to determine the proper job classification of the 13 new positions

Item 199—For support of Department of Housing and Community Development I reduce this item from $2,751,046 to $2,207,036 by reducing paragraph (a) Personal Services from $2,779,688 to $2,740,532 and paragraph (b) Operating Expenses and Equipment from $1,207,902 to $703,048

I am eliminating the $500,000 provided to continue the Low-Income Home Management Training Program pending the completion of a statutorily required evaluation report from the department The evaluation will include the program's accomplishments and recommendations concerning state participation

I have also eliminated $44,010 of the augmentation for the Division of Research and Assistance since the reduction in workload resulting from the termination of several projects requires that the staff support be correspondingly reduced

Item 200 1—For support of Department of Insurance I eliminate this item

This $10,000 augmentation by the Legislature to allow the Insurance Commissioner to facilitate consumer comparisons of disability insurance policies is unnecessary The cost of this project is expected to be minimal and can be absorbed within existing resources.

Item 225—For support of Department of Motor Vehicles I reduce this item from $82,169,270 to $80,134,991 by reducing paragraph (a) Personal Services from $71,467,873 to $71,044,245 and paragraph (b) Operating Expenses and Equipment from $23,830,687 to $22,220,036

I am eliminating the $67,405 augmentation in the Division of Compliance, which would have provided for four additional positions, because the budget I submitted in January contains sufficient resources to staff this function

I have also eliminated the $1,000,000 augmentation for reflectorized license plates The legislation authorizing this program required that it not be implemented "unless bids are received from at least two independent, responsible bidders " The Department of Motor Vehicles has not received the required bids and I have no reason to believe this situation will change during the 1974–75 fiscal year

I have also eliminated the funds budgeted for the implementation of year-round vehicle registration It has now become apparent that January 1, 1976, will be the earliest date that the transition can be accomplished

I have also eliminated the $60,000 augmentation for the post-licensing control program The Department of Motor Vehicles believes the federal government will continue to fund the project

Item 225 1—For support of Department of Motor Vehicles I eliminate this item

I have eliminated this item because the proposed study of an integrated vehicle registration-inspection program should be funded by the Motor Vehicle Account, State Transportation Fund, rather than the General Fund

Item 239—For reimbursement of mandates related to Resources Agency programs under provisions of Chapter 1165, Statutes of 1973 I eliminate this item

I am eliminating this item because the reimbursement of property tax revenues for wildlife habitat land under provisions of Chapter 1165, Statutes of 1973, should be financed by a special fund appropriately related to this program rather than by the General Fund

Item 245 1—For the purposes of Chapter 1154, Statutes of 1973, to be allocated by the Department of Finance as loans to the State Air Resources Board I reduce this item from $5,589,000 to $2,600,000

I am reducing this item to a level that the departments responsible for administering Chapter 1154, Statutes of 1973, have agreed is sufficient to support the program during 1974–75

Item 250—For support of Department of Conservation I reduce this item from $58,814,025 to $58,790,025 by reducing paragraph (d) Minor Capital Outlay from

$400,872 to $376,872

I am reducing this item because it is not proper for the State to build a bridge that is totally a local responsibility

Item 261 5—For support of Department of Fish and Game. I eliminate this item

I am eliminating this item because the preparation of plans for the protection of estuarine and wetlands should continue to be funded from the Fish and Game Preservation Fund, as they are now, rather than from the General Fund

Item 269—For grants for construction and development of small craft launching facilities—Department of Navigation and Ocean Development I reduce this item from $5,922,000 to $2,922,000 by eliminating paragraph (p) Candlestick Marina—$3,000,000

I am reducing this item by the amount provided for the Department of Navigation and Ocean Development's share of the Candlestick Park Marina This project is eliminated because the major acquisition program for the marina is still being completed Substantial master planning for the new area should be completed before any development program is undertaken In addition, this project would not appear to qualify as a grant under Section 72 5 of the Harbors and Navigation Code which provides funding for launching facilities

Item 273—For support of Department of Parks and Recreation I reduce this item from $29,632,294 to $29,592,294 by reducing paragraph (b) Operating Expenses and Equipment from $10,440,059 to $10,400,059

I am eliminating funds in the amount of $40,000 which were added for a feasibility study for takeover of operation at Lake Berryessa This project, as it has developed and is currently being operated, would appear to be appropriately a concession-type operation under county control

Item 290—For support of Department of Health I reduce this item from $30,893,234 to $30,624,491 by reducing paragraph (a) Personal Services from $86,010,128 to $85,780,385 and paragraph (b) Operating Expenses and Equipment from $61,717,026 to $61,678,026

I am deleting the legislative augmentations of $101,943 for regional offices for local mental health programs and $66,800 for regional center staffing because sufficient funds were initially budgeted to meet the needs of these programs I am also deleting $100,000 added for state administration of a fluoride program There is no evidence that current resources are inadequate to meet the state's responsibility

Item 293—For support of Assistance to Local Agencies in the Establishment and Operation of Mental Health Services I reduce this item from $200,140,719 to $192,740,719 by eliminating sub-item (c) and related language

I have eliminated sub-item (c) because this section, together with the funds reappropriated by Section 10 10, would have increased the total state funding of local mental health services above the budgeted level This reduction together with the reappropriation of Section 10.10, will provide the proper level of state support.

I have also eliminated the language related to sub-item (c)

Item 293 2—For assistance to local agencies in the establishment and operation of mental health services I eliminate this item

I am eliminating this item because the amount requested in the budget for local assistance for mental health funds this year is sufficient to meet anticipated costs for the mental health programs

In some respects this program represents a fiscal anomaly While local mental health officials are pressing annually for additional funding, actual experience indicates that from 10 to 20 million dollars in state funds has not been expended in each of the last three fiscal years

The mechanism for distribution of state funds may be a contributing factor in this inability to fully utilize state resources Accordingly, I am directing that a state-local task force be established to examine the process and recommend such changes as may be necessary to facilitate local mental health program funding

Item 296—For local assistance for narcotics and drug abuse program, Department of Health I reduce this item from $7,755,748 to $5,255,748 by reducing paragraph (a) Local Assistance from $14,556,167 to $12,056,167

I have reduced this appropriation to the amount proposed in the initial budget which, with available federal funds, is sufficient to meet anticipated caseload and costs for the narcotics and drug abuse program

Item 297—For local assistance for the developmental disabilities program, Department of Health I reduce this item from $188,093,821 to $182,093,821 by reducing paragraph (c) regional Center operations, from $41,391,858 to $35,391,858

I have reduced this item because the amount proposed in the original budget for regional center operations is sufficient to meet anticipated caseload and costs for the program

Item 298 1—For transfer to the Health Care Deposit Fund to provide for Medical Assistance Programs fiscal intermediary services I reduce this item from $20,698,800 to $17,371,200 by eliminating sub-item (b) Medi-Cal Management System, two-county prototype project

I have eliminated $3,327,600 to initiate a new two-county prototype project The objectives of the project, already completed in two counties, have been achieved Differences between the two systems were relatively small, if any Therefore, operation of a new prototype project, or continuation of the old one, could only result in additional and unnecessary expenditures

Item 299—For support of Department of Health-Special Social Services Program I reduce this item from $29,342,500 to $29,148,750 by eliminating sub-item (1) Assistance to counties without public adoption agencies

I am eliminating the augmentation of $193,750 to the counties without public adoption agencies because I have already redirected the basic adoptions staff to assist these counties in developing programs to meet their adoption requirements My augmented 1974-75 budget provides additional funds for this purpose

Item 300—For support of Department of Health-Health Financing Systems I reduce this item from $42,127,655 to $37,127,655 by reducing paragraph (e) Child Health Disability Program from $9,362,000 to $4,362,000

I am reducing the augmentation to the Child Health Disability Screening program by $5,000,000, thus leaving the original amount of $4,362,000 for the first year of the program This will be sufficient for its initial stages

Item 300 1—For support of Department of Health-Decompression Chamber I eliminate this item

I have eliminated this item because it would be an inappropriate expenditure of state funds The responsibility for this item rests with local entities

Item 301 2—For support of Department of Employment Development I reduce this item from $250,000 to $200,000

I have reduced this item to $200,000, the amount required to administer Chapter 122, Statutes of 1974, which authorized employment programs for Vietnam veterans By thus providing for administrative funding, the full $1 million for programs is made available

Item 313 1—For support of Department of Corrections I eliminate this item

I am eliminating the augmentation for establishing additional state-operated community residential centers because there are currently four state-supported and one federally-supported centers in operation There is no evidence that expansion of the current program is needed

Item 313 2—For support of Department of Corrections I eliminate this item

I am eliminating this augmentation for contracting with private agencies for services to inmates and parolees because there is $100,000 budgeted for this purpose There is no evidence, based upon the prior year's experience, to support the need for additional services

Item 313 3—For support of Department of Corrections I eliminate this item

I have eliminated this item because a reduction of the parole caseload can be achieved by administrative action that does not require an additional appropriation

Item 317 1—For support of Department of Youth Authority I eliminate this item

I am eliminating this augmentation of $600,000 for establishing state-operated residential programs With the declining parole caseload and utilization of private

community residential facilities, establishing state-operated residential facilities is not necessary

Item 317 2—For support of Department of the Youth Authority I eliminate this item

I am eliminating this augmentation of $400,000 for contracting with private agencies to provide services to wards and parolees in community-based programs Last year, the budget provided $100,000 for this purpose and a similar amount is available for 1974–75 Until the effectiveness of this approach can be better evaluated, I am unwilling to expand the program

Item 317 4—For support of the Department of the Youth Authority I reduce this item from $400,000 to $200,000

I am reducing this appropriation to $200,000, an amount sufficient to permit the operation of one pilot project The results will be closely monitored to evaluate the effectiveness of this community-based approach to delinquency prevention

Item 328—For support of Department of Education I reduce this item from $9,665,906 to $9,592,906 by reducing paragraph (a) Personal Services from $18,818,874 to $18,623,766 and paragraph (b) Operating Expenses and Equipment from $14,037,717 to $13,957,764, and paragraph (g) Federal grants, from –$19,010,281 to –$18,808,220

I am reducing this item for the following reasons

Performance study –$23,000

The Department of Education originally estimated that this two-year study to determine why some schools' students scored exceptionally high or low on achievement tests would cost $100,000 in total Funds of $146,800 were provided for 1973–74 and 1974–75, therefore, further augmentation is not needed

Administration for Early Childhood Education –$50,000

The budget provides three additional professional positions which will meet this program's projected workload increases

Manpower Development and Training Act of 1962

Federal funding has been reduced by $202,061, requiring a corresponding decrease in personal services, operating expenses and equipment

Item 328 1—For support of the Department of Education for state operations matching requirements for the Federal Manpower Development and Training Act I reduce this item from $80,000 to $60,000

This reduction will not prevent the state from meeting 1974–75 federal grant matching requirements for the Manpower Development and Training Act The additional funds are unnecessary

Item 328 2—For support of Joint Committee on Educational Goals and Evaluation, State Department of Education I eliminate this item

I am eliminating this item for the Joint Committee on Educational Goals and Evaluation because publication and dissemination costs, for which the legislative augmentation was intended, can be funded through Federal Title V This has been done for previous Joint Committee reports

Item 331 1—For support of Mentally Gifted Minors Program, Department of Education I eliminate this item

In 1974–75, this program is estimated to receive a 10 4 percent increase in state apportionments over 1973–74 The increase will fund the program at three percent of statewide enrollment, as established by law Since there is some question about the equity of present distribution to districts, because some certify more than three percent of their enrollment as mentally gifted, I am working with the Legislature in an effort to correct these problems

Item 335—For support of Bilingual programs, Department of Education I reduce this item from $8,000,000 to $4,000,000

I am reducing this item because I oppose any expansion of the bilingual programs

established by Chapter 1258, Statutes of 1972, until these programs, first operational in 1973–74, can be evaluated to determine their effectiveness

Item 335 1—For support of the Bilingual Teacher Development Program, Department of Education I eliminate this item

I have eliminated this item because existing grant award systems provide sufficient funds for the program.

Item 338—For support of Compensatory Education Programs, Department of Education I reduce this item from $4,363,000 to $3,187,000 by reducing paragraph (b) Research and Teacher Education Program from $568,000 to $142,000, and by eliminating paragraph (c) Professional development centers (750,000)

The Professional Development Center and the Research and Teacher Education programs were designed as models to be adopted and funded by districts after testing After several years of experimentation, both have proved too expensive to accomplish this goal Therefore, I am eliminating all funds for the Professional Development Center program, the more costly of the two I am retaining $142,000 for three months' support of the RATE program in order to allow sufficient time for the Legislature and the administration to further review the program and take appropriate action

Item 338 1—For support of grants to local districts for programs for educationally disadvantaged youth, Department of Education I eliminate this item

I oppose any augmentation or expansion of the Educationally Disadvantaged Youth program, which was established in 1973–74, until district use of these funds is clearly determined and an evaluation of their effectiveness is made

Since there is some question regarding the equity of the present statutory distribution of funds to districts for the EDY program, I will work with the Legislature in an effort to correct any inequities

Item 338 3—For support of Project SHARE, Department of Education I eliminate this item.

This item was added by the Free Conference Committee without testimony and without referral to the appropriate committees of either the Senate or Assembly Further, it would provide state funding of the Operation SHARE Pilot Project beyond its intended June 30, 1974, termination date under current law The pilot project has had ample time to demonstrate its desirability to local school districts If they wish to implement or continue this program, they should now assume its funding

Item 339 1—For support of the special elementary school reading instruction programs I reduce this item from $17,605,425 to $15,349,625

I am reducing the amount payable for the Special Elementary School Reading Instruction Program by $2,255,800 This is an unwarranted duplication and overlap of program services with the Early Childhood Education Program, which is expanding by $15,000,000 in 1974–75

Item 341 1—For support of the State Preschool Program, Department of Education, an augmentation to existing appropriation I eliminate this item

I have eliminated this augmentation for an additional cost of living allowance to the preschool program because sufficient augmented funds have been provided in Section 10 4 to maintain this program until the report required by Chapter 1005, Statutes of 1973, is received and further policy decisions formulated.

Item 341 2—For support of Children's Centers, Department of Education, an augmentation to Item 341 (a) I eliminate this item

I have eliminated this augmentation because it is based upon the continuation of a "one-time bonus" granted to the Children's Centers program during fiscal year 1973–74 The funds provided in Item 341 (a) meet all of our commitments to this program and insure that the program will continue to be implemented in an orderly fashion In addition, various school districts under the provisions of SB 90 have the authority to utilize a permissive tax override if they desire to continue the program level established as a result of the one-time bonus

Item 341 3—For support of Department of Education for Child Care Services. I eliminate this item

I have eliminated this augmentation which sets up a contingency amount for possible use in funding county child care centers because it was added by Free Conference

Committee without testimony and without referral to the appropriate committees of either the Senate or Assembly The funds provided in Item 341 (a) and the carryover funds contained in Sections 10 4 and 10 6 meet all of our commitments to this program

Item 349—For support of University of California. I reduce this item from $465,710,851 to $461,497,701.

I am reducing this item for the following reasons:

Instructional use of computers . . . . . –$906,000

The budget as originally submitted maintained the 1973–74 level of instructional support These monies are appropriated without regard to specific use If the University finds that the need for instructional computing is of a high priority, it may reallocate its budget to satisfy that need

Instructional equipment . . . . . –$1,000,000

My rationale for this reduction is identical to that used for instructional use of computers.

Libraries, reference-circulation staff . . –$974,150

The budget as originally submitted provided for increased workload in this area associated with the anticipated enrollment growth at the University

Administration and services, personnel staff . . . . . –$300,000

I feel that current staff, if properly organized to reflect University priority needs in the personnel area, is sufficient.

Administration and services, affirmative action . . . . . –$833,000

The budget, as originally submitted, continued the 1973–74 appropriation of $250,000 for affirmative action. This, in addition to the possibility of the University reallocating other existing resources to reflect priority needs, is sufficient

Administration and services, management data processing . . . . . –$200,000

The budget, as submitted, included a substantial augmentation for administrative EDP systems The University should fund the physical plant management information system from within this augmentation

Item 349.4—For support of University of California (research capabilities) I eliminate this item

I am eliminating this item because the University can and should perform the functions proposed within the current level of state support for organized and departmental research

Item 349 5—For support of University of California (Media Community Film Project). I eliminate this item

I am eliminating this item at the request of the University and on the basis that it was added by the Free Conference Committee without testimony and without referral to the appropriate committees of either the Senate or the Assembly

Further, I object to the item on the basis that it would be an improper use of state funds. The program could be financed by the allocation of non-state, University funds or by the use of a nominal fee for program participants

Item 352—For support of Augmentation for Salary Increase and Employee Benefits —University of California I reduce this item from $24,479,900 to $24,139,900

The $340,000 included to eliminate red circle rates for certain nonfaculty personnel is deleted at the request of the University of California

Item 352 1—For support of Augmentation for Salary Increase and Employee Benefits—University of California I eliminate this item

I am eliminating this item because Item 94 1 includes funds to improve benefits for active and retired nonfaculty members of the University of California Retirement System Benefit improvement for retired non-faculty members should be considered and funded as a part of the benefit program to be implemented under Item 94 1

Item 354—For support of University of California (Charles R. Drew Postgraduate Medical School) I reduce this item from $1,680,000 to $1,200,000

Until the state level of financial responsibility for this program is more clearly identified, I am reluctant to increase the level of its support by the state Accordingly, I am reducing this item because the budget, as submitted, contained sufficient funds to carry out the program of the Charles Drew Postgraduate Medical School

Item 358—For support of Hastings College of Law I reduce this item from $2,567,766 to $2,549,916 by reducing paragraph (b) Operating Expenses and Equipment from $1,632,470 to $1,614,620.

The budget as originally submitted continues the 1973–74 level of support for LEOP grants

Item 359—For support of Trustees of the California State University and Colleges and the California State University and Colleges I reduce this item from $441,083,497 to $438,003,019 by reducing paragraph (a) Personal Services from $436,775,538 to $436,193,861 and paragraph (b) Operating Expenses and Equipment from $98,113,600 to $97,785,231 and paragraph (d) Other reimbursements from −$61,448,786 to −$63,619,218.

1 Affirmative Action . . . . . −$519,955

The budget I presented to the Legislature continued the 1973–74 funding of $250,000, which provides for an Affirmative Action program on every campus. In addition to this amount, the 1974–75 budget included funding for a system-wide Affirmative Action program coordinator This level of funding is sufficient to operate an effective program

2. Associated Clinics . . . . . −$114,491

This project was not contained in the proposed Budget on the basis that sufficient funds are available within the existing CSUC budget to fund it, if it has a high enough priority

3 New Administrative Charges . . . . . −$260,000

All state budgets were based on the premise that new administrative charges would be absorbed or that administrative changes would be implemented to reduce costs Funding CSUC for this purpose would be contrary to that statewide policy

4 M & S Fee Adjustment . . . . . −$2,186,032

The M & S fees were increased according to a traditional agreement that there should be periodic adjustments to insure that the General Fund is not subsidizing the M & S fee expenditure program The General Fund is still subsidizing the M & S fee to some extent even after considering the fee increase To support the legislative action regarding the M & S fee would result in an even greater amount of General Fund subsidy and upset long-standing policy

Item 359 1—For support of California State University and Colleges to reduce student-faculty ratio and provide funds to avoid any layoffs or dismissals due to a downturn in FTE students. I eliminate this item.

I eliminated this item because it was added by Free Conference Committee without testimony and without referral to the appropriate committees of either the Senate or Assembly The 1974–75 budget contains sufficient funds to support the California State University and Colleges Sufficient flexibility to avoid layoffs or dismissals of faculty has been provided in Section 28 9 of this act

Item 364—For support of the Educational Opportunity Program, Trustees of the California State University and Colleges I reduce this item from $5,727,176 to $5,556,628 by reducing paragraph (a) Educational Opportunity Program Student Grants from $3,903,324 to $3,732,776

I have reduced this item by $170,548 because the increase in federal financial aid programs due to the basic educational occupational grants will make additional funds

available to insure that the grant levels to EOP students will reflect full adjustments for cost of living.

Item 366—For support, Board of Governors of the California Community Colleges I reduce this item from $1,238,690 to $1,218,690 by reducing paragraph (a) Personal Services from $1,830,040 to $1,810,040

The workload of this unit does not justify the addition of one architecturally related position ($20,000) Capabilities already exist to meet the systemwide planning objectives

Item 367—For support of Extended Opportunity Programs and Services of the Community Colleges. I reduce this item from $6,639,000 to $6,170,500

I have reduced this item $468,500 because the increase in federal financial aid programs due to the basic educational opportunity grants will make additional funds available to insure that the grant level to EOP students will reflect full adjustments for cost of living

Item 375 1—For capital outlay, Department of General Services I reduce this item from $7,975,000 to $6,475,000 by eliminating paragraph (c) Preliminary plans, working drawings, new state office building, Sacramento—$1,500,000

It is premature to proceed with this project until the reevaluation of the master plan has been completed

Item 377—For capital outlay, Department of Motor Vehicles I reduce this item from $4,102,300 to $3,682,300 by eliminating paragraph (h) Site acquisition and working drawings—Simi Valley-Thousand Oaks Field Office—$420,000

This project is not of the highest priority and can be deferred until more critical projects are funded

Item 381 1—For land acquisition, Department of Parks and Recreation I eliminate this item.

I am eliminating this item, which provides for the acquisition of a new recreation area at Gold Run, because the General Fund should not be used in view of the resources available in either the Off-Highway Vehicle Fund or in the 1974 Park Bond program A bill is currently before the Legislature to provide for this acquisition proposal.

Item 381 3—For acquisition of 116 349 acres of beach property, including Fort Funston in the City and County of San Francisco, Department of Parks and Recreation I eliminate this item.

I am eliminating this item because the property already is in public ownership and is reported to be under consideration for inclusion in the Golden Gate National Recreation area.

Item 383 1—For capital outlay, Department of Parks and Recreation for recreational development and improvements at Wharf J-3 and Warm Water Cove, San Francisco I eliminate this item

I have eliminated this item because these proposed improvements should be financed from the local share of the 1974 Park Bond program

Item 389 1—For capital outlay, to the Department of Education for grants to public educational television stations for the purpose of establishing a microwave television link between San Francisco and Sacramento I eliminate this item

I am eliminating this item because it was added by the Free Conference Committee without testimony and without referral to the appropriate committees of either the Senate or Assembly There has been inadequate study and discussion of this precedent-setting proposed state policy change to make state grants to public educational television stations

Item 390—For capital outlay, University of California I reduce this item from $10,514,000 to $10,120,000 by eliminating paragraphs (g) Working drawings. Construction, Relocation of Vegetable Crops Headquarters—$336,000 and (h) Equip Fourth College—$58,000

Working drawings, construction, relocation of vegetable crops headquarters, Davis Campus $336,000

I am eliminating this subitem because this project is necessitated by the planned expansion of the Davis Medical School The Health Science Bond Act or the Highway Fund would be the appropriate source of funds rather than the Capital Outlay Fund for Public Higher Education

Equip Fourth College, San Diego Campus $58,000

I am eliminating this project on the basis that the support budget for the university, Item 349, contains sufficient equipment funds to accommodate an increase in university enrollments.

Item 394—For capital outlay, University of California I reduce this item from $15,513,000 to $15,393,000 by eliminating paragraph (12 5) Third College Academic Unit 2—$120,000

I am eliminating this project because it is not of sufficient high priority in the building program as specified by the University of California Regents.

Item 395—For capital outlay, Trustees of the California State University and Colleges I reduce this item from $23,719,000 to $23,284,000 by eliminating paragraph (4) State University, Humboldt· Land Acquisition, Redwood Manor—$435,000

I am eliminating this item because it is not considered to be of high priority in view of the greater system-wide need for general classroom and laboratory space

Item 399—For capital outlay, Board of Governors of the California Community Colleges I reduce this item from $45,587,618 to $44,585,250 by reducing the appropriations contained in the paragraphs listed below in the following amounts

(71)	Construct social science and language arts building	($51,300)
(73)	Construct classroom and laboratory building	($13,000)
(76)	Construct classroom counseling and administration building	($136,800)
(78)	Construct vocational-technical building	($135,400)
(84)	Working drawings and construct administration remodeling Phase II	($32,300)
(87)	Working drawings, construct, and equip remodeling of old library, engineering, industrial arts building	($34,800)
(96)	Working drawings, construct, and equip science building	($64,700)
(98)	Working drawings and construct science building addition	($23,100)
(100)	Working drawings, construct, and equip automotive addition	($31,200)
(108)	Working drawings, construct, and equip social science bldg...	($187,100)
(117)	Working drawings and construct student personnel services building	($1,945)
(121)	Working drawings and construct remodeling and air conditioning of science building "E"	($57,100)
(122)	Working drawings and construct remodeling and air conditioning of science building "D"	($11,900)
(126)	Working drawings, construct, and equip Phillips Hall addition and alterations	($7,000)
(145)	Construct drama and music facilities	($135,100)
(151)	Construct dining facility	($78,000)
(153)	Working drawings and construct maintenance and warehouse building	($1,623)

I am reducing these projects on the basis that they do not conform to the classroom utilization standard of 53 hours per week as adopted in ACR 151 of May 1970, and confirmed in the Legislative Counsel's opinion number 5104, dated May 20, 1974 Uncertainties regarding future enrollments, also make it unwise to expand capacity space at this time

Item 409—For capital outlay, University of California I reduce this item from $74,401,000 to $74,352,000 by eliminating paragraph (11 3) Working drawings, Com-

munity Clinics—$49,000.

I am eliminating paragraph 11 3 because insufficient information is available to justify inclusion of this project.

Item 410 7—For Capital outlay, Department of Parks and Recreation I eliminate this item

I am eliminating this item, which provides for the acquisition of beach area adjacent to Channel Island Harbor in Ventura County, because the area does not meet the criteria of statewide interest established for state-sponsored projects under the 1974 Park Bond program Other areas of high statewide interest in Ventura County have been recommended by the State Park and Recreation Commission The Channel Island Harbor beach project might better be considered as a local project under the grant program established by the park bond legislation

Item 411 1—For grants to counties, cities, or cities and counties, pursuant to subdivision (a) of Section 5096 85 of the Public Resources Code, Department of Parks and Recreation. I eliminate this item

I am eliminating this item because the provisions of the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 have not been fulfilled Section 5096.89 of the Public Resources Code defines a series of procedural steps that must be complied with prior to inclusion of a proposal in the budget act

Sec. 10 5—For reappropriation of unexpended child development funds to replace potential loss of Federal matching funds I eliminate this section and delete the following language:

"Notwithstanding any other provisions of law, $2,400,000 of the unexpended balances of child development funds appropriated to replace potential loss of Federal matching funds authorized by Chapter 1191, Statutes of 1973 (AB 1244) are hereby appropriated for expenditure in 1974–75 to replace loss of Federal matching funds in 1974–75 as authorized by Chapter 1191, Statutes of 1973 for 1973–74 "

I have eliminated this reappropriation based upon pending federal legislation which would eliminate the potential loss of federal matching funds for child development programs Current federal law precludes any change before January 1, 1975, and, if new federal legislation is not enacted, appropriate state legislation to deal with this potential problem could be acted upon in the 1975 legislative session

Sec 10 7—For capital outlay I eliminate this section

Because I have vetoed Item 390 (g) which relates to the relocation of the vegetable crops headquarters at Davis, I am eliminating this section because there will be insufficient funds to accomplish this project I believe the total funding should be from the Health Science Bond Fund or the State Highway Fund

Sec 11 9—For reappropriation of unexpended 1973–74 Educationally Disadvantaged Youth Program funds I eliminate this section

I oppose any augmentation or expansion, including reappropriation of unexpended 1973–74 funds, for the Educationally Disadvantaged Youth programs, established in 1973–74 District use of these funds must first be more clearly determined and an evaluation conducted of the programs' effectiveness

With the above deletions and reductions, I hereby approve Senate Bill No 1525

RONALD REAGAN, Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1974."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1974–75 fiscal year beginning July 1, 1974, and ending June 30, 1975. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

GENERAL GOVERNMENT

LEGISLATIVE

Item	Amount
1—For salaries of Senators	$840,852
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	1,800
3—For expenses of Members of the Senate	296,400
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund	9,978,332
5—For salaries of Assemblymen	1,697,209
6—For mileage of Assemblymen and statutory officers of the Assembly	3,600
7—For expenses of Members of the Assembly	592,800
8—For contingent expenses of the Assembly including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund	20,468,778
8.5—For contingent expenses of the Assembly for study on the effect of the Environmental Quality Act, payable from the California Environmental Protection Program Fund	75,000
8.6—For contingent expenses of the Assembly for litter composition study payable from the California Environmental Protection Program Fund	72,000
9—For expenses of Joint Legislative Committee for the Revision of the Penal Code	142,461
10—For payment of the state's proportionate share of the expenses of the National Conference of Legislative Leaders	1,000

Item		Amount
	to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.	
11	—For legislative printing, binding, mailing and other necessary expenses; and in addition thereto, any amounts received from the sale of legislative publications ..... notwithstanding any other provision of Section 2 of this act, this appropriation shall be available without regard to fiscal years; provided further, that funds appropriated by this item shall not be expended for the purpose of providing the compilation of any California code or portion thereof in computer usable form, except as expressly authorized in writing by the Joint Rules Committee.	4,800,000
12	—For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution or by resolution of the Joint Rules Committee	5,500,000
12.2	—For expenses of the Joint Committee on Postsecondary Education to implement SCR 71 (1973) for purposes of studying and testing the need, design, and feasibility of a university without walls in California, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution or by resolution of the Joint Rules Committee	150,000
13	—For support of Legislative Counsel Bureau	3,013,407
14	—For support of California Law Revision Commission	203,042
15	—For support of California Commission on Uniform State Laws	34,700
16	—For state's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code	1,143,538

Item		Amount
	JUDICIAL	
17—For support of Supreme Court of California, Courts of Appeal, Judicial Council of California and Commission on Judicial Qualifications.....		12,409,806
provided, that the funds appropriated in this item may be allocated or reallocated between them by order of the Judicial Council subject to being reported to the Director of Finance.		
Provided further, that $277,056 of this item shall be used for the purpose of reclassifying appellate court judicial secretaries II to judicial secretaries III upon the approval of the Chief Justice of the Supreme Court. If such reclassifications are not approved such funds shall revert to the General Fund.		
18—For support of Judicial Council, for implementing uniformity and consistency of procedure in traffic courts, payable from the Motor Vehicle Account, State Transportation Fund		25,682
19—For state's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code		13,624,970
provided, that any funds which are unexpended due to vacancies in judgeships may be expended by the Judicial Council for extra compensation, expenses and staff for judges assigned by the Chairman of the Judicial Council.		
19.1—For payment to counties for the annual cost of superior court judgeships created subsequent to January 1, 1973, for disbursement as a block grant by the State Controller		60,000
Schedule:		
(a) Chapter 1093, Statutes of 1973.....	60,000	
20—For transfer by the State Controller to the Judges' Retirement Fund for Supreme and appellate court judges		71,629
21—For transfer by the State Controller to the Judges Retirement Fund for superior and municipal court judges		1,710,231
	EXECUTIVE	
22—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)		2,556,760

Item	Amount
23—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	17,400
24—For rental of Governor's residence ..... provided, that funds appropriated by this item shall be expended in amounts of not to exceed $1,250 each month to be made available until such time as the state provides a new residence for the Governor.	15,000
25—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	15,000
26—For support of the Governor's office; for printing of the Governor's Budget, and, in addition thereto, any amounts received from the sale of publications	300,000
27—For support of Agriculture and Services Agency	410,458
28—For support of Business and Transportation Agency, payable from the Motor Vehicle Account, State Transportation Fund	288,269
29—For support of Business and Transportation Agency ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 28 of this act.	14,404
30—For support of Health and Welfare Agency ..... provided that, any rule or regulation adopted by the Secretary of the Health and Welfare Agency during the 1974–75 fiscal year which results in additional cost to the state shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. Provided further, that $62,276 appropriated in this item shall be expended solely for electronic data-processing guidelines and coordination in the Health and Welfare Agency and that no more than one position shall be established in the Health and Welfare Agency for this purpose and that such position shall be a CEA position and that in addition to proven administrative ability the position requirement shall also provide that a general knowledge of electronic data-processing systems and development is necessary and that any funds expended from the $62,276 for contractual services shall be limited to contracting for services from other state agencies.	539,871
31—For support of Resources Agency	386,856

Item		Amount
32—For support of Office of Information Services in the Governor's office		252,059
33—For support of Office of Emergency Services, California Emergency Council and advisory committees		1,980,843
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
Schedule:		
(a) Personal services	1,739,683	
(b) Operating expenses and equipment	1,217,580	
(c) For purchase of firetrucks	491,425	
(d) Federal reimbursements	-387,678	
(e) Federal grants	-1,080,167	
34—For support of Office of Planning and Research		487,607
Schedule:		
(a) Personal services	984,637	
(b) Operating expenses and equipment	467,341	
(c) Special items of expense	1,023,072	
(d) Other reimbursements	-13,000	
(e) Federal grants	-1,974,443	
and in addition thereto, any amounts received from federal grants or other sources. Provided, that the state clearinghouse shall forward copies of all state agencies' comments on proposed federal regulations to the Chairman of the Joint Legislative Budget Committee or his designee, and the chairman of the committee in each house which considers appropriations.		
35—For support of Lieutenant Governor		445,879
Schedule:		
(a) Personal services	335,508	
(b) Operating expenses and equipment	110,371	
36—For support of Commission of the Californias		46,801

GENERAL ADMINISTRATION

37—For support of Department of Justice		36,923,678
Schedule:		
(a) Personal services	31,620,004	
(b) Operating expenses and equipment	10,193,733	
(c) Consolidated data center	7,861,427	
(d) Special projects	7,770,261	

Item		Amount
(e) Other reimbursements	-15,928,674	
(f) Amount payable from tort liability (Item 48)	-1,206,086	
(g) Amount payable from Motor Vehicle Account, State Transportation Fund (Item 38)	-3,386,987	

Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Justice to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Law Enforcement Consolidated Data Center, Item 39, Budget Act of 1974.

38—For support of Department of Justice, to be transferred to and in augmentation of Item 37, Budget Act of 1974, payable from the Motor Vehicle Account, State Transportation Fund 3,386,987

39—For support of the Law Enforcement Consolidated Data Center, Department of Justice ..... -0-

Schedule:

(a) Support	7,861,427	
(b) Transfers from other items	-7,861,427	

40—For support of Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund 1,864,439

Schedule:

(a) Personal services	1,395,872	
(b) Operating expenses and equipment	619,755	
(c) Other reimbursements	-151,188	

41—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, and for payment of contracts pursuant to Section 13503(c) of the Penal Code, Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund 8,956,054

42—For support of the Office of Criminal Justice Planning 280,507

Schedule:

(a) Personal services	1,696,449	
(b) Operating expenses and equipment	1,101,806	
(c) Federal grants	-2,517,748	

Item		Amount
43—For expenditure by the Office of Criminal Justice Planning for the state's matching fund contribution for federal grants made by the Law Enforcement Assistance Administration, to be allocated by the Department of Finance ..... provided, that the funds appropriated in this item may be expended by the Office of Criminal Justice Planning only after program proposals in excess of $50,000 have been submitted to the Director of Finance and the Director of Finance has given his written comments and recommendations where he determines appropriate to the Office of Criminal Justice Planning and, provided further, that the Director of Finance shall submit a copy of his comments and recommendations to the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations.		2,780,556
44—For the Office of Criminal Justice Planning for the state's matching fund contribution to secure federal grants for redistribution to local agencies for criminal justice programs, to be allocated by the Department of Finance ..... provided, that the funds appropriated in this item may be expended by the Office of Criminal Justice Planning only after program proposals in excess of $50,000 have been submitted to the Director of Finance and the Director of Finance has given his written comments and recommendations where he determines appropriate to the Office of Criminal Justice Planning and, provided further, that the Director of Finance shall submit a copy of his comments and recommendations to the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations.		3,375,000
45—For support of the California Crime Technological Research Foundation.....		114,844
Schedule:		
(a) Personal services	1,234,200	
(b) Operating expenses and equipment	5,671,534	
(c) Other reimbursements.....	–1,550,000	
(d) Federal grants	–5,240,890	
46—For contribution to counties for providing legal assistance to indigents in accordance with Section 987.6 of the Penal Code.....		1,500,000

Item			Amount
47—For payment to counties for cost of homicide trials pursuant to Sections 15201 to 15203, inclusive, of the Government Code, Department of Finance			500,000
48—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus or commissions supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance			1,410,000
Schedule:			
(a) Attorney General Services		800,553	
(b) Claim payments		405,533	
(c) Insurance premium		203,914	
and in addition thereto, there is hereby appropriated from each fund, other than the General Fund, an amount sufficient to pay the cost of administration, investigation, adjustment, defense, and payment of tort liability claims, settlements, compromises and judgments against the state or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims shall be made unless approved by the Department of Finance in its discretion; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein as may be approved by the Department of Finance.			
49—For the payment of claims and Attorney General services pursuant to Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of Title 2 of the Government Code, State Board of Control			1,845,466
Schedule:			
(a) Claims		1,702,466	

Item		Amount
(b) Attorney General services	150,000	
(c) Transfer from Item 50	-7,000	
50—For transfer to and in augmentation of Item 49, from the Indemnity Fund, pursuant to Section 13964 of the Government Code, State Board of Control		7,000
51—For support of State Controller		10,214,916
Schedule:		
(a) Personnel services	9,128,051	
(b) Operating expenses and equipment	3,616,179	
(c) Consolidated data center	265,046	
(d) Other reimbursements	-1,459,409	
(e) Amount payable from the Motor Vehicle Transportation Tax Account, Transportation Tax Fund (Item 52)	-36,456	
(f) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 53)	-1,032,674	
(g) Amount payable from the State School Building Aid Fund (Item 54)	-199,822	
(h) Amount payable from the Aeronautics Account, State Transportation Fund (Item 55)	-65,999	

The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (b) of Section 30462 of the Revenue and Taxation Code during the 1974–75 fiscal year and no funds shall be allocated to the State Controller pursuant to Section 30462 during the 1974–75 fiscal year.

Provided, that the funds appropriated in subitem (c) may be allocated by the State Controller to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.

52—For support of State Controller, payable from the Motor Vehicle Transportation Tax Account, Transportation Tax Fund	36,456
53—For support of State Controller, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund	1,032,674

Item		Amount
54—For support of State Controller, the sum of $199,822 is appropriated from the State School Building Aid Fund		(199,822)
55—For support of State Controller, payable from the Aeronautics Account, State Transportation Fund		65,999
56—For allocation and disbursement by the State Controller to local governmental entities, exclusive of school districts, for reimbursement of costs incurred by reason of the statewide special election held on November 6, 1973		6,710,000
provided, payments shall be made as specified herein notwithstanding the provisions of Section 10000 and 23311 of the Elections Code, and Section 6700, subdivision (m), of the Government Code, and further provided, reimbursement shall be in accordance with the schedule set forth below:		
(a) Premium pay shall be made only to those local governmental entities that are either: (1) charter government entities which, on November 6, 1973, were governed by charter provisions requiring employees to be excused from work on designated state holidays and therefore required premium pay for those employees actually working on any designated state holiday; or (2) charter or noncharter government entities which had in existence on November 6, 1973, a binding employer-employee agreement requiring premium pay for work on any designated state holiday; and,		
(b) Payment shall be made for actual costs related to the November 6, 1973 election on the proportionate basis that the Tax and Expenditure Limitations Initiative bears to the entire ballot configuration;		
and further provided, all claims for reimbursement hereunder shall be filed within 90 days of the effective date of this act in such form as the Controller may direct.		
57—For support of State Board of Equalization		32,891,260
Schedule:		
(a) Personal services	34,677,339	
(b) Operating expenses and equipment	8,595,347	
(c) Other reimbursements	–8,274,310	

Item		Amount
(d) Amount payable from the Motor Vehicle Transportation Tax Account, Transportation Tax Fund (Item 58)	-348,819	
(e) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 59)	-1,758,297	
58—For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Account, Transportation Tax Fund		348,819
59—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund		1,758,297
60—For support of Secretary of State		2,915,521
Schedule:		
(a) Personal services	1,896,969	
(b) Operating expenses and equipment	775,652	
(c) Consolidated data center	246,900	
(d) Minor capital outlay	25,000	
(e) Other reimbursements	-29,000	
provided, that the funds appropriated in subitem (c) may be allocated by the Secretary of State to subitems (a) and (b) above and expended therefrom for electronic data processing, provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.		
61—For printing constitutional amendments and other ballot measures, Secretary of State		929,000
62—For support of California Heritage Preservation Commission		10,800
62.1—For support of the California Heritage Preservation Commission to contract with the Bancroft Library of the University of California for the completion of the Earl Warren Oral History Project		45,000
63—For support of State Treasurer		1,399,316
Schedule:		
(a) Personal services	1,082,656	
(b) Operating expenses and equipment	440,860	
(c) Consolidated data center	100,800	
(d) Other reimbursements	-225,000	
provided, that the funds appropriated in subitem (c) may be allocated by the State Treasurer to subitems (a) and (b) above and expended there-		

Item		Amount
	from for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.	
64	For support of Department of Finance	5,897,322
	Schedule:	
	(a) Personal services 4,814,703	
	(b) Operating expenses and equipment 1,129,615	
	(c) Consolidated data center..... .. 40,000	
	(d) Other reimbursements ..... –86,996	
	provided, that the funds appropriated in subitem (c) may be allocated by the Department of Finance to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.	
65	For support of Commission on California State Government Organization and Economy.....	114,116
	provided, that no funds appropriated in this item shall be expended for contracting with private persons or groups for professional and technical services where such services are available through contract with state agencies.	
66	For support of California Commission on Interstate Cooperation	110,730
67	For support of Military Department	5,720,349
	Schedule:	
	(a) Personal services 6,410,795	
	(b) Operating expenses and equipment 2,653,437	
	(c) Minor capital outlay 90,000	
	(d) Federal reimbursements..... –24,479	
	(e) Other reimbursements ..... –50,100	
	(f) Federal grants..... –3,359,304	
	provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Commanding General of the State Military Forces, the California National Guard or the California National Guard Reserve from the federal government.	
68	For payment of military retirements, in accord-	

Item		Amount
ance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department		606,521
69—For support of California Cadet Corps		121,430
Schedule:		
(a) Personal services	67,130	
(b) Operating expenses and equipment	54,300	
70—For support of Public Utilities Commission		8,907,541
Schedule:		
(a) Personal services	13,500,091	
(b) Operating expenses and equipment	2,757,696	
(c) Consolidated data center	138,800	
(d) Federal reimbursements	-20,000	
(e) Other reimbursements	-430,601	
(f) Amount transferred from the Transportation Rate Fund (Item 71)	-7,038,445	
provided, that the funds appropriated in subitem (c) may be allocated by the Public Utilities Commission to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974; provided further, that the funds appropriated in this item for additional financial examiner positions for the 1974–75 fiscal year may only be expended for the purpose of biennially auditing the financial records of the forty-nine (49) major utilities subject to such audit by the Public Utilities Commission.		
71—For support of Public Utilities Commission, payable from the Transportation Rate Fund		7,038,445
MISCELLANEOUS		
72—For support of Commission on the Status of Women		113,220
Schedule:		
(a) Personal services	71,127	
(b) Operating expenses and equipment	42,093	
73—For support of Intergovernmental Board on Electronic Data Processing		56,753
provided, that in addition to the basic responsibili-		

Item		Amount
	ties assigned the board by law, the funds available to the board shall be used to the fullest extent possible to develop the best possible communications between state and local governmental units in the development and implementation of coordinated data-processing systems to achieve the maximum amount of interchangeability between the various levels of government.	
74—For support of California Arts Commission		2,090,000
Schedule:		
(a) Personal services	164,352	
(b) Operating expenses and equipment	225,648	
(c) Grants for programs and projects supporting the arts	2,000,000	
(d) Federal grants	–295,000	
(e) Reimbursements	–5,000	
75—For support of California Horse Racing Board, payable from the Fair and Exposition Fund		519,789
Schedule:		
(a) Personal services	380,489	
(b) Operating expenses and equipment	139,300	
76—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund		38,855
77—For the state's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation		5,452,542
78—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law, for refunding of amounts withheld and deposited in a fund in the State Treasury to any person who is determined to be liable to a taxpayer by reason of withholding and transmitting payments of taxes, interest, and penalties for the refund of which no other provision is made by law, and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code		30,000
provided, that expenditures made under this item shall be charged to the year in which the warrant is issued by the State Controller.		

Item	Amount
79—For expenses under the provisions of Section 12015 of the Government Code required by the Governor-elect during November and December, 1974, for expenditure by the Department of Finance, subject to the approval of the Governor-elect	125,000
79.1—For support of the California Information Systems Implementation Committee	30,000

PROPERTY TAX RELIEF

80—For providing property tax assistance to claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance Law, Part 10.5 (commencing at Section 19501), of Division II of the Revenue and Taxation Code, Franchise Tax Board	54,100,000
81—For reimbursement to local taxing authorities for revenue lost by reason of the repeal or reduction of the property tax on the following classes of property affected by the following provisions of the Revenue and Taxation Code: (1) business inventories under Section 219; (2) motion pictures under Section 988; (3) livestock under Section 5523; and (4) wine and brandy under Section 992; State Controller ..... The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in Section 16100 of the Government Code.	261,500,000
82—For providing reimbursement to local taxing authorities for revenue lost by reason of the assessment of open-space lands under Sections 423 and 423.5 of the Revenue and Taxation Code, and in accordance with the provisions of Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code, State Controller ..... The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in Section 16100 or 16140 of the Government Code. Provided, that of the amount appropriated by this item, the sum of $4,000,000 shall not be expended unless Assembly Bill No. 2853 of the 1973–74 Regular Session is chaptered.	20,000,000
83—For reimbursement to local taxing authorities for revenue lost by reason of the homeowners prop-	

Item		Amount
	erty tax exemption granted pursuant to Section 1d of Article XIII of the Constitution as modified by Section 218 of the Revenue and Taxation Code, and for payments pursuant to Section 16123 of the Government Code, State Controller .. .. The appropriation made by this item shall be in lieu of the appropriation for the same purposes contained in Section 16100 of the Government Code.	676,150,000
84	For transfer as needed to the Personal Income Tax Fund by the State Controller for the purpose of providing refunds to renters as required by Section 17053.5 of the Revenue and Taxation Code as added by Section 25 of Chapter 1406, Statutes of 1972, Franchise Tax Board ..... The appropriation from the General Fund made by this item shall be in lieu of any appropriation for the same purpose from the Personal Income Tax Fund pursuant to Section 32 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature.	45,000,000
85	For reimbursement to local taxing authorities for revenue lost in accordance with the provisions of Chapter 16, Statutes of 1973, and Chapter 1169, Statutes of 1973, State Controller	2,802,000
	UNALLOCATED	
87	For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts (a) as will make sufficient money available to be paid each state officer or employee in the state service exclusive of personnel in the University of California and in the California State University and Colleges, whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1973, in completion of the 1973–74 pay program, by the State Personnel Board or other salary-fixing authority; and (b) with respect to state officers whose salaries are specified by statute, make sufficient money available to augment by 12.5	

Item	Amount
percent the amount of salaries received by such officers as of June 30, 1973, during the 1974–75 fiscal year, pursuant to Section 11569 of the Government Code	40,860,810

Before any increased salary range or rate established for any position for the 1974–75 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

Notwithstanding any other provision of this item, any increases in compensation in completion of the 1973–74 pay program for officers and employees of the California Coastal Zone Conservation Commission or regional coastal zone commissions during the 1974–75 fiscal year shall be made entirely from the amounts appropriated by this item.

88—For Salary Increase Fund, for state officers and employees whose compensation including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid (a) an amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1973, in completion of the 1973–74 pay program, by the State Personnel Board or other salary-fixing authority; and, (b) with respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 12.5 percent the amount of salaries received by such officers as of June 30, 1973, during the 1974–75 fiscal year, pursuant to Section 11569 of the Government Code 28,686,632

which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any increased salary range or rate established for any position for the 1974–75 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.

89—For Salary Increase Fund, for state officers and

Item		Amount
	employees whose compensation including staff benefits, or portion thereof, is payable from nongovernmental cost funds, there is hereby appropriated from each nongovernmental cost fund from which such officers and employees are paid (a) an amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1973, in completion of the 1973–74 pay program, by the State Personnel Board or other salary-fixing authority; and, (b) with respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 12.5 percent the amount of salaries received by such officers as of June 30, 1973, during the 1974–75 fiscal year, pursuant to Section 11569 of the Government Code	(11,331,000)
	which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
	Before any increased salary range or rate established for any position for the 1974–75 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.	
90	—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts (a) as will make sufficient money available to be paid each state officer or employee in the state service exclusive of personnel in the University of California and in the California State University and Colleges, whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1974 by the State Personnel Board or other salary-fixing authority; and, (b) with respect to state officers whose salaries are specified by statute, make sufficient money available to augment by 5 percent the amount of salaries authorized by the 1973 Budget Act for such officers, during the 1974–75 fiscal year, pursuant to Section 11569 of the	

Item		Amount
	Government Code	41,605,000

provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1974–75 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $41,605,000. Before any increased salary range or rate established for any position for the 1974–75 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

Notwithstanding any other provision of this item, any increases in compensation for officers and employees of the California Coastal Zone Conservation Commission or regional coastal zone commissions during the 1974–75 fiscal year shall be made entirely from the amounts appropriated by this item.

90.1—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts (a) as will make sufficient money available to be paid state officers and employees in the state service exclusive of personnel in the University of California and in the California State University and Colleges, whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1974 for the purpose of relieving salary compaction by the State Personnel Board or other salary-fixing authority; and (b) with respect to state officers whose salaries are specified by statute, make sufficient money available to augment for the purpose of relieving salary compaction the amount of salaries authorized by the 1973 Budget Act for such officers, during the 1974–75 fiscal year, pursuant to Section 11569 of the Government Code 1,875,000

provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1974–75 fiscal year shall not result in total annual salary increases,

Item		Amount
	including staff benefits, of more than $1,875,000. Before any increased salary range or rate established for any position for the 1974–75 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.	
91—For Salary Increase Fund, for state officers and employees whose compensation including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid (a) an amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1974, by the State Personnel Board or other salary-fixing authority; and, (b) with respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 5 percent the amount of salaries authorized by the 1973 Budget Act for such officers, during the 1974–75 fiscal year, pursuant to Section 11569 of the Government Code.... which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.		18,437,000
	Provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1974–75 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $18,437,000.	
	Before any increased salary range or rate established for any position for the 1974–75 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.	
91.1—For Salary Increase Fund, for state officers and employees whose compensation including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid (a) an amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff		

Item		Amount
	benefits established on or after July 1, 1974 for the purpose of relieving salary compaction by the State Personnel Board or other salary-fixing authority; and, (b) with respect to state officers whose salaries are specified by statute, an amount sufficient to augment for the purpose of relieving salary compaction the amount of salaries authorized by the 1973 Budget Act for such officers, during the 1974–75 fiscal year, pursuant to Section 11569 of the Government Code.....	250,000
	which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
	Provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1974–75 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $250,000.	
	Before any increased salary range or rate established for any position for the 1974–75 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.	
92	—For Salary Increase Fund, for state officers and employees whose compensation including staff benefits, or portion thereof, is payable from nongovernmental cost funds, there is hereby appropriated from each nongovernmental cost fund from which such officers and employees are paid (a) an amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1974, by the State Personnel Board or other salary-fixing authority; and, (b) with respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 5 percent the amount of salaries authorized by the 1973 Budget Act for such officers, during the 1974–75 fiscal year, pursuant to Section 11569 of the Government Code.....	(23,661,000)
	which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
	Provided, that increases in compensation provided by this item for increased salary ranges for	

Item		Amount
	positions established for the 1974–75 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $23,661,000.	
	Before any increased salary range or rate established for any position for the 1974–75 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.	
92.1	—For Salary Increase Fund, for state officers and employees whose compensation including staff benefits, or portion thereof, is payable from nongovernmental cost funds, there is hereby appropriated from each nongovernmental cost fund from which such officers and employees are paid (a) an amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1974 for the purpose of relieving salary compaction by the State Personnel Board or other salary-fixing authority; and (b) with respect to state officers whose salaries are specified by statute, an amount sufficient to augment for the purpose of relieving salary compaction the amount of salaries authorized by the 1973 Budget Act for such officers, during the 1974–75 fiscal year, pursuant to Section 11569 of the Government Code ..... which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	(375,000)
	Provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1974–75 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $375,000.	
	Before any increased salary range or rate established for any position for the 1974–75 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.	
93	—For allocation by executive order of the Department of Finance to the several courts, state agencies, and counties, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will defray the state's	

Item	Amount
share of the cost of the increases in compensation for judges, justices and related classes as provided in Section 68203 of the Government Code.....	1,020,400
94—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes chargeable to the General Fund, in such amounts as will make sufficient money available to fund during the 1974–75 fiscal year, increases in employee benefits, provided that allocations shall be made only in accordance with legislation that implements the Total Equivalent Compensation Benefit Program.....	26,600,000
94.1—For allocation by executive order of the Department of Finance to the Regents of the University of California in augmentation of their appropriation for support or for other purposes chargeable to the General Fund in such amount as will make sufficient money available to fund during the 1974–75 fiscal year, increases in employee benefits for nonfaculty employees, provided that those employees who are active or inactive members of the Public Employees' Retirement System shall receive the same retirement benefit as their respective member groups receive under legislation that implements the Total Equivalent Compensation Benefit Program for civil service employees	12,107,714
Schedule:	
(a) For increases in benefits for faculty and faculty related positions	5,500,000
(b) For increases in benefits for nonfaculty positions.....	6,607,714
94.2—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions and other state agencies, in augmentation of their respective appropriations for support or for other purposes chargeable to General Fund, in such amounts as will make sufficient money available to fund during the 1974–75 fiscal year, increased costs due to recent amendments to the Federal Fair Labor Standards Act	6,000,000
95—For allocation by executive order of the Department of Finance to the Trustees of the California State University and Colleges in augmentation of their appropriation for support or for other pur-	

Item		Amount
	poses chargeable to the General Fund in such amount as will make sufficient money available to fund during the 1974–75 fiscal year, increases in employee benefits, provided that allocations shall be made only in accordance with legislation that implements the Total Equivalent Compensation Benefit Program.	12,300,000
	Schedule:	
	(a) For increases in benefits for instructional and instructional related positions	7,800,000
	(b) For increases in benefits for noninstructional positions	4,500,000
96	—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions and other state agencies, whose employees are paid in whole or in part from special funds, there is hereby appropriated from each special fund from which employees are paid an amount sufficient to fund, during the 1974–75 fiscal year, increases in employee benefits, provided that allocations shall be made only in accordance with legislation that implements the Total Equivalent Compensation Benefit Program.	14,800,000
97	—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, whose employees are paid in whole or in part from nongovernmental cost funds, there is hereby appropriated from each nongovernmental cost fund from which employees are paid an amount sufficient to fund, during the 1974–75 fiscal year, increases in employee benefits, provided that allocations shall be made only in accordance with legislation that implements the Total Equivalent Compensation Benefit Program.	(5,400,000)
98	—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies	1,500,000
		(1,500,000)
	and in addition, $1,500,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the	

Item		Amount
	Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity, but these shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than $200,000 of this item may be expended for emergencies for which no such prior authorization exists. Provided, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for allocations from the Emergency Fund stating the reasons for, and the amount of, all such executive orders and allotment promises for allocations. Provided further, that any augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1974–75 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.	
98.1	—For allocation by executive order of the Department of Finance to various state agencies, in such amounts as will defray the costs incurred in relocating the State Treasurer's office in Sacramento	250,000

Item	Amount
98.2—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes chargeable to the General Fund, in such amounts as will make sufficient money available to fund during the 1974–75 fiscal year, price increases in excess of budgeted projections.....	20,000,000

provided, that this money shall be used for operating expenses and equipment and no part shall be used for increases in personal services or personal service contracts nor shall any part be used to upgrade a program now in existence nor to start any program not now provided for in this budget.

Provided further, that the Department of Finance shall make no allocation pursuant to this item sooner than 30 days after notification in writing of the necessity therefor has been given to the chairman of the committee of each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or sooner than such lesser time as the Chairman of the Joint Legislative Budget Committee, or his designee, may in each instance determine.

98.3—For increases in prices in excess of budgeted projections payable from special funds, there is hereby appropriated from each such special fund from which such price increases are paid such amounts as the Department of Finance shall determine, as will make sufficient money available to fund such increased costs during the 1974–75 fiscal year.....	6,000,000

which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.

Provided, that this money shall be used for operating expenses and equipment and no part shall be used for increases in personal services or personal service contracts nor shall any part be used to upgrade a program now in existence nor to start any program not now provided for in this budget

Provided further, that the Department of Finance shall not authorize expenditures pursuant to this item sooner than 30 days after notification in writing of the necessity therefor has been given to the chairman of the committee of each house

Item	Amount
which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or sooner than such lesser time is the Chairman of the Joint Legislative Budget Committee, or his designee, may in each instance determine.	
99—For claim of the Secretary of the State Board of Control	159,999
99.5—For claim of the Secretary of the State Board of Control, payable from the Architectural Revolving Fund	293
100—For claim of the Secretary of the State Board of Control, payable from the State Highway Account, State Transportation Fund	32,664
100.5—For claim of the Secretary of the State Board of Control, payable from the Bagley Conservation Fund	2,792
101—For claim of the Secretary of the State Board of Control, payable from the Motor Vehicle Account, Transportation Tax Fund	6,649
101.5—For claim of the Secretary of the State Board of Control, payable from the Peace Officers' Training Fund	100
102—For claim of the Secretary of the State Board of Control, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund	487
102.5—For claim of the Secretary of the State Board of Control, payable from the Teacher Credentials Fund	85
103—For claim of the Secretary of the State Board of Control, payable from the Motor Vehicle License Fee Account, Transportation Tax Fund	253
104—For claim of the Secretary of the State Board of Control, payable from the Fish and Game Preservation Fund	2,042
105—For claim of the Secretary of the State Board of Control, payable from the State Fair Fund	86
107—For claim of the Secretary of the State Board of Control, the sum of $868 is appropriated from the Unemployment Compensation Disability Fund	(868)
108—For claim of the Secretary of the State Board of Control, the sum of $3,722 is appropriated from the Unemployment Administration Fund	(3,722)
109—For claim of the Secretary of the State Board of Control, the sum of $3,938 is appropriated from the Water Resources Revolving Fund.	(3,938)

Item		Amount
110—For claim of the Secretary of the State Board of Control, the sum of $5,007 is appropriated from the Health Care Deposit Fund		(5,007)

AGRICULTURE AND SERVICES

111—For support of Department of Food and Agriculture		17,052,247
Schedule:		
(a) Personal services	23,830,553	
(b) Operating expenses and equipment	8,438,909	
(c) Federal reimbursements	-3,387,954	
(d) Other reimbursements	-1,886,944	
(e) Amount payable from the Department of Agriculture Fund (Item 112)	-9,609,477	
(f) Amount payable from the Fair and Exposition Fund (Item 113)	-332,840	
112—For support of Department of Food and Agriculture, payable from the Department of Agriculture Fund		9,609,477
113—For support of Department of Food and Agriculture, payable from the Fair and Exposition Fund		332,840
114—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Food and Agriculture, to be expended in accordance with the provisions of Section 2224 of the Agricultural Code		174,900
115—For payments to cities and counties for lands under contract as agricultural preserves on July 1 of the 1974–75 fiscal year, Department of Food and Agriculture, to be expended in accordance with the provisions of Section 51260 of the Government Code		446
116—The sum of $110,866 of the money appropriated by Section 19630 of the Business and Professions Code, for district agricultural fairs or citrus fairs and expositions, is hereby reappropriated from the Fair and Exposition Fund during the 1974–75 fiscal year for engineering services, Department of Food and Agriculture		110,866
117—For loans to be made by the Department of Finance pursuant to and in accordance with the conditions set forth in Chapter 276, Statutes of 1973, the sum of $500,000 is appropriated from the Fair and Exposition Fund		(500,000)

Item		Amount
118—For payment to 1A District Agricultural Association		648,000
Schedule:		
(a) Fire and life safety corrections—Cow Palace	150,000	
(b) Alterations and repairs to Cow Palace building	498,000	
118.1—For loan to 1A District Agricultural Association to be made by the Department of Finance pursuant to and in accordance with the conditions set forth in Chapter 276, Statutes of 1973, the sum of $292,935 is appropriated, provided that repayment of this loan shall commence within one year of the termination date of the current loan		(292,935)
119—For apportionment by the Department of Finance to county, district or combined county and district fairs in augmentation of the amounts otherwise available under and for the same purposes and in accordance with the same criteria set forth in Section 19627, Business and Professions Code, payable from the second balance of the Fair and Exposition Fund		250,000
provided, that the limitation of $65,000 set forth in Section 19627 of the Business and Professions Code, shall not be applicable to the apportionment of funds appropriated by this item.		
120—For assistance to county fairs, district agricultural association fairs, citrus fruit fairs and citrus fruit fairs and expositions for capital outlay projects for fire, safety and public health purposes for the fiscal year 1974–75, payable from the second balance of the Fair and Exposition Fund, in addition to allocations received under Section 19630 of the Business and Professions Code, by Director of Finance		1,000,000
Notwithstanding any other provision of Section 2 of this act, this appropriation shall be available in fiscal years 1974–75, 1975–76 and 1976–77; provided further, that funds appropriated by this item shall be expended in accordance with the provisions of Chapter 276, Statutes of 1973.		
120.1—For assistance to county fairs, district agricultural association fairs, citrus fruit fairs and citrus fruit fairs and expositions for capital outlay projects for fire, safety and public health purposes for the fiscal year 1974–75, in addition to allocations received under Section 19630 of the Business and Professions Code, to be allocated by the Di-		

Item		Amount
	rector of Finance, payable from revenues received by the State Lands Commission and allocated under the provisions of Section 6217 of the Public Resources Code except that this appropriation shall be allocated immediately prior to allocations made pursuant to subdivision (e) (The Capital Outlay Fund for Public Higher Education) of Section 6217, and after allocations made pursuant to subdivisions (a) through (d), inclusive, of that section	3,750,000
121—For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, Office of Emergency Services. The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires		150,000
122—For support of Department of Commerce		922,005
Schedule:		
(a) Personal services	363,660	
(b) Operating expenses and equipment	558,345	
provided that authorization of $100,000 of this appropriation be contingent upon enactment of AB 3127 of the 1973–74 session on or before October 2, 1974.		
Provided further that none of these funds be used to fund positions authorized in Section 14984 of the Government Code: Deputy Director for Industry and Trade, Deputy Director for Tourism and Chief Economist.		
Provided further that:		
(a) The department shall concentrate on pro-		

Item		Amount
viding technical assistance to city, county and regional development organizations in its major program areas, as permitted by budget and staff;		
(b) The department shall coordinate with other state agencies in developing economic data when such data or the capabilities to develop such data are available within other state agencies, rather than develop such data on its own or through contract with private consultants.		
(c) The department shall prepare and submit to the Joint Legislative Budget Committee and to the chairmen of the legislative fiscal committees, quarterly reports which shall include those items specified in the Supplemental Report of the 1974–75 Budget Bill.		
123—For support of Museum of Science and Industry, Department of Commerce		1,467,282
Schedule:		
(a) Personal services	1,445,934	
(b) Operating expenses and equipment	278,348	
(c) Minor capital outlay	100,000	
(d) Other reimbursements	–357,000	
123.1—For support of the Department of Consumer Affairs, payable from the Consumer Affairs Fund		(5,834,632)
Schedule:		
(a) Division of Administration	1,338,868	
(b) Division of Investigation	3,185,114	
(c) Division of Consumer Services for transfer to Item 123.2	445,922	
(d) Building maintenance and operation	864,728	
123.2—For support of Division of Consumer Services, Department of Consumer Affairs		580,038
(a) Personal services	857,983	
(b) Operating expenses and equipment	167,977	
(c) Amount payable from Consumer Affairs Fund (Item 123 1(c))	–445,922	
124—For support of State Board of Accountancy, payable from the Accountancy Fund		623,425
125—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund		257,711
126—For support of State Athletic Commission		256,737

Item		Amount
127—For support of the Bureau of Automotive Repair, Department of Consumer Affairs, payable from the Automotive Repair Fund		1,728,529
Schedule:		
(a) Personal services	1,677,902	
(b) Operating expenses and equipment	1,339,270	
(c) Other reimbursements	-1,288,643	
128—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund		487,860
129—For support of Board of Behavioral Science Examiners of the State of California, payable from the Behavioral Science Examiners Fund		173,290
130—For support of Cemetery Board, payable from the Cemetery Fund		95,907
131—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund		148,884
132—For support of Bureau of Collection and Investigative Services, Department of Consumer Affairs, payable from the Collection Agency Fund		259,207
133—For support of Bureau of Collection and Investigative Services, Department of Consumer Affairs, payable from the Private Investigator and Adjuster Fund		309,093
134—For support of State Board of Registered Construction Inspectors, payable from the Construction Inspectors Registration Board Fund		211,042
135—For support of Contractors' State License Board, payable from the Contractors' License Fund		4,754,512
Schedule:		
(a) Personal services	3,123,323	
(b) Operating expenses and equipment	1,631,189	
136—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund		1,123,201
Schedule:		
(a) Personal services	324,271	
(b) Operating expenses and equipment	798,930	
137—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund		611,881
138—For support of State Board of Fabric Care, payable from the Fabric Care Fund		470,580

Item	Amount
139—For support of Bureau of Employment Agencies, Department of Consumer Affairs, payable from the Bureau of Employment Agencies Fund	320,177
140—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers Fund	169,824
141—For support of State Board of Registration for Geologists and Geophysicists, payable from the Geology and Geophysics Fund	68,656
142—For support of State Board of Guide Dogs for the Blind	10,530
143—For support of Bureau of Home Furnishings, Department of Consumer Affairs, payable from the Bureau of Home Furnishings Fund	613,741
144—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects Fund	50,431
145—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners	2,243,565
146—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund	93,319
147—For support of Board of Medical Examiners of the State of California, payable from the Hearing Aid Dispensers Fund	79,044
148—For support of Board of Medical Examiners of the State of California, payable from the Speech Pathology and Audiology Examining Committee Fund	98,569
149—For support of Nurses' Registry, payable from the Nurses' Registry Fund	11,366
150—For support of State Board of Examiners of Nursing Home Administrators, payable from the Nursing Home Administrator's State License Examining Board Fund	128,172
151—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund	1,078,701
152—For support of State Board of Optometry, payable from the State Optometry Fund.	147,466
153—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners	15,813
154—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund	758,230

Item		Amount
155—For support of State Board of Registration for Professional Engineers, payable from the Professional Engineers' Fund		955,204
Schedule:		
(a) Personal services	519,892	
(b) Operating expenses and equipment	435,312	
156—For support of Bureau of Repair Dealer Services, Department of Consumer Affairs, payable from the Repair Services Fund		481,516
157—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund		72,826
158—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund		700,673
Schedule:		
(a) Personal services	234,505	
(b) Operating expenses and equipment	466,168	
159—For support of Tax Preparers Program, Department of Consumer Affairs, payable from the Tax Preparers Fund		198,986
160—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund		138,631
161—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund		714,318
162—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code		148,407
163—For support of State Board of Control		278,931
164—For support of State Fire Marshal		1,835,571
Schedule:		
(a) Personal services	2,156,048	
(b) Operating expenses and equipment	659,882	
(c) Other reimbursements	-980,359	
165—For support of Franchise Tax Board		38,945,994
Schedule:		
(a) Personal services	24,255,946	
(b) Operating expenses and equipment	14,858,285	
(c) Other reimbursements	-168,237	

Item	Amount
166—For support of Department of General Services for transfer to the Service Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize; provided, that the money so transferred shall not be available for expenditure after June 30, 1975, and any unencumbered balances shall be returned to the General Fund as of June 30, 1975.	3,872,799
166.1—For planning, replacement trees and shrubs, pruning, tree surgery, and related services at the Capitol grounds, Sacramento, be be transferred to, and in augmentation of Item 166, Department of General Services, provided that not more than $10,000 of this appropriation may be spent for planning	100,000
167—For repayment of loan to Department of General Services for the purpose of establishing for officers and employees of the state a deferred compensation plan, as authorized by Chapter 1370, Statutes of 1972, the sum of $30,685 is appropriated from the Deferred Compensation Plan Fund portfolio earnings or account for administrative service fees notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1973–74 fiscal year.	(30,685)
168—For support of Department of General Services the sum of $39,853 is appropriated from the Deferred Compensation Plan Fund portfolio earnings or account for administrative service fees	(39,853)
169—For support of Department of General Services, the sum of $1,171,610 is appropriated from the State School Building Aid Fund	(1,171,610)
170—For repayment of loan to Department of General Services for the purpose of implementing and administering the provisions of Chapter 417, Statutes of 1973, the sum of $22,000 is appropriated from the General Fund notwithstanding other provisions of this section the appropriation made by this item is available for payment of expenditures incurred during the 1973–74 fiscal year.	(22,000)
171—For support of Department of General Services for the purpose of implementing and administering the provisions of Chapter 417, Statutes of 1973, the sum of $50,000 is appropriated from the General Fund for transfer to the Service Revolving Fund, to be	(50,000)

Item		Amount
	transferred by the State Controller in such amounts as the Department of Finance may authorize; provided, that the money so transferred shall not be available for expenditure after June 30, 1975, and any unencumbered balances shall be returned to the State School Building Aid Fund as of June 30, 1975.	
172—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund, or any special fund, by the provisions of this act that part of such appropriation which is intended to be used and is available, for the purchase or replacement of automobiles and reproduction equipment; and provided, any funds in the Service Revolving Fund may be used to purchase equipment from the General Fund or special funds of the state at the depreciated value at the time of purchase, payable at the option of the Service Revolving Fund over the remaining depreciation period.		
173—For expenditure by Office of State Printing, Department of General Services, the sum of $20,237,569 is appropriated from the Service Revolving Fund		(20,237,569)
Schedule:		
(a) Personal services	8,969,587	
(b) Operating expenses and equipment	11,267,982	
174—For support of Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing, the sum of $84,601,818 is appropriated from the Service Revolving Fund...		(84,601,818)
Schedule:		
(a) Personal services	38,364,028	
(b) Operating expenses and equipment	51,225,955	
(c) Minor capital outlay	114,000	
(d) Other reimbursements	-2,330	
(e) Amount payable from the General Fund (Item 166)	-3,878,225	
(f) Amount payable from the State School Building Aid Fund (Item 169)	-1,171,610	

Item		Amount
(g) Amount payable from the State School Building Aid Fund (Item 171)	–50,000	
175—For expenditure by Office of Architecture and Construction, Department of General Services, for the purposes specified in Section 14957 of the Government Code, the sum of $7,022,581 is appropriated from the Architecture Revolving Fund ..		(7,022,581)
Schedule:		
(a) Personal services	4,117,996	
(b) Operating expenses and equipment	3,050,585	
(c) Other reimbursements	–146,000	
provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the Government Code, and are available for construction and for augmentation of this appropriation; provided further that during fiscal year 1974–75 the Office of Architecture and Construction, Department of General Services, shall maintain expenditures for staff to a level commensurate with the funds necessary to maintain a staff sufficient to perform a basic architectural and engineering services workload volume of $29,525,000 as projected to June 30, 1975.		
176—For support of Office of Architecture and Construction, Department of General Services, payable from the Architecture Public Building Fund		1,649,689
Schedule:		
(a) Personal services	1,269,054	
(b) Operating expenses and equipment ..	380,635	
177—For painting portrait of Governor, Department of Finance		7,500
178—For support of Department of Industrial Relations		30,187,217
Schedule:		
(a) Personal services	28,194,403	
(b) Operating expenses and equipment	8,973,131	
(c) Other reimbursements	–362,390	
(d) Federal grants	–6,617,927	
provided, that the Fair Employment Practices Commission is authorized to establish field offices in the following areas: (1) San Bernardino-Riverside, (2) Santa Clara-San Jose, (3) Orange County, (4) northern bay area.		

Item		Amount
178.1—For transfer by the State Controller to the Uninsured Employers Fund		1,366,600
179—For reimbursement of mandates related to Department of Industrial Relations programs in accordance with Section 2231 (a), Revenue and Taxation Code of any new program or increased level of service of an existing program mandated by legislative action, State Controller		8,972,892
provided that, allocations to the appropriate local jurisdictions shall be made by the Controller in accordance with the provisions of each bill which mandates additional cost and Section 2231 (c), Revenue and Taxation Code.		
180—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations		1,901,000
provided, that this item shall not be construed as a limitation on expenditures provided by Section 4706.5 of the Labor Code. Provided further that the amount available from this item shall not be available for expenditure at any time that funds appropriated by Section 4706.5 of the Labor Code are available for expenditure. Provided further, that at the end of fiscal year 1974–75 any expenditures made from the General Fund against this appropriation item shall be reduced by any amounts remaining available from the funds appropriated by Section 4706.5 of the Labor Code.		
Provided further that notwithstanding any other provisions of law the funds made available by Section 4706.5 of the Labor Code will be available without regard to fiscal year.		
181—For support of State Personnel Board		13,920,196
Schedule:		
(a) Personal services	7,340,921	
(b) Operating expenses and equipment	9,088,733	
(c) Consolidated data center	32,347	
(d) Federal reimbursements	–109,373	
(e) Other reimbursements	–1,333,315	
(f) Amount payable from the Cooperative Personnel Services Revolving Fund (Item 183)	–999,117	
(g) Amount payable from the General Fund (Item 182)	–100,000	
provided, that the funds appropriated in subitem (c) may be allocated by the Department of Real		

Item		Amount
	Estate to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.	
182—	For support of State Personnel Board, to be transferred to and in augmentation of Item 181 of this act upon approval by the Department of Finance provided, that these funds shall be available only for expenditure for a study of state electronic data processing personnel classifications within the consolidated data centers and state agencies taking into consideration the duties and responsibilities assigned to data processing personnel classifications in Chapter 787, Statutes of 1972, and provided further, such study shall also include a review of the classification and pay differentials between data processing personnel and chief executive officer responsibilities as outlined in Chapter 787, Statutes of 1972.	100,000
183—	For support of State Personnel Board, the sum of $999,117 is appropriated from the State Personnel Board Cooperative Personnel Services Revolving Fund	(999,117)
184—	For support of Board of Administration of the Public Employees' Retirement System, to be transferred by the State Controller to Item 185, Budget Act of 1974	25,745
185—	For support of Board of Administration of the Public Employees' Retirement System, the sum of $6,247,378 is appropriated from the Public Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code	(6,247,378)
	Schedule:	
	(a) Personal services 4,730,384	
	(b) Operating expenses and equipment 2,319,823	
	(c) Consolidated data center..... 668,674	
	(d) Other reimbursements ..... -779,233	
	(e) Amount payable from State Employees' Contingency Reserve Fund (Item 186) ..... -666,525	
	(f) Amount payable from General Fund (Item 184) .... -25,745	
	provided, that the funds appropriated in subitem (c) may be allocated by the board to subitems (a) and (b) above and expended therefrom for elec-	

Item			Amount
	tronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.		
186—For support of Board of Administration of the Public Employees' Retirement System, the sum of $666,525 is appropriated from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code			(666,525)
187—For support of State Teachers' Retirement System, the sum of $5,282,768 is appropriated from the State Teachers' Retirement Fund			(5,282,768)
	Schedule:		
	(a) Personal services	3,623,702	
	(b) Operating expenses and equipment	1,552,522	
	(c) Consolidated data center	336,544	
	(d) Other reimbursements	-230,000	
	provided, that the funds appropriated in subitem (c) may be allocated by the system to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.		
188—For support of Department of Veterans Affairs			1,021,676
	Schedule:		
	(a) Personal services	1,086,834	
	(b) Operating expenses and equipment	203,322	
	(c) Amount payable from the Veterans' Farm and Home Building Fund of 1943 (Item 189)	-268,480	
189—For support of Department of Veterans Affairs, the sum of $268,480 is appropriated from the Veterans' Farm and Home Building Fund of 1943			(268,480)
190—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code			2,085,100
191—For support of Veterans' Home of California			5,455,730
	Schedule:		
	(a) Personal services	8,467,310	
	(b) Operating expenses and equipment	2,078,900	

Item		Amount
(c) Minor capital outlay	26,400	
(d) Federal reimbursements	-200,000	
(e) Other reimbursements	-1,834,455	
(f) Federal grants	-3,082,425	

provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.

The Veterans' Home of California shall collect from home members, after due consideration of income and family status, fees and charges for domiciliary, nursing home, and hospital care.

192—For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code 500,000

BUSINESS AND TRANSPORTATION

BUSINESS

193—For support of Department of Alcoholic Beverage Control 7,967,924

Schedule:

(a) Personal services	6,602,113
(b) Operating expenses and equipment	1,475,341
(c) Consolidated data center	12,920
(d) Other reimbursements	-122,450

provided, that the funds appropriated in subitem (c) may be allocated by the Department of Alcoholic Beverage Control to subitems (a) and (b) above and expended therefrom for electronic data processing.

194—For support of Alcoholic Beverage Control Appeals Board 157,404

Schedule:

(a) Personal services	130,789
(b) Operating expenses and equipment	26,615

195—For support of State Banking Department ..... -0-

Schedule:

(a) Personal services	22,000
(b) Operating expenses and equipment	16,500
(c) Other reimbursements	-38,500

196—For support of State Banking Department, to be transferred to and in augmentation of Item 195,

Item		Amount
Budget Act of 1974, upon order of the Department of Finance, the sum of $38,500 is appropriated from the State Banking Fund ..... provided, that this amount shall be a temporary loan to be repaid upon such terms and conditions as may be prescribed by the Department of Finance.		(38,500)
197—For support of State Banking Department, payable from the State Banking Fund ..... Schedule:		2,359,032
(a) Personal services	1,971,560	
(b) Operating expenses and equipment	387,472	
198—For support of Department of Corporations ..... Schedule:		4,143,916
(a) Personal services	4,524,685	
(b) Operating expenses and equipment	835,261	
(c) Consolidated data center.....	27,500	
(d) Other reimbursements	-1,243,530	
provided, that the funds appropriated in subitem (c) may be allocated by the Department of Corporations to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.		
199—For support of Department of Housing and Community Development ..... Schedule:		2,751,046
(a) Personal services	2,779,688	
(b) Operating expenses and equipment	1,207,902	
(c) Consolidated data center.....	6,766	
(d) Federal reimbursements.....	-19,000	
(e) Other reimbursements	-1,224,310	
provided, that the funds appropriated in subitem (c) may be allocated by the Department of Housing and Community Development to subitems (a) and (b) above and expended therefrom for electronic data processing.		
200—For support of Department of Insurance ..... Schedule:		4,825,673
(a) Personal services	5,020,605	
(b) Operating expenses and equipment	1,704,142	
(c) Other reimbursements.....	-1,899,074	

Item			Amount
200.1—To Department of Insurance in augmentation of Item 200 for preparation and distribution of consumer guide booklets on purchase of insurance policies			10,000
202—To pay the state's share of the cost of providing riot and civil disorders insurance pursuant to Chapter 2 of the Insurance Code			200,000
203—For support of Department of Real Estate, payable from the Real Estate Fund			4,964,393
Schedule:			
(a) Personal services	3,530,050		
(b) Operating expenses and equipment	2,073,873		
(c) Consolidated data center	67,470		
(d) Other reimbursements	-171,000		
(e) Amount payable from the Real Estate Education, Research and Recovery Fund—Education Research (Item 204(a))	-336,000		
(f) Amount payable from the Real Estate Education, Research and Recovery Act (Item 204(b))	-200,000		
provided, that the funds appropriated in subitem (c) may be allocated by the Department of Real Estate to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.			
204—For educational, research and recovery needs of the real estate industry in California, payable from the Real Estate Education, Research and Recovery Fund			708,000
Schedule:			
(a) Education research	508,000		
(b) Recovery Act	200,000		
to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act, and to the Department of Real Estate, to carry out the provisions of Section 10451.5 of the Business and Professions Code.			
205—For support of Department of Savings and Loan, payable from the Savings and Loan Inspection Fund			3,392,095

Item		Amount
Schedule:		
(a) Personal services	2,739,227	
(b) Operating expenses and equipment	642,868	
(c) Consolidated data center	10,000	

provided, that the funds appropriated in subitem (c) may be allocated by the Department of Savings and Loan to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.

TRANSPORTATION

206—For support of State Transportation Board and State Transportation Board office, payable from the Motor Vehicle Account, State Transportation Fund 130,315

Schedule:

(a) Personal services	138,464
(b) Operating expenses and equipment	47,700
(c) Amount payable from the General Fund (Item 207)	–55,849

provided, that no funds for the special assistant position funded partially in this item shall be expended unless that position is filled by October 1, 1974.

207—For support of State Transportation Board and State Transportation Board office, to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 206 of this act 55,849

provided, that no funds for the special assistant position funded partially in this item shall be expended unless that position is filled by October 1, 1974.

208—For support of Department of Transportation, payable from the State Highway Account, State Transportation Fund, to be transferred by the State Controller to the Transportation Planning and Research Account, State Transportation Fund, for expenditures for transportation planning and research as authorized by Section 13996 of the Government Code 3,077,685

210—For support of Department of Transportation .... – 0 –

Item		Amount
	Schedule:	
	(a) Transportation planning	16,284,250
	(b) Aeronautics	2,917,800
	(c) Mass transportation	872,400
	(d) General support	357,000
	(e) Reimbursements, as authorized by Section 7204.4 of the Revenue and Taxation Code	-122,800
	(f) Amount payable from the Transportation Planning and Research Account, State Transportation Fund (Item 213, $1,948,265; Item 214, $3,087,485; Item 217, $3,999,600; Item 222, $8,336,100)	-17,371,450
	(g) Amount payable from the Aeronautics Account, State Transportation Fund (Item 212, $360,700, Item 221, $376,500)	-737,200
	(h) Amount payable from the Aeronautics Account, State Transportation Fund (continuing appropriation per Section 21680 of the P.U.C. Code)	-2,200,000
210.5	—For loan to the Transportation Planning and Research Account, State Transportation Fund, an amount not to exceed $3,000,000 from the General Fund, for meeting cash needs to be repaid on or before January 1, 1975, upon such terms and conditions as may be prescribed by the Department of Finance	(3,000,000)
211	—For support of Department of Transportation, payable from the Aeronautics Account, State Transportation Fund, to be transferred by the State Controller to the Transportation Planning and Research Account, State Transportation Fund, for expenditures for transportation planning and research as authorized by Section 13996 of the Government Code	9,800
212	—For support of Department of Transportation, payable from the Aeronautics Account, State Transportation Fund	360,700
213	—For support of Department of Transportation, payable from the Transportation Planning and Research Account, State Transportation Fund .... and in addition, any amounts received from federal grants or local reimbursements shall be available for expenditure in accordance with the provisions of this item subject to the provisions of Section 28 of this act.	1,948,265

Item		Amount
214	For support of Department of Transportation, the sum of $3,087,485 is appropriated from the Transportation Planning and Research Account, State Transportation Fund	(3,087,485)
217	For local assistance, Department of Transportation, payable from the Transportation Planning and Research Account, State Transportation Fund and in addition, any amounts received from federal grants or local reimbursements shall be available for expenditure in accordance with the provisions of this item subject to the provisions of Section 28 of this act. Provided further, there is hereby appropriated, subject to the provisions of Section 28 of this act, an amount not to exceed $3,000,000 from the Transportation Planning and Research Account in the State Transportation Fund for payment to local transportation planning agencies, for transportation planning and research to be available for allocation to a local transportation agency after it has transmitted its supplement to Department of Transportation for preparation of the second progress report pursuant to Section 14043 of the Government Code.	3,999,600
218	For local assistance, Department of Transportation, payable from the State Highway Account, State Transportation Fund, to be transferred by the State Controller to the Transportation Planning and Research Account, State Transportation Fund, for expenditures for transportation planning and research as authorized by Section 13996 of the Government Code	8,316,400
219	For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Account, State Transportation Fund the appropriation made by this item shall be available without regard to fiscal years.	1,000,000

Item		Amount
220—For local assistance, Department of Transportation, payable from the Aeronautics Account, State Transportation Fund, to be transferred by the State Controller to the Transportation Planning and Research Account, State Transportation Fund, for expenditures for transportation planning and research as authorized by Section 13996 of the Government Code		19,700
221—For local assistance, Department of Transportation, payable from the Aeronautics Account, State Transportation Fund		376,500
222—For local assistance, Department of Transportation, the sum of $8,336,100 is appropriated from the Transportation Planning and Research Account, State Transportation Fund		(8,336,100)
223—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund		154,084,961
Schedule:		
(a) Personal services	127,176,074	
(b) Operating expenses and equipment	30,874,693	
(c) Consolidated data center	357,000	
(d) Minor capital outlay	15,000	
(e) Federal reimbursements	-195,006	
(f) Other reimbursements	-2,914,591	
(g) Amount payable from Abandoned Vehicle Trust Fund	-1,228,209	
provided, that the funds appropriated in subitem (c) may be allocated by the Department of the California Highway Patrol to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.		
224—For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Motor Vehicle Account, State Transportation Fund		(1,000,000)
225—For support of Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund		82,169,270

Item		Amount
	Schedule:	
	(a) Personal services	71,467,873
	(b) Operating expenses and equipment	23,830,687
	(c) Data processing support	6,467,080
	(d) Minor capital outlay	99,600
	(e) Federal reimbursements	-128,499
	(f) Other reimbursements	-6,480,862
	(g) Amount payable from Motor Vehicle License Fee Account, Transportation Tax Fund (Item 226)	-11,460,074
	(h) Amount payable from Harbors and Watercraft Revolving Fund (Item 227)	-906,494
	(i) Amount payable from the California Environmental Protection Program Fund (Item 228)	-720,041

provided, any surplus accumulated from the service and transfer fee portion of the program established pursuant to Chapter 1816 of the Statutes of 1971 shall be continuously appropriated to the Off-Highway Vehicle Fund.

Provided further, that the funds appropriated in subitem (c) may be allocated by the Department of Motor Vehicles to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the funds appropriated in subitem (c) shall not be transferred to the Stephen P. Teale Consolidated Data Center.

Provided further, that funds expended from this item solely for a temporary upgrade of existing computer equipment may be expended exempt from Section 4 of this act; provided further, that any such upgrade shall be limited to the acquisition only of equipment required to provide a temporary solution to the department's immediate computing requirements.

Provided further, that $1,000,000 of the amount appropriated by this item shall be used solely for the purpose of implementing Section 4850 of the Vehicle Code.

Provided further, that the appropriation herein shall be reduced by the amount of any federal funds that may become available for the Postlicensing Control Reporting and Evaluation System.

Item	Amount
225.1—For a study of the vehicle registration-inspection program, Department of Motor Vehicles	30,000
226—For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Account, Transportation Tax Fund ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 225 of this act, as provided by Section 11003 of the Revenue and Taxation Code.	11,460,074
227—For support of Department of Motor Vehicles, the sum of $906,494 is appropriated from the Harbors and Watercraft Revolving Fund ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 225 of this act, for undocumented vessel registration and fee collection.	(906,494)
228—For support of Department of Motor Vehicles, payable from the California Environmental Protection Program Fund ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 225 of this act, as provided by Section 39071 of the Health and Safety Code.	720,041
229—For payment of deficiences in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $500,000, or so much thereof as may be necessary, is appropriated from the Motor Vehicle Account, State Transportation Fund	(500,000)
230—For support of the Stephen P. Teale Consolidated Data Center, Business and Transportation Agency Schedule: (a) Support ..... 7,592,821 (b) Other reimbursements and transfers from other items ..... –7,592,821 provided, that no funds included in this act except as provided in Item 232.1 of act item are appropriated for, or may be expended in support of, Contract No. CD 6-20 (Department of General Services Log No. 84518) between the Business and Transportation Agency and the IBM Corporation and Contract No. CD 6-23 (Department of General Services Log No. 84550) between the Business and Transportation Agency and Data 100 Corporation; provided further, that funds appropriated in this item may be used for the acquisi-	-0-

Item		Amount
	tion of, without regard to the competitive bidding and mainframe requirements of Section 4 of this act, electronic data processing equipment, supplies and services to ensure the continuation with minimum disruption of data processing support for a period of 12 months commencing July 1, 1974, to those departments authorized in this act to receive services from the Stephen P. Teale Consolidated Data Center.	
231—To be allocated by the Department of Finance to the Stephen P. Teale Consolidated Data Center, Business and Transportation Agency; in augmentation of Item 230 for support of the Stephen P. Teale Consolidated Data Center ..... provided, that no funds included in this act except as provided in Item 232.1 of this act are appropriated for, or may be expended in support of, Contract No. CD 6-20 (Department of General Services Log No. 84518) between the Business and Transportation Agency and the IBM Corporation and Contract No. CD 6-23 (Department of General Services Log No. 84550) between the Business and Transportation Agency and Data 100 Corporation; provided further, that funds appropriated in this item may be used for the acquisition of, without regard to the competitive bidding and mainframe requirements of Section 4 of this act, electronic data processing equipment, supplies and services to ensure the continuation with minimum disruption of data processing support for a period of 12 months commencing July 1, 1974, to those departments authorized in this act to receive services from the Stephen P. Teale Consolidated Data Center.		3,917,743
232.1—To the Stephen P. Teale Consolidated Data Center for the purposes of Contract No. CD 6-20 (Department of General Services Log No. 84518) between the Business and Transportation Agency and the IBM Corporation and Contract No. CD 6-23 (Department of General Services Log No. 84550) between the Business and Transportation Agency and Data 100 Corporation		300,000
	RESOURCES	
233—To Resources Agency for support of Tahoe Regional Planning Agency		123,334

Item		Amount
234—To Resources Agency for support of California Tahoe Regional Planning Agency		50,000
236—To Resources Agency for support of Waterways Management Planning Program pursuant to Chapter 761, Statutes of 1971, and Chapter 1259, Statutes of 1972		265,000
Schedule:		
(a) Protected waterways	235,000	
(b) Wild and scenic rivers	30,000	
237—To Resources Agency for grants to public and private higher education for use as up to two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966 as provided in subdivision (d) of Section 6217 of the Public Resources Code		500,000
238—To Resources Agency for support of the Fuel Supply Coordination Center		184,723
238.1—For a loan to the State Energy Resources Conservation and Development Special Account ..... provided, that funds so loaned shall be available for support of the State Energy Resources Conservation and Development Commission during the 1974–75 fiscal year. Provided further, that the loan made pursuant to this item shall be repaid from the State Energy Resources Conservation and Development Special Account on or before June 30, 1975.		($500,000)
239—For reimbursement of mandates related to Resources Agency programs in accordance with Section 2231(a), Revenue and Taxation Code to local taxing authorities for property tax revenue lost as a result of assessment of wildlife habitat and native pasture land under provisions of Chapter 1165, Statutes of 1973, State Controller ..... provided, that allocations to the appropriate local jurisdictions shall be made by the Controller in accordance with the provisions of Chapter 1165, Statutes of 1973 and Section 2231(c), Revenue and Taxation Code.		160,000
240—For support of Solid Waste Management Board.. provided, that $2,300,000 of the funds appropriated by this item shall be expended solely for the purpose of a solid waste disposal demonstration project to take place in the bay area and near Mandeville Island and the delta area.		2,533,417
241.1—For support of the Solid Waste Management Board, California Environmental Protection Fund		405,000
242—For support of State Air Resources Board		2,521,992

Item		Amount
	Schedule:	
	(a) Personal services	5,090,875
	(b) Operating expenses and equipment	6,876,931
	(c) Consolidated data center	33,500
	(d) Federal reimbursements	-958,000
	(e) Other reimbursements	-400,000
	(f) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 243)	-5,032,671
	(g) Amount payable from the California Environmental Protection Program Fund (Item 244)	-1,800,000
	(h) Amount payable from the Automotive Repair Fund (Item 245)	-1,288,643
	provided further, that the funds appropriated in subitem (c) may be allocated by the State Air Resources Board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.	
243	—For support of vehicular program, State Air Resources Board, payable from the Motor Vehicle Account, State Transportation Fund	5,032,671
244	—For support of State Air Resources Board, payable from the Environmental Protection Program Fund	1,800,000
245	—For support of State Air Resources Board, payable from the Automotive Repair Fund	1,288,643
245.1	—For the purposes of Chapter 1154, Statutes of 1973, to be allocated by the Department of Finance as loans to the State Air Resources Board from the Motor Vehicle Account in the State Transportation Fund, in amounts of which the total shall not exceed $5,589,000	($5,589,000)
	provided that, this authorization shall be reduced by the amount of any federal funds received by the State Air Resources Board or the Bureau of Automotive Repair, Department of Consumer Affairs, or by both such board and bureau, for the purposes of Chapter 1154, Statutes of 1973. Any loan made pursuant to this authorization shall be repaid upon such terms and conditions as may be prescribed by the Department of Finance, including interest at the rate earned by the Pooled Money Investment Fund, on or before June 30,	

Item		Amount
1978, from any revenues from inspection fees collected for repayment purposes pursuant to Chapter 1154, Statutes of 1973.		
Provided further, that inspection fees collected pursuant to Section 9889.61 of the Business and Professions Code shall be deposited in the Automotive Repair Fund and are appropriated to the Air Resources Board for the purposes of Chapter 1154, Statutes of 1973.		
246—For assistance to counties in the operation of local air pollution control districts, State Air Resources Board, in accordance with Chapter 1016, Statutes of 1972		4,600,000
247—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee		8,640
248—For support of California-Nevada Interstate Compact Commission		27,500
249—For support of Colorado River Board of California		108,512
Schedule:		
(a) Personal services	261,816	
(b) Operating expenses and equipment	63,720	
(c) Other reimbursements	-217,024	
250—For support of Department of Conservation		58,814,025
Schedule:		
(a) Personal services	54,966,481	
(b) Operating expenses and equipment	18,719,358	
(c) Consolidated data center	158,319	
(d) Minor capital outlay	400,872	
(e) Fire protection contract—counties	3,687,060	
(f) Fire protection contract—United States Forest Service	1,842,220	
(g) Emergency fire suppression and detection	200,000	
(h) California Institute of Technology seismograph network	57,000	
(i) Federal reimbursements	-1,635,711	
(j) Other reimbursements	-17,058,190	
(k) Amount payable from Petroleum and Gas Fund (Item 251)	-1,815,838	
(*l*) Amount payable from Petroleum and Gas Fund—Geothermal Resources Account (Item 252)	-18,336	

Item		Amount
	(m) Amount payable from Subsidence Abatement Fund (Item 253)	-151,790
	(n) Amount payable from Strong-Motion Instrumentation Program Fund (Item 254)	-461,483
	(o) Amount payable from Professional Forester Registration Fund (Item 255)	-53,137
	(p) Amount payable from California Water Fund (Item 256)	-11,400
	(q) Amount payable from State Highway Account, State Transportation Fund (Item 257)	-11,400

provided, that an amount not more than $1,000,000 in emergency fire suppression and detection costs and related emergency revegetation costs, which exceed the amount scheduled in (g) can be expended from the amounts contained in schedules (a) and (b) without approval of the Department of Finance.

Provided further, that the funds appropriated in subitem (c) may be allocated by the Department of Conservation to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.

251	—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund	1,815,838
252	—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund—Geothermal Resources Account	18,336
253	—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund	151,790
254	—For support of Department of Conservation, in carrying out the functions of the Division of Mines and Geology, payable from the Strong-Motion Instrumentation Program Fund	461,483

Item			Amount
255—For support of Department of Conservation, in carrying out the functions of the Division of Forestry, payable from the Professional Forester Registration Fund			53,137
256—For support of Department of Conservation to fund the state share of the California Institute of Technology seismograph network, payable from the California Water Fund			11,400
257—For support of Department of Conservation to fund the state share of the California Institute of Technology seismograph network, payable from the State Highway Account, State Transportation Fund			11,400
258—For support of State Lands Division, State Lands Commission, Department of Conservation			2,641,170
Schedule:			
(a) Personal services		3,104,579	
(b) Operating expenses and equipment		677,158	
(c) Consolidated data center		44,000	
(d) Other reimbursements		–36,900	
(e) Amounts payable under the provisions of Chapter 138, Statutes of 1964		–1,147,667	
provided, that the funds appropriated in subitem (c) may be allocated by State Lands Division to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.			
259—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, and for the purchase of land for game production, improvement of waterfowl areas and research in game management under provisions of the Pittman-Robertson Act, fish restoration and management projects under the provisions of the Dingell-Johnson Act, commercial fisheries research and development projects under the provisions of the Commercial Fisheries Research and Development Act (Bartlett Act), and for the state's share of expenses of the Pacific Marine Fisheries Commission, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues			

Item		Amount
	subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item	23,771,114
	Schedule:	
	(a) Personal services	16,012,480
	(b) Operating expenses and equipment	8,708,409
	(c) Consolidated data center—state operations	40,000
	(d) Minor capital outlay	450,500
	(e) Pittman-Robertson program	3,127,000
	(f) Dingell-Johnson program	1,035,050
	(g) Commercial fish research and development	324,100
	(h) Anadromous Fish Act	529,000
	(i) Consolidated data center—federal programs	18,000
	(j) Pacific Marine Fisheries Commission	15,100
	(k) Federal reimbursements	-1,248,589
	(*l*) Other reimbursements	-1,879,748
	(m) Federal grants	-3,360,188
	provided, that any moneys received in reimbursement of expenditures from subitems (e), (f), (g), and (h) shall be credited to this appropriation.	
	Provided further, that the funds appropriated in subitem (c) may be allocated by the Department of Fish and Game to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the funds appropriated in subitem (i) may be allocated by the Department of Fish and Game to subitems (f), (g), and (h) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitems (c) and (i) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.	
260	—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code	149,500
261	—For projects for the purpose of protecting and propagating migratory waterfowl and for the preservation of wetlands, Department of Fish and	

Item		Amount
Game, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 3700 of the Fish and Game Code		102,000
261.5—For the preparation of plans for the protection of estuarine and wetland areas of statewide significance, Department of Fish and Game, pursuant to priorities determined in cooperation with the California Coastal Zone Conservation Commission and other appropriate state and local agencies, payable from the General Fund		105,000
262—For the education or training of department employees, Department of Fish and Game, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 12018 of the Fish and Game Code		99,000
263—For a loan to the Fish and Game Preservation Fund to be transferred in such amounts as determined by the Department of Finance		($1,000,000)
provided that, any loan made pursuant to this authorization shall be repaid from the Fish and Game Preservation Fund upon such terms and conditions as may be prescribed by the Department of Finance, including interest at the rate earned by the Pooled Money Investment Fund, on or before December 31, 1975.		
264—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund		166,079
Schedule:		
(a) Personal services	123,420	
(b) Operating expenses and equipment	42,659	
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.		
265—For support of Klamath River Compact Commission		11,800
266—For support of Department of Navigation and Ocean Development		185,278
267—For support of Department of Navigation and Ocean Development, the sum of $1,629,282 is appropriated from the Harbors and Watercraft Revolving Fund		(1,629,282)
and in addition thereto, any amounts received from federal grants or other sources.		
Schedule:		
(a) Personal services	861,561	

Item		Amount
	(b) Operating expenses and equipment	644,799
	(c) Consolidated data center	4,000
	(d) Minor capital outlay	349,200
	(e) Feasibility determinations	20,000
	(f) Amount payable from General Fund (Item 266)	-185,278
	(g) Amount payable from Recreation and Fish and Wildlife Enhancement Fund (Item 406)	-65,000

provided, that the funds appropriated in subitem (c) may be allocated by the Department of Navigation and Ocean Development to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.

268—For loans to cities, counties, or districts pursuant to Sections 70 2 and 71.4 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, the sum of $6,970,000 is appropriated from the Harbors and Watercraft Revolving Fund ..... (6,970,000)

Schedule:

	(a) Crescent City Harbor—Del Norte County	250,000
	(b) Port of Los Angeles—Los Angeles County	2,200,000
	(c) Long Beach—Los Angeles County	1,700,000
	(d) Monterey—Monterey County	250,000
	(e) San Francisco—San Francisco County	600,000
	(f) Foster City—San Mateo County	500,000
	(g) Channel Islands Marina—Ventura County	1,370,000
	(h) Planning loans—statewide	100,000

provided, that the Port of Los Angeles project known as the Cabrillo North Basin Marina shall be funded if and only if the project receives approval by the appropriate coastal zone commission.

Item		Amount
269—For grants for construction and development of small craft launching facilities to cities, counties, districts, or other public agencies pursuant to Section 72.5 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, the sum of $2,922,000 is appropriated from the Harbors and Watercraft Revolving Fund		(5,922,000)
Schedule:		
(a) New Hogan Reservoir—Calaveras County	200,000	
(b) Black Buttes Reservoir—Glenn County	80,000	
(c) Sunbeam Lake—Imperial County	50,000	
(d) Wiest Lake—Imperial County.....	50,000	
(e) Isabella—Kern County.....	250,000	
(f) Clear Lake—Lakeside Park—Lake County	140,000	
(g) Mossdale Y—San Joaquin County	290,000	
(h) McCloud—Shasta County	285,000	
(i) Benicia—Solano County	95,000	
(j) Modesto Reservoir—Stanislaus County	180,000	
(k) Channel Islands—Ventura County	480,000	
(*l*) Ventura Marina—Ventura County	150,000	
(m) Bullards Bar—Yuba County	252,000	
(n) Marysville—Yuba County	320,000	
(o) Ramp repairs and extensions—statewide	100,000	
(p) Candlestick Marina.....	3,000,000	
provided, that the funds appropriated in subitem (p) shall be expended subject to a general development plan prepared by the Department of Parks and Recreation.		
270—For allotment, pursuant to Section 663.7 of the Harbors and Navigation Code, for boating safety and enforcement programs, Department of Navigation and Ocean Development, the sum of $720,000 is appropriated from the Harbors and Watercraft Revolving Fund		(720,000)
271—For repairs of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 72.5 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms which may be authorized by the Director of Finance, with the consent of the Governor pursuant to Section 11006 of the Government Code; and for pay-		

Item		Amount
	ment of deficiencies in appropriations for the Department of Navigation and Ocean Development which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code; the sum of $100,000 or so much thereof as may be necessary, is appropriated from the Harbors and Watercraft Revolving Fund	(100,000)
272—For support of California Coastal Zone Conservation Commission for legal services provided by the Attorney General		420,000
273—For support of Department of Parks and Recreation		29,632,294
	Schedule:	
	(a) Personal services	24,537,526
	(b) Operating expenses and equipment	10,440,059
	(bx) Minor capital outlay	20,000
	(c) Consolidated data center	100,000
	(d) Federal reimbursements	–406,947
	(e) Other reimbursements	–2,402,902
	(f) Amount payable from Item 274	–1,882,035
	(g) Amount payable from Off-Highway Vehicle Fund (Item 275)	–165,000
	(h) Amount payable from Item 276	–293,807
	(i) Amount payable from Section 2107.7(b), Streets and Highways Code	–238,704
	(j) Amount payable from Chapter 1764, Statutes of 1971	–75,896
	provided, that the funds appropriated in subitem (c) may be allocated by the Department of Parks and Recreation to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.	
274—For support of the Department of Parks and Recreation, to be transferred to and in augmentation of Item 273 of this act by the State Controller		1,882,035
	provided, that these funds shall be available only for expenditure at Hearst San Simeon State Historical Monument; and further provided, that any revenue in excess of these expenditures derived from Hearst San Simeon State Historical Monument, as determined by the Director of the Department of Parks and Recreation, shall be	

Item		Amount
transferred to a special account in the General Fund, and shall be available only for appropriation by the Legislature for maintenance and capital outlay at Hearst San Simeon State Historical Monument.		
275—For support of the Department of Parks and Recreation, payable from the Off-Highway Vehicle Fund, to be transferred to and in augmentation of Item 273 of this act by the State Controller		135,000
275.1—For support of the Department of Parks and Recreation, payable from the Off-Highway Vehicle Fund, to be transferred to and in augmentation of Item 273 of this act by the State Controller provided, that these funds shall be available only for the purchase of signs, markers and maps for snowmobile trail marking.		30,000
276—For support of Department of Parks and Recreation, the sum of $293,807 is appropriated from Section 663.7 (d) of the Harbors and Navigation Code, Harbors and Watercraft Revolving Fund, to be transferred to and in augmentation of Item 273 of this act by the State Controller		(293,807)
277—For contract with any local school district, county superintendent of schools, or governmental agency for purposes of California Youth Conservation Corps program as outlined in Division 12 (commencing with Section 14000) of the Public Resources Code, Department of Parks and Recreation		150,000
277.1—For grants to counties, cities, or cities and counties pursuant to Section 38300(a) of the Vehicle Code, Department of Parks and Recreation, payable from the Off-Highway Vehicle Fund		131,000
Schedule:		
(a) River Front Park Off-Road Vehicle Facility, City of Marysville, for acquisition and development	60,000	
(b) Off-Highway Motor Vehicle Facility, City of Davis, for acquisition and development.....	20,000	
(c) Prima Deshcha Regional Off-Highway Vehicle Facility, County of Orange, for acquisition and development	51,000	

Item			Amount
279—For support of Department of Parks and Recreation, Division of Exposition and State Fair, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849			2,163,384
Schedule:			
(a) Support		3,652,448	
(b) Payment of interest and principal on revenue bonds		1,130,000	
(c) Minor capital outlay		175,000	
(d) Operating revenues payable from Item 279.1		-2,437,514	
(e) Amount payable from the Fair and Exposition Fund		-265,000	
(f) Other reimbursements		-91,550	
provided, that no more than the amount actually needed to pay any deficit in principal and interest on the revenue bonds shall be made available for expenditures from subitem (b) of this item; provided further that the amount appropriated by subdivision (a) of Section 19622 of the Business and Professions Code shall be transferred by the State Controller to this item.			
279.1—For support of the Department of Parks and Recreation, Division of Exposition and State Fair, to be transferred to and in augmentation of Item 279 of this act by the State Controller			2,437,514
provided, that the expenditures from the appropriation made by this item shall not exceed those operating revenues deposited in the General Fund by the Division of Exposition and State Fair.			
281—For support of Reclamation Board			277,264
Schedule:			
(a) Personal services		150,234	
(b) Operating expenses and equipment		127,030	
282—For support of San Francisco Bay Conservation and Development Commission			368,855
Schedule:			
(a) Personal services		283,575	
(b) Operating expenses and equipment		110,280	
(c) Other reimbursements		-25,000	

Item		Amount
283—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies		15,520,352
Schedule:		
(a) Continuing formulation of the California Water Plan	6,921,533	
(b) Implementation of the State Water Resources Development System	1,676,505	
(c) Public safety and prevention of damage	6,495,468	
(d) Services	430,596	
(e) General management	4,480,537	
(f) Less charges to general funded programs	–1,174,156	
(g) Less charges to other funded programs	–3,306,381	
(h) Technical services	5,739,368	
(i) Less charges to programs	–5,739,368	
(j) Unallocated program reduction for electronic data processing	–525,844	
(k) Consolidated data center	525,844	
(*l*) Unallocated program reduction	–3,750	

provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1975, and any unencumbered balances shall be returned to the General Fund as of June 30, 1975; provided further, that no funds appropriated by this item shall be expended for the purposes of Chapters 717 and 995, Statutes of 1973, unless a nonstate entity provides hold-harmless assurances to the State of California for the work which would be done with such funds.

Provided further, that the funds appropriated in subitem (k) may be allocated by the Department of Water Resources to the remainder of the schedule above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (k) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.

284—For expenditure by the Department of Water Resources, in accordance with Sections 12570

Item		Amount
	through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, for small flood control projects approved under Section 12750 of the Water Code, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code, and administrative costs, Department of Water Resources	6,000,000
	provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.	
285—For support of State Water Resources Control Board		6,552,826
	Schedule:	
	(a) Personal services	7,852,712
	(b) Operating expenses and equipment	4,096,933
	(c) Consolidated data center	40,000
	(d) Other reimbursements	–294,000
	(e) Federal grants	–2,312,959
	(f) Amount payable from State Clean Water Fund	–2,829,860
	provided, that the funds appropriated in subitem (c) may be allocated by the board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.	

HEALTH AND WELFARE

286—For support of the Office of Educational Liaison, Health and Welfare Agency		182,623

Item		Amount
287—For allocation by Office of Educational Liaison for child development programs pursuant to Chapter 5 (commencing with Section 16780) of Division 12.5 of Part 3 of the Education Code, Health and Welfare Agency		3,400,000
provided, that the Office of Educational Liaison shall allocate these funds to the Department of Education for the purpose of maintaining and improving child care and child development services.		
288—For support of Office of Aging and Commission on Aging		672,250
Schedule:		
(a) Support, Office of Aging and Local Assistance.....	19,147,605	
(b) Support, Commission on Aging....	208,000	
(c) Federal grants .....–18,683,355		
and, in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
290—For support of Department of Health.....		30,893,234
Schedule:		
(a) Personal services	86,010,128	
(b) Operating expenses and equipment	61,717,026	
(c) For transfer to the Health Care Deposit Fund	9,983,473	
(d) Federal reimbursements.....–28,790,359		
(e) Other reimbursements .....–39,124,544		
(f) Federal grants.....–32,228,388		
(g) Amount payable from Health Care Deposit Fund.....–23,904,451		
(h) Amount payable from Hospital Building Account, Architecture Public Building Fund.....	–2,200,000	
(i) Amount payable from Motor Vehicle Account, State Transportation Fund	–212,941	
(j) Amount payable from Health Facilities Construction Loan Fund	–161,902	
(k) Amount payable from Hazardous Waste Control Account, General Fund	–194,808	
provided, that the funds appropriated in subitem (c) shall be transferred by the Controller to the Health Care Deposit Fund to match federal funds for support of the Department of Health; pro-		

Item		Amount
	vided further, that any rule or regulation adopted by the Director of the Department of Health during the 1974–75 fiscal year which adds to the cost of the Medical Assistance Program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.	
291—For support of the hospitals for the mentally ill for judicially committed patients, patients committed pursuant to the Penal Code and those mentally ill patients whose county of residence is not participating in a local mental health program as provided in Division 5 of the Welfare and Institutions Code, Department of Health, Health Treatment System ..... provided, that any portion of this item may be transferred upon order of the Department of Finance to Item 293, Budget Act of 1974, for assistance to local agencies for mental health services.		25,100,371
	Provided further, that upon order of the Department of Finance, the State Controller shall transfer funds between this item and Item 297.	
292—For support of Department of Health, Health Protection System, payable from the Motor Vehicle Account, State Transportation Fund		212,941
293—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 of the Welfare and Institutions Code, Department of Health, Health Treatment System		200,140,719
	Schedule:	
	(a) Local mental health services 138,770,115	
	(b) State-operated services 53,970,604	
	(c) For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 (commencing with Section 5000) of the Welfare and Institutions Code, Department of Health, Health Treatment System 7,400,000	

Item		Amount
	provided, that funds appropriated pursuant to subitem (c) shall be utilized solely for residential treatment programs, halfway houses, group care homes and aftercare programs consistent with Section 5661.5 of the Welfare and Institutions Code; and provided further, that such funds be allocated on the basis of county plans, specifying in detail, the proposed program uses of funds appropriated by this item.	
	Provided further, that the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of expenditures for mental health services provided to patients eligible under the California Medical Assistance Program.	
	Provided further, that, upon order of the Department of Finance, any portion of this item may be transferred to and in augmentation of Item 291, Budget Act of 1974.	
	Provided further, that upon order of the Department of Finance, funds may be transferred to Item 299 to match federal funds in order to provide services to former, potential, and current recipients of public assistance receiving mental health services under the provisions of Division 5 of the Welfare and Institutions Code.	
293.2	—To the Department of Health, in augmentation of Item 293 of the Budget Act of 1974, to be allocated to the counties by the Director of Health as is determined necessary for the purpose of providing the same level of local mental health program services in fiscal year 1974–75 as were provided in fiscal year 1973–74	10,000,000
294	—For reimbursement of mandates related to Department of Health programs in accordance with Section 2231(a), Revenue and Taxation Code of any new program or increased level of service of an existing program mandated by legislative action, State Controller	786,260
	provided, allocations to the appropriate local jurisdictions shall be made by the Controller in accordance with the provisions of each bill which mandates additional cost and Section 2231(c), Revenue and Taxation Code.	
295	—For local assistance for alcoholism program, Department of Health, Health Treatment System ..	12,649,409
	Schedule:	
	(a) State hospitals 1,670,000	

Item		Amount
	(b) Local assistance, direct 18,588,344	
	(c) Office of Alcohol Program Management 881,965	
	(d) Federal grants ..... –2,490,900	
	(e) Amount payable from Chapter 1137, Statutes of 1973 ..... –6,000,000	
	provided, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 293 for purposes of paying the cost of local assistance, alcoholism programs.	
	Provided further, that upon order of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.	
	Provided further, that all expenditures under this item shall be subject to review and approval by the State Office of Alcohol Program Management.	
	Provided further, that funds allocated pursuant to this item and the statewide plan for alcoholism shall take into account the various cultural factors which minority communities face in combating the problem of alcoholism.	
295	—For local assistance for narcotics and drug abuse program, Department of Health, Health Treatment System	7,755,748
	Schedule:	
	(a) Local assistance 14,556,167	
	(b) Health administration 1,251,479	
	(c) Office of Narcotics and Drug Abuse 369,252	
	(d) Federal grants ..... –3,076,898	
	(e) Amount payable from Chapter 1255, Statute of 1972 ..... –5,344,252	
	provided, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 293 for purposes of paying the cost of local assistance, narcotics and drug abuse programs.	
297	—For local assistance for the developmental disabilities program, Department of Health, Health Treatment System	188,093,821

Item		Amount
	Schedule:	
	(a) State hospital services, Department of Health	141,902,061
	(b) Office of Developmental Disabilities	100,000
	(c) Regional center operations, Department of Health	41,391,858
	(d) Community program development	589,292
	(e) Program evaluation	110,000
	(f) Protective living services	15,515,175
	(g) Federal reimbursements	-8,177,793
	(h) Federal grants	-1,436,772
	(i) Family repayments	-1,900,000
	provided, that the Department of Finance may authorize the transfer of funds from this item to Item 299 to match federal funds to provide protective living services to the mentally retarded.	
	Provided further, that upon order of the Department of Finance, the State Controller shall transfer funds between this item and Item 291.	
298	For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program expenditures	696,233,546
	provided, that the amount authorized to be expended by this item shall fully cover the state's share of payments for services for the 1974–75 fiscal year as defined in the Welfare and Institutions Code; provided further, that notwithstanding any other provision of law, funds transferred from this item to the Health Care Deposit Fund by the State Controller shall not exceed the state's share, determined pursuant to a plan approved by the Director of Finance, of bills for services and administration approved for payment as certified by the Director of Health. Provided further, that upon the request of the Director of Health and the approval of the Director of Finance, funds may be advanced to the Health Care Deposit Fund only pursuant to the provisions of Section 16351 of the Government Code; provided further, that such additional amounts as may be determined by the Director of Finance as necessary to extend and administer medical assistance program benefits to eligible mentally retarded persons under the care of the Department of Health are hereby appropriated in augmentation of this item and shall be transferred to the Health Care	

Item		Amount
	Deposit Fund from the General Fund upon the certification of the Director of Finance. Provided further, that funds appropriated by this item for the Mediscreen Program shall be allocated and administered in conjunction with funds appropriated in Item 300(e) for the Child Health Disability Prevention Program. Provided further, that with the funds appropriated under this item up to $100,000 the Department of Health shall establish toll-free telephone lines in the Los Angeles and San Francisco Department of Health medical field offices. Provided further, that the Department of Health shall fund from funds appropriated in this item, a pilot project which provides day care services for the elderly as an alternative to institutional care in a nursing facility or intermediate care facility.	
298.1	—For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program fiscal intermediary services	20,698,800
	Schedule: (a) Fiscal intermediary services ..... 17,371,200 (b) Medi-Cal Management System; two-county prototype project 3,327,600	
298.2	—For transfer to the Health Care Deposit Fund to provide for state support of county administration of the Medical Assistance Program	44,500,000
	provided, that the amount authorized to be expended by this item shall fully cover the state's share of payments for county administering of the Medical Assistance Program for the 1974-75 fiscal year.	
298.3	—For transfer to the Health Care Deposit Fund to provide for increases in rates of payment for providers of services to the Medical Assistance Program to be allocated by the Director of the Department of Health	10,000,000
299	—For the cost of special social service programs for which federal grants-in-aid are made to the state; for rehabilitative and employment services; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoptions programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for the costs incurred by counties including the required matching funds, for in-home	

Item		Amount
	supportive services as provided by Section 12300 et seq. of the Welfare and Institutions Code; for the cost of local agency special training and statewide demonstration programs; for the cost of providing child development services pursuant to Division 12.5 (commencing with Section 16700) of the Education Code and Section 10813 of the Welfare and Institutions Code; and for the costs of community rehabilitation of mentally handicapped, Department of Health, Health Protection System	29,342,500
	Schedule:	
	(a) Child development services 62,935,256	
	(b) Child protection 3,479,785	
	(c) Regional centers 7,673,300	
	(d) Community rehabilitation 17,333,300	
	(e) Blind counselors..... 140,000	
	(f) CWEP evaluation and service centers 502,674	
	(g) Homemaker chore service 65,000,000	
	(h) Adoptions 12,698,750	
	(i) Assistance to counties without public adoption agencies 193,750	
	(j) Demonstration programs 200,000	
	(k) Other reimbursements and transfers.....–22,333,583	
	(*l*) Federal grants 118,480,732	
	provided that, upon order of the Department of Finance, funds may be transferred to the Department of Benefit Payments to match federal funds.	
300—For assistance to cities, counties and local public and private nonprofit agencies for health services, Department of Health, Health Financing System		42,127,655
	Schedule:	
	(a) Services to physically handicapped children in accordance with provisions of Sections 249 through 273 of the Health and Safety Code, Health Financing System ..... 24,754,444 provided, that the allocation of fund shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1974–75 within this amount.	
	(b) For maintenance of tuberculosis sanatoria in accordance with Section 3300 of the Health and Safety	

Item		Amount
	Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code, Health Protection System	312,153
	(c) Local health services in accordance with Section 1157 of the Health and Safety Code, Health Protection System	1,094,828
	(d) Local health agencies and districts in accordance with the provision of Chapter 8, Part 2, Division 1, of the Health and Safety Code, Health Protection System	10,551,936
	(e) Child Health Disability Program	9,362,000
	(f) For family planning services in accordance with Sections 10053.2 and 10053.3 of the Welfare and Institutions Code, Health Protection System	9,878,625
	(g) Other reimbursements	–471,570
	(h) Federal grants	–11,590,761
	(i) Family repayments	–1,764,000
300.1.—For assistance to the City of Pacific Grove for purchase of a four-man double-lock decompression chamber, Department of Health		25,000
301—For support of Department of Employment Development		15,029,572
	Schedule:	
	(a) Work Incentive Program as specified in the Unemployment Insurance Code beginning with Section 5000, for transfer by the State Controller to the Special Deposit Fund provided, that the State Controller shall transfer these funds only at such time as federal funds are deposited in the Special Deposit Fund and no transfer so made shall exceed fifteen (15) percent of the amount of federal funds so deposited.	7,162,373
	(b) Service Center Program as specified in the Unemployment Insurance Code beginning with Section 9000	3,284,594

Item		Amount
	provided, that positions funded out of Item 301(b) shall be based at service centers rather than at other employment offices operated by the department.	
(c)	Office of Economic Opportunity and, in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item. Subschedule: (1) Support..... 1,032,698 (2) Federal grants ..... -901,198 provided that no funds may be expended for Item 301(c) unless and until federal matching funds are available for the purpose of funding this office.	131,500
(d)	For payment to various local jurisdictions and state agencies for support of the Migrant Master Plan, in accordance with the federal government programs resulting from the Economic Opportunity Act.... Subschedule: (1) Support..... 1,820,118 (2) Federal grants ..... -1,290,820	529,298
(e)	Manpower planning, in accordance with Unemployment Insurance Code beginning with Section 10510 ..... provided that funds in Item 301(e) are appropriated for the support of the State Manpower Planning Council and are to be expended only until federal funds become available for that purpose.	112,320
(f)	California Job Creation Program Board, including transfer to the State Job Development Loan Guarantee Fund, in accordance with Section 14023 of the Corporations Code	2,876,187
(g)	Job agents outside the Service Center Program.....	933,300

Item			Amount
301.1—For support, Department of Employment Development, for transfer to and the augmentation of Item 22, Budget Act of 1974 upon executive authorization of the Department of Finance.....			72,000
301.2—For support of the Department of Employment Development to fund employment programs for Vietnam veterans pursuant to Chapter 122, Statutes of 1974; this item to be used in addition to the funding provided therein			250,000
302—For support Department of Employment Development, the sum of $316,555 is appropriated from the Classified School Employees Fund, in accordance with Section 822, Unemployment Insurance Code			(316,555)
303—For support of Department of Employment Development, payable from the Department of Employment Development Contingent Fund..... and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance.			1,952,697
304—For administration of unemployment compensation disability benefits, Department of Employment Development, the sum of $17,505,705 is appropriated from the Unemployment Compensation Disability Fund			(17,505,705)
305—For reimbursement of mandates related to human resources development programs in accordance with Section 2231(a), Revenue and Taxation Code of any new program or increased level of service of an existing program mandated by legislative action, State Controller ..... provided, allocations to the appropriate local jurisdictions shall be made by the Controller in accordance with the provisions of each bill which mandates additional cost and Section 2231(c), Revenue and Taxation Code.			156,000
306—For support of Department of Rehabilitation ..... Schedule:			7,540,769
(a) I. Vocational rehabilitation of the disabled		7,303,383	
	(1) Total program 64,997,419		
	(2) Other reimbursements ..... –2,538,332		
	(3) Federal grants .....–55,155,704		
(b) II. Nonrehabilitative services		127,267	

Item			Amount
	(1) Total program	636,333	
	(2) Federal grants	–509,066	
(c)	III. Development of private sector rehabilitation resources.....		110,119
	(1) Total program	2,589,802	
	(2) Federal grants	–2,479,683	
(d)	IV. (1) Departmental administration.....	4,688,707	
	(2) Amount chargeable to programs I through III	–4,688,707	

provided, that upon approval of the Director of Finance, the above programs may be augmented from other budget items in this act where funds have been budgeted for transfer to the Department of Rehabilitation for the programs contained in this budget item. Provided further, that such transfers shall enable the state to make maximum utilization of available federal funds.

307—For support of Department of Benefit Payments, together with any grants made available by the federal government for support of the Department of Benefit Payments during the 1974–75 fiscal year..... 12,047,678

Schedule:

(a)	Personal services	28,939,810
(b)	Operating expenses and equipment	10,187,324
(c)	Other reimbursements	–20,969,633
(d)	Federal grants	–6,109,823

provided, that any rule or regulation adopted by the Director of the State Department of Benefit Payments during the 1974–75 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.

308—For support of Department of Benefit Payments for contract services 1,210,930

Schedule:

(a)	Controllers office.....		371,727
	(1) Operating expenses and equipment	599,552	
	(2) Federal grants	–227,825	
(b)	Attorney General's office		295,721
	(1) Operating expense and equipment.....	476,969	

Item			Amount
	(2) Federal grants	-181,248	
(c)	Office of Administrative Hearings	543,482	
	(1) Operating expense and equipment.....	876,584	
	(2) Federal grants	-333,102	

309—For State Supplementary Program for Aged, Blind and Disabled (SSP), as provided by Sections 12000 to 12204, inclusive, of the Welfare and Institutions Code, Department of Benefit Payments.. 444,399,700
provided, that this appropriation is in addition to the county contribution required for this program as prescribed by Section 12400 of the Welfare and Institutions Code.

Provided further, that there is further appropriated for purpose of this item, subject to the review of the Director of Finance, such funds as are required to meet the terms of the contract between the State of California and the Secretary of Health, Education and Welfare relating to the State Supplementary Program for Aged, Blind and Disabled (SSP) The Director of Finance shall report to the Legislature within 15 days any such reviews of expenditure in excess of this appropriation. At such time as a report is made, the amount of this appropriation shall be increased by the amount of such excess unless or until otherwise provided by law.

310—For the cost of the state's share of special circumstances including unmet shelter needs and special needs, as specified in Sections 12550 and 12551 of the Welfare and Institutions Code; for costs of special benefits due to eligibility or special exemption granted by Sections 12152 and 12352 of the Welfare and Institutions Code; for cost of the state's share of attendant care providers, as specified in Section 12304 of the Welfare and Institutions Code, Department of Benefit Payments..... 8,296,300
Schedule:
(a) Special circumstances..... 7,708,700
(b) Special benefits 587,600
provided, that the funds appropriated by this item may be transferred to and in augmentation of Item 312.

311—For the cost of special programs for which federal grants-in-aid are made to the state for local agency training, demonstrations, and federal aid programs, Department of Benefit Payments 191,937

Item		Amount
	Schedule:	
	(a) Public welfare manpower 91,520	
	(b) Demonstration programs 563,523	
	(c) Federal Aid Programs 14,663,000	
	(d) Federal grants ..... –15,126,106	
	provided, that the funds appropriated by this item may be transferred to and in augmentation of Item 299.	
312—For the state's share of the nonfederal administrative costs of administering the payment of aid grants as provided by Section 42.5 of Chapter 578, Statutes of 1971, as amended by Chapter 1216, Statutes of 1973, and the cost of the Administration of the Supplementary Program for the Aged, Blind and Disabled (SSP), the cost of administration of emergency payments including uncollected loans, and food stamps as provided by Chapter 1216, Statutes of 1973, Department of Benefit Payments		54,470,600
	Schedule:	
	(a) AFDC administration 39,064,800	
	(b) APSB administration 18,000	
	(c) Administration of SSP programs .. 3,134,500	
	(d) Emergency payments 171,000	
	(e) Food stamp administration 12,082,300	
	provided, that the department may act in the place of any county and assume direct responsibility for the administration of eligibility and grant determination. Upon recommendation of the Director of Benefit Payments, the Director of Finance may authorize the transfer of funds to Item 307 for this purpose. Provided further, that no funds appropriated by this item shall be used to pay for additional county salary costs for persons employed as social workers who are performing eligibility technician functions.	
313—For support of Department of Corrections		159,091,943
	Schedule:	
	(a) I. Reception and diagnosis 2,254,664	
	(b) II. Institutional program 132,762,984	
	(c) III. Releasing authorities 1,908,394	
	(d) IV. Community correctional program 19,385,453	
	(e) V. Administration 5,413,644	
	(f) Federal reimbursements .... –41,063	
	(g) Other reimbursements ..... –2,592,133	

Item		Amount
	provided, that upon executive order of the Department of Finance, any portion of this item which reflects savings due to reduction of population may be transferred to and in augmentation of Item 324, Budget Act of 1974.	
313.1	—For community residential programs, Department of Corrections	600,000
313.2	—For contractual services, Department of Corrections	400,000
313.3	—To the Department of Corrections, in augmentation of Item 313, for the sole purpose of reducing correctional parole case loads to an average of 50 to 1	400,000
314	—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3000 et seq. of the Welfare and Institutions Code and 11190 et seq. of the Penal Code, in accordance with the provisions of Section 26749 of the Government Code	200,000
	provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	
315	—For expenses of transporting fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code	700,000
	provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller, and any restitution received by the state for such expenses be credited to the appropriation of the year in which the State Controller's receipt is issued.	
316	—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections	1,051,652

Item		Amount
provided, that claims filed payable under Section 6005 of the Penal Code may be paid by the Department of Corrections from funds appropriated by this item.		
Provided further, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such court costs and county charges were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.		
317—For support of Department of the Youth Authority		64,107,343
Schedule:		
(a) I. Community services	2,213,941	
(b) II. Rehabilitation services	64,720,764	
(c) III. Research	1,222,414	
(d) IV. Youth Authority Board	1,043,117	
(e) V. Administration undistributed	3,531,776	
(f) Federal reimbursements	-232,500	
(g) Other reimbursements	-7,764,784	
(h) Federal grants	-627,385	
provided, that upon executive order of the Department of Finance, any portion of this item which reflects savings due to reduction of population may be transferred to and in augmentation of Item 324, Budget Act of 1974.		
317.1—For community residential programs, Department of the Youth Authority		600,000
317.2—For contractual services, Department of the Youth Authority		400,000
317.3—For contractual services, Department of the Youth Authority		300,000
317.4—For county-based delinquency prevention pilot program, Department of the Youth Authority		400,000
provided, that no more than $200,000 of the funds appropriated by this item may be expended without specific further legislative authorization.		
318—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller		43,540

Item	Amount
319—For reimbursements to counties for maintenance of juvenile homes, ranches and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code	3,224,280
320—For reimbursements to counties for construction of juvenile homes, ranches and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code	400,000
321—For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority	243,577
322—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1752.5 of the Welfare and Institutions Code	33,300
323—For county delinquency prevention commissions and research and training grants, Department of the Youth Authority	200,000
provided, that grants for research and training in delinquency and crime prevention shall be allocated by the Director of the Youth Authority in accordance with Section 1752.6 of the Welfare and Institutions Code; provided further, that expenditure of these funds are contingent upon receipt of federal, local, or private agency funds to initiate the programs in an amount equal to, or greater than, allocations from this appropriation.	
324—For assistance to counties in their operation of special probation supervision programs, in accordance with Sections 1820 through 1827 of the Welfare and Institutions Code, Department of the Youth Authority	23,592,000
provided, that the amount payable to any county shall be limited to the amount of its entitlement which would be calculated on the basis of the reduced commitment rate achieved during the 1973–74 fiscal year.	
Provided further, that upon executive order of the Department of Finance, any portion of this item which is in excess of the actual reimburse-	

Item		Amount
	ment to the counties in the 1974–75 fiscal year may be transferred to and in augmentation of Items 313 and 317 to provide for unbudgeted population increase. Moneys appropriated by this item shall be available to reimburse counties for their expenditures for the cost of new or expanded special probation supervision programs established above the level of effort in probation supervision maintained by these counties during the 1965–66 fiscal year. Expenditures made under this item to reimburse counties for their cost of special probation supervision programs shall be charged to the year the warrant is issued by the State Controller.	
325	—For support of California Hospital Commission, payable from the California Hospital Commission Fund, in accordance with the provisions of Part 1.7 of the Health and Safety Code	651,163
326	—For support of California Hospital Commission acting as the State Advisory Board to be allocated by the Director of Finance for reimbursement of costs charged against the California Hospital Commission Fund.	25,000

EDUCATION

EDUCATION

327	—For payment of the state's share of the operating costs of the Educational Commission of the States and for necessary traveling expenses relating to participation, Department of Education	24,000
328	—For support of Department of Education, Superintendent of Public Instruction and State Board of Education	9,665,906
	Schedule:	
	(a) Personal services	18,818,874
	(b) Operating expenses and equipment	14,037,717
	(c) Minor capital outlay	102,500
	(d) Consolidated data center	350,000
	(e) Federal reimbursements	–1,365,189
	(f) Other reimbursements	–2,948,217
	(g) Federal grants	–19,010,281
	(h) Amount payable from State School Building Aid Fund (Item 329)	–319,498
	provided, that the funds appropriated in subitem (d) may be allocated by the Department of Edu-	

Item			Amount
	cation to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance, may transfer the unencumbered balance of subitem (d) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.		
328.1	—For the Department of Education to meet the state operations matching requirement provisions of the Federal Manpower Development and Training Act, 1962, as amended		80,000
328.2	—For support, Department of Education to publish and disseminate Volume III of the series "Education for the People" for the Joint Committee on Goals and Evaluation		76,000
329	—For support of Department of Education, the sum of $319,498 is appropriated from the State School Building Aid Fund		(319,498)
330	—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education		145,887
331	—For support of special schools, Department of Education		12,032,347
	and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
	Schedule:		
	(a) California School for the Blind	1,570,488	
	(1) Support	1,880,462	
	(2) Other reimbursements	–309,974	
	(b) Diagnostic School for Neurologically Handicapped Children, Northern California	1,012,680	
	(1) Support	1,070,660	
	(2) Other reimbursements	–57,980	
	(c) Diagnostic School for Neurologically Handicapped Children, Southern California	940,213	
	(1) Support	1,024,508	
	(2) Other reimbursements	–84,295	
	(d) California School for the Deaf, Berkeley	3,182,371	
	(1) Support	3,597,371	

Item		Amount
(2) Other reimbursements	–415,000	
(e) California School for the Deaf, Riverside		4,469,586
(1) Support	4,890,586	
(2) Other reimbursements	–421,000	
(f) Diagnostic School for Neurologically Handicapped Children, Central California		857,009
(1) Support	907,949	
(2) Other reimbursements	–50,940	

provided, that transfers between items in the above schedule cannot be made without the approval of the Department of Finance.

The new facilities to replace the Berkeley Schools for the Deaf and Blind shall: (1) provide initial facilities for the minimum instructional and residential population as follows: School for the Blind, 150; School for the Deaf, 500 with a master plan capacity at the School for the Deaf of 650 pupils. (2) be designed in accordance with the applicable State Allocation Board parameters for allowable area and cost for facilities for exceptional children.

331.1—For support of mentally gifted programs in public schools to be expended as hereinafter provided 4,200,000

The funds appropriated by this item from the General Fund for transfer by the State Controller to the State School Fund shall be apportioned and disbursed by the Superintendent of Public Instruction to eligible school districts to fund mentally gifted programs conducted pursuant to Article 14 (commencing with Section 6421) of Chapter 6 of Division 6 of the Education Code, provided that the apportionments made during the budget year pursuant to this item shall not exceed 3 percent of the units of average daily attendance of pupils during the preceding fiscal year credited to all kindergarten and grades 1 through 12 in all schools and classes maintained by school districts and county superintendents of schools.

Provided, that funds appropriated by this item may also be used for any increase in the 3-percent limit as is authorized by statute.

332—For support of State Educational Agency for Sur-

Item		Amount
	plus Property, the sum of $6,922,618 is appropriated from the Surplus Education Property Revolving Fund	(6,922,618)
	Schedule:	
	(a) Personal services 2,252,945	
	(b) Operating expenses and equipment 4,704,480	
	(c) Consolidated data center 37,136	
	(d) Other reimbursements –71,943	
	provided, that the funds appropriated in subitem (c) may be allocated by the Department of Education to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.	
333	—For support of Division of Libraries, Department of Education and Board of Library Examiners	2,467,248
	Schedule:	
	(a) Personal services 2,447,015	
	(b) Operating expenses and equipment 6,616,116	
	(c) Consolidated data center 58,025	
	(d) Other reimbursements –554,666	
	(e) Federal grants –6,099,242	
	provided, that the funds appropriated in subitem (c) may be allocated by the Department of Education to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 230, Budget Act of 1974.	
335	—For allocation, by executive order of the Director of Finance, to the Department of Education for Bilingual Education pursuant to legislation enacted for this purpose during the 1973–74 legislative session or for the purpose of programs established pursuant to Chapter 1258, Statutes of 1972	8,000,000
	provided that if such legislation is not enacted prior to July 1, 1974, a maximum of $164,000 of this appropriation may be used for Department of Education administrative costs. As part of the administration, the Department of Education shall devote at least the equivalent of one professional man-year in fiscal year 1974–75 to the evaluation of bilingual programs operating in California	

Item Amount

Provided that the Chapter 1258 requirement for an annual evaluation report of bilingual programs to the Legislature and the Governor also applies to the 1974–75 bilingual programs.

Provided further, that if such legislation is enacted in the 1973–74 legislative session, which provides for administrative costs, the unexpended portion of the $164,000 allocation shall revert to the General Fund.

335.1—For the Bilingual Teacher Development Grant Program, Department of Education 145,000
For allocation by the Department of Education to the State Scholarship and Loan Commission for expenditure pursuant to Section 5769 of the Education Code.

336—For Indian education, Department of Education, to carry out the purposes of Chapter 1052, Statutes of 1972 260,590

337—For instructional television programs, Department of Education, to be expended in accordance with the provisions of Section 18270 of the Education Code 840,000

338—For demonstration programs in reading and mathematics, the Research and Teacher Education Program, and the Professional Development Center Program, Department of Education, provided that the appropriation made by this item is limited to carrying out the provisions of Sections 6475 through 6476.2, Sections 6490 through 6498 and Sections 13355 through 13355.15 of the Education Code 4,363,000
Schedule:
(a) Demonstration program in reading and mathematics 3,045,000
(b) Research and teacher education program 568,000
(c) Professional development centers 750,000
provided, that the Department of Education may vary the funding levels of existing programs in the 1974–75 fiscal year if legislation altering the authorized programs is passed by the Legislature.

338.1—Department of Education, for grants to local districts for programs for educationally disadvantaged youth 6,500,000
provided that the Superintendent of Public Instruction shall allocate funds to local districts according to the following:

(1) He shall first ensure that no district is al-

Item		Amount
	located less than the amount received pursuant to Education Code Sections 6481–6486 during the 1973–74 fiscal year. (2) He shall then allocate funds to districts which did not receive funds pursuant to Education Code Section 6499.235 and who have more than 50,000 a.d.a. and whose factor calculated pursuant to Education Code Section 6499.232 is between 0.9 and 1. (3) He shall then utilize any remaining funds to increase the calculated entitlement of all districts eligible for funds pursuant to Education Code Section 6499.232. Provided further that all districts receiving funds pursuant to this item shall provide plans as required by the State Board of Education pursuant to Education Code Section 6499.235. It is the intent of the Legislature in providing funds pursuant to this item to maintain the commitment of the state to programs serving low-income students and to integrate all such programs insofar as possible into one funding source.	
338.3	—To Department of Education for the state's share of the cost of tutorial projects conducted under the provisions of Assembly Bill No. 2599 of the 1973–74 Regular Session	250,000
339	—To Department of Education for the purposes of the Early Childhood Education Program, in lieu of the appropriation in Chapter 1406, Statutes of 1972	40,000,000
339.1	—To Department of Education for special elementary school reading instruction program teachers Any funds which are not allocated to schools because they reduce their prior level of participation in the special reading program shall revert to the General Fund	17,605,425
340	—For bilingual reading aides, Department of Education, to be allocated by the Superintendent of Public Instruction to carry out the purposes of Chapter 5.8 (commencing with Section 5770) of Division 6 of the Education Code	243,000
341	—For child development programs, Department of Education, to be apportioned by the department in the manner provided by Chapter 5, Division 12 and Chapter 8.7, Division 6, of the Education Code, to school districts and other eligible agencies maintaining children's centers or child care	

Item		Amount
programs, pursuant to Section 6880 through 6880.50, and Section 16700 through 16783 of the Education Code		22,079,630
Schedule:		
(a) Children's centers	63,541,000	
(b) Development centers for handicapped minors	6,012,630	
(c) Federal reimbursements	–43,699,000	
(d) Other reimbursements	–3,775,000	
provided, that the Department of Finance may, by executive order, transfer funds scheduled in subdivisions (a) and (b) above, for and in augmentation of the amount scheduled in subdivision (a) of Item 299 of this act, for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248; and further provided, that all state and local funds for the children's centers, child care, and preschool programs and all federal funds for child care services generated by state and local in-kind matching funds shall be expended in meeting Public Law 90-248 requirements and in expanding needed services in children's centers, child care, and preschool programs.		
Provided further, that notwithstanding any other provisions of law, expenditures scheduled in subdivision (a) above, pertaining to county child care services in the amount of $18,353,256 shall be subject to the approval of the Director of Finance with concurrence by the Secretary, Health and Welfare Agency.		
341.1—For the State Preschool Program, Department of Education, to augment the appropriation made by Item 309.6(b) of the Budget Act of 1973, as added by Section 5 of Chapter 1005, Statutes of 1973 to maintain the 1973–74 program level		429,000
341.2—For children's centers, Department of Education, to augment Item 341(a) of this act to maintain the 1973–74 level of children's center programs funded by Chapter 670, Statutes of 1972 (AB 99)		2,000,000
341.3—Department of Education for Child Care Services		800,000
provided, that the Superintendent of Public Instruction shall, on an emergency basis, allocate such funds to local programs in 1974–75 which were operated through county contracts in 1973–74, provided further, that such funds shall be in		

Item		Amount
	augmentation of costs per child-hour allowed pursuant to Section 16780 of the Education Code; provided further, that such funds shall be allocated only to ensure that such programs have sufficient funding in 1974–75 to maintain the level of service provided by such programs in 1973–74 as reported by the contracts between such programs and the county welfare departments or the actual expenditures of such program as reported by county welfare departments; provided further, that prior to allocation of such funds the Superintendent of Public Instruction shall assure that the following stipulations have been complied with. (1) The county in which such program is operating has complied with Section 10.4 of this act. (2) The county in which such program is operating has allocated local funds for day care programs in 1974–75 at least equal to such allocation in the 1973–74 fiscal year.	
342—To Department of Education for the purposes of conservation education, payable from the California Environmental Protection Program Fund .... to be allocated by executive order of the Director of Finance, upon the approval by the Secretary of Resources and the Secretary of Business and Transportation of a Department of Education plan for the (1) generation of local funds from community participation groups for the purposes of acquiring a dollar-for-dollar match from this item, and (2) utilization of the California Environmental Protection Program Fund.		275,000
343—For assistance to public libraries, Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code.....		1,000,000
344—For vocational education programs in public school districts, conducted under the provisions of Section 6254 of the Education Code, Department of Education		50,000
Schedule: (a) Payments to public school districts 53,200,172 (b) Federal grants .... –53,150,172 provided, that $50,000 of the appropriation made by this item shall be expended solely for support of career guidance centers pursuant to the provisions of Chapter 1441, Statutes of 1972.		

Item			Amount
345—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System			135,000,000
346—For support of Commission for Teacher Preparation and Licensing, payable from the Teacher Credentials Fund			1,928,819
Schedule:			
(a) Personal services		1,397,233	
(b) Operating expenses and equipment		1,731,586	
(c) Federal reimbursements		-1,200,000	

HIGHER EDUCATION

347—For support of California Postsecondary Education Commission			953,854
Schedule:			
(a) Personal services		688,611	
(b) Operating expenses and equipment		323,868	
(c) Other reimbursements		-58,625	
provided that $59,000 of the amount appropriated by this item shall not be expended unless ACR 159 is approved by the Legislature			
348—For payment of the state's share of the operating costs of the Western Interstate Commission on Higher Education, Department of Finance			28,000
349—For support of University of California, exempt from Section 31 of this act			465,710,851

provided, that none of the funds appropriated by this item may be expended to initiate major capital outlay projects, either by contract or lease-purchase agreement, without prior legislative approval.

Provided further, that none of the funds appropriated by this act may be expended for any new medium or large scale computers which exceed 100,000 positions of primary core memory until systemwide computer policies and a university-wide master plan have been formally adopted by the university and submitted to the Joint Legislative Budget Committee and the Chairmen of the Senate Finance and Assembly Ways and Means Committees.

Item	Amount
349.1—For financing research and development of aquaculture within controlled systems, in the sea and inland fresh waters of California to expand food production potential from aquatic species, University of California, exempt from Section 31 of this act ..... provided, that this item shall be augmented from other items in this act for which appropriations have been made for price increases, salary increases and benefit increases.	334,000
349.2—For replacement of Hill-Rhodes Act federal funds reduction, University of California, exempt from Section 31 of this act ..... provided, that the funds appropriated in this item shall not be expended to the extent funds are appropriated in the federal budget to support such program during the 1974–75 fiscal year, and the unexpended balance appropriated in this item shall revert to the General Fund on July 1, 1975.	294,000
349.4—For support of University of California, exempt from Section 31 of this act ..... provided, that such funds are matched by the regents of the university from nonstate funds and such funds are utilized in cooperation with the Legislature, the Governor, office of the Legislative Analyst, Postsecondary Education Commission and the Joint Committee on Postsecondary Education to develop a system to utilize the research capabilities of the university to enhance the formulation of public policy.	100,000
349.5—To University of California for Media Community Service Project, exempt from Section 31 of this act	12,500
350—For replacement of federal fund reductions, University of California, exempt from Section 31 of this act ..... provided, that funds allocated by the university from this item shall be available for expenditure only to the extent that federal allocations to support such programs in 1974–75 are less than the total of 1973–74 federal allocations in the scheduled programs.	291,000
Schedule:	
(a) Bankhead-Jones Funds.....	91,000
(d) Research ship operations	200,000
351—For salary increases, to be allocated by the Department of Finance to the Regents of the University of California in augmentation of	

Item		Amount
	appropriations for support or for other purposes, chargeable to the General Fund, in such amount as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1973, in completion of the 1973–74 pay program by the Regents of the University of California, exempt from Section 31 of this act.....	8,052,200
352—For salary increases, to be allocated by the Department of Finance to the Regents of the University of California, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1974 for the 1974–75 fiscal year by the Regents of the University, exempt from Section 31 of this act.....		24,479,900
Schedule:		
(a) For increases in compensation for faculty and faculty-related positions.....	12,711,000	
(b) For increases in compensation for nonfaculty positions	11,404,000	
(c) Librarian inequity increase.....	364,900	
provided, that increases in compensation provided by increased salary ranges for positions established for the 1974–75 fiscal year shall not result in total annual salary increases including staff benefits, of more than $24,479,900.		
Before the Regents of the University of California establish any increased salary range or rate for the 1974–75 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.		
352.1—For allocation by executive order of the Department of Finance to the Regents of the University of California in augmentation of their appropriation for support or for other purposes chargeable to the General Fund in such amounts as will make sufficient money available to fund during the 1974–75 fiscal year, increases in benefits for certain University of California Retirement System nonfaculty retirees and the survivors thereof.....		191,167

Item		Amount
353	For financing the Extended University Pilot Program, exempt from Section 31 of this act, University of California ..... provided that this appropriation shall be available only when the university has designated an amount equal to 50 percent of the student fees derived from this pilot program to administrative costs of the Extended University Pilot Programs.	1,262,000
354	For support of University of California program of clinical health sciences education, research, and public service, conducted in conjunction with the Charles R. Drew Postgraduate Medical School, as provided for in Sections 1, 2 and 3 of Chapter 1140 of the Statutes of 1973, exempt from Section 31 of this act ..... provided, that the University of California in conjunction with the Charles R. Drew Postgraduate Medical School prepare a report identifying the actual and proposed uses of state funds for the 1973–74 and 1974–75 fiscal years identifying expenditures by program and differentiating between personal services, operating expenses and equipment, and such report shall be submitted to the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations by September 1, 1974.	1,680,000
354.1	For the planning of a University of California medical education program in the Fresno-San Joaquin Valley region in accordance with the recommendation of the Joint Committee on the Siting of Teaching Hospitals, exempt from Section 31 of this act	70,000
354.2	For the support of a University of California medical education program at its Berkeley Campus, provided funds have been first allocated to support Item 354.1, exempt from Section 31 of this act	267,000
354.3	For support of a University of California biomedical education program at its Riverside Campus, exempt from Section 31 of the act..... provided that funds have been first allocated to support Items 354.1 and 354.2 of this act; and provided further, that the following conditions are met prior to expenditure of funds provided by this item: (1) The University of California enters into an agreement with the San Bernardino County	86,200

Item		Amount
	Board of Supervisors for use of San Bernardino General Hospital in its biomedical education program, such agreement to be binding for at least five years.	
	(2) The university submits its proposal for a biomedical program on the Riverside Campus to the Commission on Postsecondary Education for its review and comment.	
355—For financing undergraduate teaching excellence, University of California ..... provided, that the money appropriated for expenditure in this item shall be available only when the board of regents adopts, publishes, and implements a universitywide plan which will substantially increase interest in and give special recognition to excellence of undergraduate instruction, exempt from Section 31 of this act.		1,000,000
356—For deferred maintenance projects, University of California, exempt from Section 31 of this act .... provided, that expenditures from this item shall be limited to items of deferred maintenance included on the priority list to be submitted by the university to the Joint Legislative Budget Committee; provided further, that no expenditures shall be made from this appropriation unless an equal contribution from the university is made from funds not appropriated in this act. The university shall not utilize educational fees for purpose of matching funds provided by this item.		500,000
357—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund		100,000
358—For support of Hastings College of Law ..... Schedule:		2,567,766
	(a) Personal services 2,658,172	
	(b) Operating expenses and equipment 1,632,470	
	(c) Federal reimbursements ..... –606,830	
	(d) Other reimbursements ..... –1,116,046	
359—For support of Trustees of the California State University and Colleges and the California State University and Colleges ..... Schedule:		441,083,497
	(a) Personal services 436,775,538	
	(b) Operating expenses and equipment 98,113,600	
	(c) Federal reimbursements .....–32,356,855	
	(d) Other reimbursements ....–61,448,786	

Item		Amount
	provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State University and Colleges subject to being reported to the Department of Finance.	
	And further provided, that no instructional faculty authorized in 1974–75 will be used for general administration, department chairmanships or noninstructional research.	
	Provided further, that any expenditures authorized by the Trustees of the California State University and Colleges which would require a materials and service fee level above $136 or comparable level for less than full-time students, shall be funded from the General Fund appropriation for this item.	
359.1	—For support California State University and Colleges, and the California State University and Colleges ..... provided that the trustees shall allocate such funds to reduce the student-faculty ratio funded in Item 359; and provided further, that the first priority for allocation of such funds shall be to avoid any layoffs or dismissal caused by a downturn in full-time equivalent students on any campus.	1,341,000
360	—For support of California State University and Colleges Academic Senate .... Schedule:	267,944
	(a) Personal services 40,364	
	(b) Operating expenses and equipment 227,580	
361	—For salary increases, to be allocated by the Department of Finance to the Trustees of the California State University and Colleges in augmentation of appropriations for support or for other purposes, chargeable to the General Fund, in such amount as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1973, in completion of the 1973–74 pay program by the Trustees of the California State University and Colleges.....	5,894,324
362	—For salary increases, to be allocated by the Department of Finance to the Trustees of the California State University and Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in com-	

Item		Amount
pensation provided for in any increased salary range or rate established on or after July 1, 1974 for the 1974–75 fiscal year by the Trustees of the California State University and Colleges		22,616,000
Schedule:		
(a) For increases in compensation for instructional and instructional-related positions	15,134,000	
(b) For increases in compensation for noninstructional positions	7,482,000	
provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1974–75 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $22,616,000.		
Before the Trustees of the California State University and Colleges establish any increased salary range or rate for the 1974–75 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State University and Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.		
363—For support of innovative projects, Trustees of the California State University and Colleges, in addition to and augmentation of Item 359		1,401,248
364—For support of the Educational Opportunity Program, Trustees of the California State University and Colleges, in addition to and augmentation of Item 359		5,727,176
Schedule:		
(a) Educational Opportunity Program student grants	3,903,324	
(b) Educational Opportunity Program administration and counseling	1,823,852	
provided, that upon order of the Department of Finance, the State Controller shall transfer funds between this item and Item 359 for purposes of administering the Educational Opportunity Program.		
365—For support of California Maritime Academy		1,322,031
Schedule:		
(a) Personal services	1,296,675	
(b) Operating expenses and equipment	667,830	
(bx) Minor capital outlay	57,000	

Item		Amount
(c) Federal reimbursements	-14,996	
(d) Other reimbursements	-438,278	
(e) Federal grants	-246,200	
366—For support of Board of Governors of the California Community Colleges		1,238,690
Schedule:		
(a) Personal services	1,830,040	
(b) Operating expenses and equipment	623,766	
(c) Federal reimbursements	-869,137	
(d) Other reimbursements	-345,979	
367—For community college extended opportunity programs, Board of Governors of the California Community Colleges, conducted under the provisions of Sections 25524 through 25528.7 of the Education Code		6,639,000
provided, that the board of governors shall allocate funds on a priority basis and only to local programs which demonstrate their effectiveness and which have the most pressing need for financial aid for students.		
368—For support of State Scholarship and Loan Commission		1,530,741
Schedule:		
(a) Personal services	987,942	
(b) Operating expenses and equipment	425,508	
(c) Consolidated data center	138,385	
(d) Amount payable from the State Guaranteed Loan Reserve Fund (Item 370)	-21,094	
provided, that the funds appropriated in subitem (c) may be allocated by the State Scholarship and Loan Commission to subitems (a) and (b) above and expended therefrom for electronic data processing.		
369—For scholarship awards under provisions of Sections 31201 through 31218 of the Education Code, for grant awards under provisions of Sections 31261 through 31267 of the Education Code, for graduate fellowship awards under provisions of Sections 31240 through 31251 of the Education Code, for grant awards under provisions of Sections 31295 through 31296.2 of the Education Code, and for scholarship awards under provisions of Section 4709 of the Labor Code, State Scholarship and Loan Commission		38,496,431

Item		Amount
	Schedule:	
	(a) Competitive scholarship program	32,490,967
	(b) College opportunity grant program	6,111,970
	(c) Fellowships for graduate study	1,000,000
	(d) Occupational training grant program	677,500
	(e) Dependents of Deceased or Disabled Peace Officers Program	15,000
	(f) Federal grants	-1,799,006
370	—For support of State Scholarship and Loan Commission, the sum of $21,094 is appropriated from the State Guaranteed Loan Reserve Fund	(21,094)
371	—For scholarship awards, payable from the Real Estate Fund in accordance with the criteria set forth in subdivision (c) of Section 10465.2 of the Business and Professions Code, State Scholarship and Loan Commission	5,000
	provided, that the initial earnings from the endowment established pursuant to subdivision (c) of Section 10465.2 of the Business and Professions Code not to exceed $5,000 are appropriated to the Real Estate Fund to restore the amount of awards made pursuant to this item during the 1974–75 fiscal year; provided further, that any additional earnings from the endowment shall be available for scholarships pursuant to subdivision (c) of Section 10465.2 of the Business and Professions Code.	

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

GENERAL GOVERNMENT

GENERAL ADMINISTRATION

UNALLOCATED

372	—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies..	150,000

Item		Amount
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.		
373—For increased cost of construction, in accordance with the provisions of Section 16352 of the Government Code, to be allocated by the Department of Finance, to the University of California and the Trustees of the California State University and Colleges, payable from the Capital Outlay Fund for Public Higher Education		10,000,000
AGRICULTURE AND SERVICES		
374—For capital outlay, Department of Food and Agriculture		1,029,450
Schedule:		
(a) Site preparation and construct chemistry laboratory—University of California, Davis Campus	717,900	
(b) Mount Shasta inspection station, construction	311,550	
375—For capital outlay, Department of General Services		1,680,500
Schedule:		
(a) Correct fire and life safety hazards —Agriculture Building and Annex	298,500	
(b) Install variable capacity chiller—central heating and cooling plant	558,000	
(c) Install additional boiler—central heating and cooling plant	540,000	
(d) Recaulk exterior of the Resources Building	84,000	
(e) Condensing water evaluation—central heating and cooling plant	50,000	
(f) Alterations to state buildings—statewide	150,000	
375.1—For capital outlay, Department of General Services, payable from revenues received by the State Lands Commission and allocated under the provisions of Section 6217 of the Public Resources Code except that this appropriation shall be allocated immediately prior to allocations made pursuant to subdivision (e) (The Capital Outlay Fund for Public Higher Education) of Section 6217, and after allocations made pursuant to subdivisions (a) through (d), inclusive, of that section		7,975,000

Item		Amount
Schedule:		
(a) Demolition of existing state office building and preliminary plans, working drawings, for new state building, Los Angeles	1,500,000	
(b) Purchase of State Compensation Insurance Fund Building, San Francisco	4,875,000	
(c) Preliminary plans, working drawings, new state office building, Sacramento	1,500,000	
(d) For working drawings, state building, San Jose	100,000	

provided, that no construction funds may be expended from (a) of this item until preliminary plans and working drawings have been approved by the Legislature; provided further that no funds may be expended from (b) of this item until a structural engineering report has been obtained on the State Compensation Insurance Fund building in San Francisco and such report indicates that the building meets the requirements of Title 21 (Field Act).

BUSINESS AND TRANSPORTATION

376—For capital outlay, Department of the California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund		3,725,085
Schedule:		
(a) Radio equipment and construction—statewide	1,179,900	
(b) Construction program planning	17,750	
(c) Construct office building—Marin —Golden Gate Bridge	388,400	
(d) Purchase leased facility—Santa Fe Springs	380,500	
(e) Purchase leased facility—Susanville	74,315	
(f) Purchase leased facility—Hanford	67,719	
(g) Upgrade Los Angeles communication center, phase II	40,000	
(h) Equipment upgrade, Los Angeles communication center	1,216,501	

Item		Amount
(i) Relocation of motor transportation facility from Los Angeles to Torrance and working drawings, alterations to existing communications building, Los Angeles	360,000	
377—For capital outlay, Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund		4,102,300
Schedule:		
(a) Construct office building and parking facilities—Oxnard	638,800	
(b) Construct office building and parking facilities—Placerville	376,000	
(c) Construct office building and parking facilities—North Metropolitan San Diego area	858,600	
(d) Construct office building and parking facilities—San Fernando	736,700	
(e) Construct office building and parking facilities—West Covina	970,700	
(f) Working drawings and construct additional parking—San Mateo	70,000	
(g) Project planning	31,500	
(h) Site requisition and working drawings—Simi Valley—Thousand Oaks field office	420,000	

RESOURCES

378—For capital outlay, Department of Conservation		2,324,225
Schedule:		
(a) Land acquisition—Konocti lookout	25,500	
(b) Land acquisition—Stirling City Forest Fire Station	9,000	
(c) Land acquisition—Corralitos Forest Fire Station	35,000	
(d) Land acquisition—San Jacinto Forest Fire Station	23,000	
(e) Land acquisition—San Bernardino ranger unit headquarters	45,000	
(f) Land acquisition—Yorba Linda Forest Fire Station	30,000	
(g) Land acquisition—statewide opportunity purchases	5,000	
(h) Construct Mattole Forest Fire Station	189,200	

Item		Amount
(i) Equip Mattole Forest Fire Station	6,630	
(j) Construct Coarsegold Forest Fire Station	281,670	
(k) Equip Coarsegold Forest Fire Station	2,775	
(*l*) Construct South Sierra headquarters office expansion	325,000	
(m) Equip South Sierra headquarters office expansion	6,700	
(n) Construct Tularcitos Forest Fire Station	157,390	
(o) Equip Tularcitos Forest Fire Station	5,100	
(p) Construct Almaden Forest Fire Station	201,050	
(q) Equip Almaden Forest Fire Station	4,985	
(r) Construct Beaumont Forest Fire Station	225,210	
(s) Equip Beaumont Forest Fire Station	5,550	
(t) Construct Ramona Forest Fire Station	213,110	
(u) Equip Ramona Forest Fire Station	3,295	
(v) Construct Yucaipa Forest Fire Station	232,740	
(w) Equip Yucaipa Forest Fire Station	5,830	
(x) Construct Davis nursery seed storage and testing building	115,800	
(y) Construct Mt. Bullion Youth Authority conservation camp office building	166,580	
(z) Equip Mt. Bullion Youth Authority conservation camp office building	3,110	
379—For capital outlay, Department of Fish and Game payable from the California Environmental Protection Program Fund		300,000
(1) Land acquisition—Sweet Springs Marsh Ecological Reserve		
(2) Land acquisition—Marble Hot Springs Ecological Reserve		
(3) Land acquisition—La Grange Bald Eagle Ecological Reserve		
(4) Land acquisition—Macklin Creek Native Fish Ecological Reserve		

Item — Amount

(5) Land acquisition—Morro Bay Native Plant and Animal Ecological Reserve
(6) Land acquisition—Fish Slough Ecological Reserve addition
(7) Land acquisition—Homes Ranch Ecological Reserve
(8) Land acquisition—Manila Dunes Ecological Reserve
(9) Land acquisition—Skedaddle Springs Ecological Reserve
(10) Land acquisition—Pismo Lake Ecological Reserve

379.5—For acquisition of coastal wildlife areas and adjacent lands of Tomales Bay in Marin County, Wildlife Conservation Board, payable from the Bagley Conservation Fund 139,433

380—For capital outlay, Department of Navigation and Ocean Development, the sum of $20,000 is appropriated from the Harbor and Watercraft Revolving Fund ..... (20,000)
Schedule:
(a) Preliminary planning, statewide .. 20,000
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future years.

381—For capital outlay, Department of Parks and Recreation, Hearst San Simeon State Historical Monument, payable from funds accumulated under the provisions of Item 257, Budget Act of 1969; Item 214, Budget Act of 1970; Item 208, Budget Act of 1971; Item 212, Budget Act of 1972 and Item 348, Budget Act of 1973 315,000

381.1—For land acquisition, Department of Parks and Recreation 1,300,000
Schedule:
(a) Gold Run land, acquisition 1,300,000

381.2—For capital outlay, Department of Parks and Recreation, to provide for stabilization and restoration of the Hanlon-Fisher House at Benicia State Park and for repairs to the parking area resulting from winter storms at the same facility 198,000
Schedule:
(a) Hanlon-Fisher House development 150,000
(b) Benicia State Park, storm repairs 48,000

381.3—For acquisition of 116.349 acres of beach prop-

Item		Amount
erty, including Fort Funston, in the City and County of San Francisco, Department of Parks and Recreation		1,100,000
provided, that the City and County of San Francisco shall report to the Chairman of the Joint Legislative Budget Committee no later than June 30, 1975, on its efforts to include this property in the Golden Gate National Recreational Area.		
381.5—For capital outlay, Department of General Services, payable from revenues received by the State Lands Commission and allocated under the provisions of Section 6217 of the Public Resources Code except that this appropriation shall be allocated immediately prior to allocations made pursuant to subdivision (e) (The Capital Outlay Fund for Public Higher Education) of Section 6217, and after allocations made pursuant to subdivisions (a) through (d), inclusive, of that section		110,000
Schedule:		
(a) Corte Madera Marsh, Marin County, acquisition	110,000	
381.6—For capital outlay, Department of General Services, payable from revenues received by the State Lands Commission and allocated under the provisions of Section 6217 of the Public Resources Code except that this appropriation shall be allocated immediately prior to allocations made pursuant to subdivision (e) (The Capital Outlay Fund for Public Higher Education) of Section 6217, and after allocations made pursuant to subdivisions (a) through (d), inclusive, of that section		150,000
Schedule:		
(a) Old Pacific Ocean Park, Los Angeles County, demolition	150,000	
381.7—For capital outlay, Department of Parks and Recreation, for development at Plumas-Eureka State Park		150,000
382—For capital outlay, Department of Parks and Recreation payable from the State Park Contingent Fund		-0-
Schedule:		
(a) Humboldt Redwoods State Park, land acquisition	357,000	
(b) Santa Monica Mountains, land acquisition	1,326,000	
(c) Ward Creek, land acquisition	500,000	
(d) Castle Rock, land acquisition	30,000	
(e) Big Basin, land acquisition	70,000	

Item		Amount
(f) Torrey Pines, land acquisition	70,000	
(g) Reimbursements from the Federal Land and Water Conservation Fund	–2,353,000	
382.1—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund		– 0 –
Schedule:		
(a) Humboldt Redwoods State Park, land acquisition	135,000	
(b) Reimbursement from the Save-the-Redwoods League	–135,000	
382.2—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund		– 0 –
Schedule:		
(a) Anza Borrego State Park, land acquisition	30,000	
(b) Reimbursement from Anza Borrego Committee.....	–30,000	
383—For capital outlay, Department of Parks and Recreation, subject to the approval of the State Public Works Board, payable from the Bagley Conservation Fund, notwithstanding the provisions of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session		2,138,585
Schedule:		
(a) Bolsa Chica State Beach, for development.....	367,760	
(b) Project planning	120,000	
(c) Acquisition costs	65,000	
(d) Minor projects	1,445,825	
(e) Sonoma State Historic Park, working drawings for barracks restoration and archaeological investigation	90,000	
(f) MacKerricher State Park, for development	50,000	
383.1—Department of Parks and Recreation, capital outlay for recreational development on wharf system, City and County of San Francisco, payable from the California Environmental Protection Program Fund		54,450
Schedule:		
(a) Construct improvement at wharf J-3 observation area, San Francisco	22,385	
(b) Construct improvements at Warm Water Cove, San Francisco.....	32,065	

Item		Amount
383.3—For capital outlay, Department of Parks and Recreation, pursuant to the provisions of Chapter 265, Statutes of 1974, payable from the General Fund		875,000
Schedule:		
(a) Sonoma Coast State Beach, land acquisition	600,000	
(b) Mendocino Headlands, land acquisition	75,000	
(c) McKerricher Beach State Park, land acquisition	200,000	
383.5—For capital outlay, Department of Parks and Recreation, payable from the Bagley Conservation Fund from funds appropriated hereby to such fund from revenues received by the State Lands Commission and allocated under the provisions of Section 6217 of the Public Resources Code except that such appropriation to the Bagley Conservation Fund shall be allocated thereto immediately prior to allocations made pursuant to subdivision (e) (the Capital Outlay Fund for Public Higher Education) of Section 6217, and after allocation made pursuant to subdivision (a) through (i), inclusive, of that section		28,670,000
provided, that no funds appropriated by this item to the Bagley Conservation Fund shall be expended therefrom unless and until reappropriated for a specific project or projects.		
384—For land, easements and rights-of-way, including but not limited to, borrow pit, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1 and Sections 12570 through 12875 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto, to the Department of		

Item			Amount
	Water Resources		3,163,000
	Schedule:		
	(a) Sacramento River and tributaries flood control project	165,000	
	(b) Fairfield flood control project	1,000,000	
	(c) Chester, North Fork Feather River flood control project	558,000	
	(d) San Joaquin River and tributaries flood control project	11,000	
	(e) Fresno River flood control project	15,000	
	(f) Chowchilla River flood control project	14,000	
	(g) Sacramento River bank protection project	1,400,000	
	notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1974–75 fiscal year; and provided further, that this item shall be exempt from the provisions of Section 7 of this act.		
385	For capital outlay, Department of Water Resources		290,000
	Schedule:		
	(a) Construct Sutter bypass bridges	180,000	
	(b) Construct improvements to Sutter maintenance building	110,000	

HEALTH AND WELFARE

386	For capital outlay, Department of Health		8,152,628
	Schedule:		
	(a) Improvements to primary electrical system—Atascadero State Hospital	276,100	
	(b) Improvements to electrical distribution system—Napa State Hospital	110,000	
	(c) Sewage interceptor—Napa State Hospital	112,000	
	(d) Improvements to electrical distribution system—Stockton State Hospital	244,300	
	(e) Air condition wards buildings—Phase II—Stockton State Hospital	639,600	
	(f) Install ward service elevators in buildings 51 and 52—Agnews State Hospital	383,200	

Item		Amount
(g) Planning and working drawings, office space to laboratory space—public health building, Berkeley..	25,000	
(h) Improvement for correction of fire and safety hazards—statewide	2,546,300	
(i) Pacific State Hospital, in augmentation of Item 353(e), Budget Act of 1973	3,816,128	
387—For capital outlay, Department of Corrections....		215,500
Schedule:		
Folsom State Prison:		
(a) Reroof building No. 1	125,500	
California Men's Colony:		
(b) Construct water system booster ..	85,000	
California Institution for Women:		
(c) Preliminary planning for chapel..	5,000	
387.1—For capital outlay, Department of Corrections, payable from revenues received by the State Lands Commission and allocated under the provisions of Section 6217 of the Public Resources Code except that this appropriation shall be allocated immediately prior to allocations made pursuant to subdivision (e) (the Capital Outlay Fund for Public Higher Education) of Section 6217, and after allocations made pursuant to subdivisions (a) through (d) inclusive, of that section		682,000
Schedule:		
Statewide:		
(a) Alterations, security modifications and related work, California Institute for Women, Frontera	440,000	
(b) Alterations, security modifications and related work, California Conservation Center, Susanville	242,000	
388—For capital outlay, Department of the Youth Authority		100,000
Schedule:		
Preston School of Industry:		
(a) Construct water and sewer improvements	80,000	
(b) Planning and working drawings for improvements to water system	20,000	

Item		Amount
	EDUCATION	
389—For capital outlay, Department of Education, payable from the Capital Outlay Fund for Public Higher Education, notwithstanding the provisions of Section 22510 and 22512 of the Education Code Schedule:		19,942,000
	Schools for the Blind, Deaf and Multihandicapped:	
	(a) Working drawings, construct and equip	19,942,000
provided, that planning and providing facilities for these schools, shall maintain the integrity of their separate educational programs while promoting any capital and operational economies which are administratively or operationally practical and educationally sound in the joint or mutual use of such facilities as maintenance, utilities, health services, food preparation, purchasing, and storage.		
Provided further, that the new facilities to replace the Berkeley Schools for the Deaf and Blind shall: (1) provide initial facilities for the minimum instructional and residential population as follows: School for the Blind, 150; School for the Deaf, 500 with a master plan capacity at the School for the Deaf of 650 pupils. (2) be designed in accordance with the applicable State Allocation Board parameters for allowable area and cost for facilities for exceptional children.		
389.1—To the Department of Education for grants to public educational television stations for the purpose of establishing a microwave television link between San Francisco and Sacramento		145,196

Item		Amount
	HIGHER EDUCATION	
390—For capital outlay, University of California, subject to the approval of the State Public Works Board, to be allocated by executive order of the Department of Finance upon agreement by the Department of Finance and the University of California as to the proper scope and estimate of cost of each project in this item, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education; provided that withdrawals shall be as required to meet current obligations as certified by the University of California		10,514,000
Schedule:		
Santa Barbara Campus:		
(a) Construct library additions	6,100,000	
(b) Working drawings, library alterations	72,000	
San Francisco:		
(c) Working drawings and construct replacement facilities for U.C. Hospital inpatient care areas, part of Moffitt Hospital modernization	500,000	
(d) Construct Moffitt Hospital modernization, new service facilities and related alterations, Chapter 1130, Statutes of 1972, (SB 519) deficiencies	2,953,000	
Los Angeles Campus:		
(e) Working drawings, construction, exterior lighting	200,000	
(f) Working drawings, construction, fuel storage for heating plant	295,000	
Davis Campus:		
(g) Working drawings, construction, relocation of vegetable crops headquarters	336,000	
San Diego Campus:		
(h) Equip fourth college	58,000	
391—For capital outlay, University of California, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education (Chapter 1, Statutes of 1971,		

Item			Amount
	First Extraordinary Session), provided that withdrawals shall be as required to meet current obligations as certified by the University of California		1,197,000
	Schedule:		
	Universitywide:		
	(1) Preliminary plans, general campuses	400,000	
	Riverside Campus:		
	(2) Working drawings and construct steam plant automation, steps 1 and 2	530,000	
	San Diego Campus:		
	(3) Working drawings and construct utilities and site development, 1974–75	167,000	
	Hastings College of Law:		
	(4) Program planning for academic/facilities in San Francisco	100,000	
392	—For capital outlay, University of California, minor improvement projects, payable from the Capital Outlay Fund for Public Higher Education (Chapter 1, Statutes of 1971, First Extraordinary Session)		5,000,000
393	—For capital outlay, University of California, subject to the approval of the State Public Works Board, to be allocated by executive order of the Department of Finance upon agreement by the Department of Finance, the Chairman of the Joint Legislative Budget Committee or his designee, and the University of California as to the proper scope and estimate of cost of each project in this item, to include preliminary plans, working drawings, and construct alterations to correct earthquake, fire and life safety hazards in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education (Chapter 1, Statutes of 1971, First Extraordinary Session); provided that withdrawals shall be as required to meet current obligations as certified by the University of California		10,000,000
	Schedule:		
	Universitywide:		
	(1) Life safety and seismic studies		
	(2) Preliminary planning		

Item	Amount
Berkeley Campus:	
(3) Life sciences building, correct seismic deficiencies	
(4) Wheeler Hall, correct seismic deficiencies	
(5) Nonstructural changes, correct seismic deficiencies	
(6) Campus buildings, group 1, fire protection	
Davis Campus:	
(7) Correct seismic deficiencies, 1974–75	
(8) East Hall renovation	
(9) Alterations for the handicapped	
Irvine Campus:	
(10) Campus buildings, correct life safety deficiencies	
Los Angeles Campus:	
(11) Kinsey Hall, life safety and rehabilitation	
(12) Health Sciences Center, correct safety deficiencies	
San Diego Campus:	
(13) University Hospital of San Diego County, step 1, correct life safety deficiencies	
(14) General campus, step 1, correct life safety deficiencies	
San Francisco Campus:	
(15) Old Clinics Building, correct seismic deficiencies	
(16) Moffitt Hospital, fire protection 1974–75	
(17) Temporary office buildings, fire protection 1974–75	
Santa Barbara Campus:	
(18) Various buildings, correct seismic deficiencies	
(19) Cambell Hall, correct seismic deficiencies	
(20) North Hall, correct seismic deficiencies	

Item			Amount
394—For capital outlay, the Regents of the University of California, subject to the approval of the State Public Works Board, shall allocate the cash income received from the educational fee and designated by the Regents for capital outlay purposes for expenditures as set forth in the following schedule			(15,513,000)
Schedule:			
	Universitywide:		
(1)	General planning studies	500,000	
	San Diego Campus:		
(2)	Equip humanities building	314,000	
	Riverside Campus:		
(3)	Equip Webber Hall addition	619,000	
	Davis Campus:		
(4)	Equip academic office building 4	59,000	
	Santa Barbara Campus:		
(5)	Equip learning resources center	917,000	
	Berkeley Campus:		
(6)	Equip alterations, 1972–73	32,000	
	Irvine Campus:		
(7)	Equip library alterations	200,000	
	Santa Cruz Campus:		
(8)	Equip fire station	35,000	
	Los Angeles Campus:		
(9)	Equip service yard expansion	27,000	
	San Diego Marine Sciences (Scripps):		
(10)	Equip marine biology instruction & research building	142,000	
	San Diego Campus:		
(11)	Equip third college academic unit 1	425,000	
(12)	Construct third college utilities, 1974–75	1,847,000	
(12.5)	Preliminary plans third college academic unit 2	120,000	

Item	Amount
Irvine Campus:	
(13) Construct sewage disposal facilities	102,000
(13.5) Working drawings, lecture hall	35,000
Santa Cruz Campus:	
(14) Working drawings and construct utilities and site development, 1974–75	532,000
Davis Campus:	
(15) Working drawings and construct utilities and site development, 1974–75	222,000
Irvine Campus:	
(16) Working drawings and construct utilities and site development, 1974–75	230,000
Santa Barbara Campus:	
(17) Working drawings and construct utilities and site development, 1974–75	289,000
Los Angeles Campus:	
(18) Working drawings and construct fuel storage facility	321,000
Berkeley Campus:	
(19) Working drawings and construct alterations, 1974–75	592,000
Davis Campus:	
(20) Working drawings and construct King Hall basement development	445,000
Santa Barbara Campus:	
(21) Working drawings and construct alterations related to engineering	532,000
Los Angeles Campus:	
(22) Working drawings and construct campus storehouse building conversion	999,000

Item		Amount
	San Diego Campus:	
	(23) Working drawings and construct Matthews alterations for changed occupancy	112,000
	Riverside Campus:	
	(24) Construct alterations, 1973–74, Step 2	432,000
	Davis Campus:	
	(25) Construct fire and police station	1,455,000
	San Diego Marine Sciences (Scripps):	
	(26) Construct library building.....	2,678,000
	Santa Cruz Campus:	
	(27) Construct and equip physical activities facilities	1,300,000
	notwithstanding the provisions of Section 2.2 of this act, the equipment items in this item shall be available for expenditure only during the 1974–75 and 1975–76 fiscal years.	
395	—For capital outlay, Trustees of the California State University and Colleges, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education; provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State University and Colleges	23,719,000
	Schedule:	
	San Diego State University:	
	(1) Construct art building	3,462,000
	(1.5) Construct humanities classroom building 1.....	4,848,000
	State College, Bakersfield:	
	(2) Construct science building II.....	3,173,000
	State University, Long Beach:	
	(3) Construct industrial technology building	3,870,000
	State University, Humboldt:	
	(4) Land acquisition, Redwood Manor	435,000
	State College, Sonoma:	
	(5) Construct arts building	2,688,000
	(6) Theater arts building	109,000

Item		Amount
	State College, San Bernardino:	
(7)	Construct arts building	2,720,000
	State College, Bakersfield:	
(8)	Plans and working drawings, arts building	153,000
	Polytechnic State University, San Luis Obispo:	
(9)	Preliminary plans, working drawings, life sciences building.....	316,000
	State University, Chico	
(10)	Construct, modernize administration building	1,438,000
(11)	Construction for converting old library to faculty offices.....	166,000
(12)	Construction for modernizing the auditorium building.....	341,000
395.5—For capital outlay, Trustees of the California University and Colleges; payable from the Capital Outlay Fund for Public Higher Education, reimbursed by federal grants		-0-
Schedule:		
	State University, Hayward:	
(1)	Equip speech drama building	103,000
	State University, Long Beach:	
(2)	Preliminary plans and working drawings for science building addition.....	217,000
	State University, Fullerton:	
(3)	Preliminary plans and working drawings for art building.....	136,000
	State University, Sacramento:	
(4)	Preliminary plans and working drawings for classroom office building	266,000
(5)	Working drawings, construct and equip science building conversion II	167,000
(6)	Construct existing library conversions.....	120,000

Item		Amount
	State Polytechnic University, Pomona:	
	(7) Working drawings and construct, site development 1974 206,000	
	State University, San Diego:	
	(8) Working drawings and construct, utilities 1974 108,000	
	State University, San Bernardino:	
	(9) Working drawings and construct, site development 1974 200,000	
	State University, Chico:	
	(10) Preliminary plans and working drawings for education-psychology building II 122,000	
	(11) Federal reimbursement ..... –1,645,000	
	provided that the projects funded in this item shall proceed in priority order as indicated in the schedule, unless the State Public Works Board receives and approves written justification from the chancellor's office, for any need to deviate from the priority order.	
396	—For capital outlay, Trustees of the California State University and Colleges, minor projects to be allocated to the state university and colleges, payable from the Capital Outlay Fund for Public Higher Education, Chapter 1, Statutes of 1971 (First Extraordinary Session)	4,000,000
397	—For capital outlay, Trustees of the California State University and Colleges, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, Chapter 1, Statutes of 1971 (First Extraordinary Session); provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State University and Colleges	18,307,000
	Schedule:	
	San Jose State University:	
	(1) Construct home economics building rehabilitation 1,300,000	
	State University, Chico:	
	(2) Construction for converting old library for faculty offices 712,000	
	(3) Construction for modernizing the auditorium building 821,000	

Item		Amount
	San Diego State University:	
(4)	Construction and equipment for little theater rehabilitation	225,000
(5)	Preliminary plans and working drawings for life sciences rehabilitation	26,000
	Polytechnic State University, San Luis Obispo:	
(6)	Preliminary plans and working drawings for Crandall gym and natatorium rehabilitation	20,000
	San Jose State University:	
(7)	Preliminary plans and working drawings for old science rehabilitation for psychology	152,000
	Statewide: Trustees of the California State University and Colleges:	
(8)	Project planning for the 1975–76 fiscal year	100,000
(9)	Campus master planning	205,000
	State College, Dominguez Hills:	
(10)	Construct utilities 1973	526,000
	State College, Sonoma:	
(11)	Construct boiler plant addition	340,000
	State College, Bakersfield:	
(12)	Preliminary plans and working drawings for central plant III	37,000
(13)	Equip classroom office building I	229,000
(14)	Equip initial library addition	134,000
(15)	Equip initial physical education facility	46,000
	State College, Dominguez Hills:	
(16)	Equip conversion of initial buildings	115,000
	State University, Fresno:	
(17)	Equip industrial arts building	440,000
(18)	Equip engineering building	400,000

Item		Amount
	State University, Sacramento:	
(19)	Equip science building conversion	70,000
	Polytechnic State University, San Luis Obispo:	
(20)	Equip engineering west addition	159,000
	State College, Stanislaus:	
(21)	Equip scene shop	11,000
(22)	Equip cafeteria	103,000
	State University, Chico:	
(23)	Equip library	450,000
	State College, Dominguez Hills:	
(24)	Equip natural science building	185,000
	State University, Los Angeles:	
(25)	Equip physical science building	500,000
	State University, Northridge:	
(26)	Equip library building	164,000
	State University, Sacramento:	
(27)	Equip library building	500,000
	San Francisco State University:	
(28)	Equip life science building	250,000
(29)	Equip physical science building	400,000
	San Jose State University:	
(30)	Equip science building 2, Phase II	500,000
	State University, Sacramento:	
(31)	Construct existing library conversion	1,412,000
	State University, Long Beach:	
(32)	Working drawings for science building conversion	8,000
	State University, Long Beach.	
(35)	Preliminary plans and working drawings for old administration building conversion	68,000

Item	Amount
State University, Los Angeles:	
(36) Preliminary plans and working drawings for biological science building conversion	25,000
State Polytechnic University, Pomona:	
(37) Working drawings and construct air condition of engineering building	83,000
Statewide—Trustees of the California State University and Colleges:	
(38) Preliminary plans, working drawings, and construction for removal of architectural barriers for the handicapped	1,000,000
San Francisco State University:	
(39) Working drawings and construct utilities 1974	329,000
San Jose State University:	
(41) Working drawings and construct utilities 1974	275,000
State College, Bakersfield:	
(42) Construct utilities and site development 1973	158,000
State College, Sonoma:	
(44) Construct site development 1974	736,000
State University, Los Angeles:	
(45) Working drawings for site development 1975	195,000
State College, Dominguez Hills:	
(47) Construct outdoor physical education facility	410,000
State College, Bakersfield:	
(48) Construct initial cafeteria	1,880,000
State College, Dominguez Hills:	
(49) Preliminary plans and working drawings for physical education facility	198,000

Item		Amount
	State College, Stanislaus:	
	(50) Preliminary plans and working drawings for physical education facility	117,000
	State College, Bakersfield:	
	(51) Preliminary plans and working drawings for outdoor physical education facility II	41,000
	San Diego State University:	
	(52) Construct art building	2,252,000
	notwithstanding the provisions of Section 2.2 of this act, the equipment items in this item shall be available for expenditure only during the 1974–75 and 1975–76 fiscal years.	
398	—For capital outlay, California Maritime Academy, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, notwithstanding the provisions of Sections 22510 and 22512 of the Education Code	6,196,000
	Schedule:	
	(a) Preliminary plans, working drawings, construct, and equipment of new facilities for the California Maritime Academy	6,196,000

COMMUNITY COLLEGE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.4. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years for expenditure only for the programs which have been approved pursuant to the provisions of Chapter 1550, Statutes of 1967 (Community College Construction Act of 1967), and contemplated by the Community College Construction Program Bond Act of 1972. All such appropriations shall be paid out of the State Construction Program Fund.

399—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to the community college districts for expenditure by said community college districts, as set forth in the schedule below, payable from the State

Item		Amount
Construction Program Fund		45,587,618
Schedule:		
Solano Community College District, Solano College:		
(1) Working drawings and construct central heating plant addition	176,400	
San Jose Community College District, Evergreen Valley College:		
(2) Working drawings and construct offsite utilities	89,500	
Citrus Community College District, Citrus College:		
(3) Working drawings and construct campus utility—east campus	74,800	
Los Angeles Community College District, West Los Angeles College:		
(4) Construct utilities and site development	202,600	
Santa Barbara Community College District, Santa Barbara City College:		
(5) Working drawings for site development, phase I	13,900	
Cabrillo Community College District, Cabrillo College:		
(6) Construct site development and utilities, phase I	108,800	
Grossmont Community College District, Monte Vista Campus:		
(7) Construct offsite development	25,900	
(8) Construct site development, phase I	887,100	
(9) Working drawings for powerplant and maintenance facilities	11,100	
West Valley Joint Community College District, Mission Campus:		
(10) Construct offsite development	67,300	
(11) Construct site development and utilities, phase I	298,000	

Item		Amount
	Marin Community College District, Indian Valley Colleges:	
(12)	Equip power plant and corporation yard	18,800
	Saddleback Community College District, Saddleback College.	
(13)	Equip central utilities building	22,500
	San Jose Community College District, Evergreen Valley College:	
(14)	Equip central utilities building	10,400
	Rancho Santiago Community College District, Santa Ana College:	
(15)	Equip social science-language arts building	101,300
	Sweetwater Community College District, Southwestern College:	
(16)	Equip science buildings	53,700
(17)	Equip human services buildings	76,300
	San Luis Obispo County Community College District, Cuesta College:	
(18)	Equip auto mechanics and welding technology building	64,700
(19)	Equip business education, engineering and mathematics building	51,000
	Kern Community College District, Bakersfield College:	
(20)	Equip downtown center remodeling	101,300
	Marin Community College District, Indian Valley Colleges:	
(21)	Equip inner College "A".	101,300
(22)	Equip multidiscipline classroom laboratory building	94,700
	Coast Community College District, Orange Coast College·	
(23)	Equip lecture hall and art building additions	84,100

Item	Amount
Ventura County Community College District, Moorpark College:	
(24) Equip social science and humanities classroom building	87,000
Ventura College:	
(25) Equip classroom building	40,600
San Diego Community College District, San Diego City College:	
(26) Equip math science building, phase I	85,300
Santa Clarita Community College District, College of the Canyons:	
(27) Equip vocational technology building	184,200
Los Rios Community College District, Cosumnes River College:	
(28) Equip classroom building	160,800
San Jose Community College District, Evergreen Valley College:	
(29) Equip science and humanities building	164,600
(30) Equip administration and multidiscipline classroom and laboratory building	340,800
Coast Community College District, Golden West College:	
(31) Equip mathematics and science addition No. 2	146,800
Cerritos Community College District, Cerritos College:	
(32) Equip health science paramedical building	187,000
Lassen Community College District, Lassen College:	
(33) Equip science building	150,400
Los Rios Community College District, American River College:	
(34) Equip electronics, auto mechanics and welding additions	173,000

Item		Amount
	Sacramento City College:	
(35)	Equip classroom and administration building, phase I and II.....	230,400
	Fremont-Newark Community College District, Ohlone College:	
(36)	Equip multidiscipline classroom building	58,500
	Butte Community College District, Butte College:	
(37)	Equip business, police science and home economics building.....	36,000
	Redwoods Community College District, College of the Redwoods:	
(38)	Equip allied health occupation vocational technology building	227,500
	San Joaquin Delta Community College District, San Joaquin Delta College:	
(39)	Equip business, health science, and drama building.....	179,200
(40)	Equip physical education, classroom, and laboratory building.....	94,800
	Sierra Joint Community College District, Sierra College:	
(41)	Equip library building addition and alterations	45,700
	West Valley Joint Community College District, Saratoga Campus:	
(42)	Equip library and audiovisual building	111,300
	Yuba Community College District, Yuba College:	
(43)	Equip library building	116,600
	Coast Community College District, Golden West College:	
(44)	Equip library and audiovisual addition No. 3	128,800
	San Jose Community College District, Evergreen Valley College:	

Item		Amount
(45) Initial complement of library books		93,300
Peralta Community College District, Merritt College:		
(46) Equip library building		100,400
Marin Community College District, Indian Valley Colleges:		
(47) Initial complement of library books		129,500
Sweetwater Community College District, Southwestern College:		
(48) Equip music arts buildings		92,400
Marin Community College District, Indian Valley Colleges:		
(49) Equip administration buildings		29,800
State Center Community College District, Fresno City College:		
(50) Equip business education building		73,100
(51) Equip student services building		30,300
Coast Community College District, Golden West College:		
(52) Equip music addition No. 1		37,300
Saddleback Community College District, Saddleback College:		
(53) Equip music arts building		145,900
Los Rios Community College District, American River College:		
(54) Equip administration addition and alterations		35,100
Napa Community College District, Napa College:		
(55) Equip gymnasium complex		80,300
Fremont-Newark Community College District, Ohlone College:		
(56) Equip indoor physical education facilities		52,300

Item		Amount
	San Joaquin Delta Community College District, San Joaquin Delta College:	
(57)	Equip indoor physical education facilities	3,200
	Peralta Community College District, College of Alameda:	
(58)	Equip gymnasium facilities	38,700
	North Orange County Community College District, Cypress College:	
(59)	Equip men's gymnasium	97,800
	Fremont-Newark Community College District, Ohlone College:	
(60)	Equip outdoor physical education unit	8,400
	San Joaquin Delta Community College District, San Joaquin Delta College:	
(61)	Equip outdoor physical education facilities, phase I	6,800
(62)	Equip outdoor physical education facilities, phase II	4,700
	Napa Community College District, Napa College:	
(63)	Equip outdoor physical education facility (pool)	7,900
	Fremont-Newark Community College District, Ohlone College:	
(64)	Equip outdoor physical education facilities (pool)	4,300
	Peralta Community College District, Laney College:	
(65)	Equip drama facilities	162,500
	San Joaquin Delta Community College District, San Joaquin Delta College:	
(66)	Equip education laboratory and services building	106,300

Item		Amount
	San Luis Obispo County Community College District, Cuesta College:	
(67)	Equip cafeteria	18,800
	Butte Community College District, Butte College:	
(68)	Equip office building and dining facilities	26,900
	Marin Community College District, Indian Valley Colleges:	
(69)	Construct science technology classroom and laboratory building	898,900
	Glendale Community College District, Glendale College:	
(70)	Construct technical education building	855,900
	San Luis Obispo County Community College District, Cuesta College:	
(71)	Construct social science and language arts building	472,500
	San Francisco Community College District, City College of San Francisco:	
(72)	Construct social science classroom and laboratory building	2,999,600
	Los Angeles Community College District, West Los Angeles College:	
(73)	Construct classroom and laboratory building	292,900
	Santa Barbara Community College District, Santa Barbara City College:	
(74)	Construct and equip vocational-technology building	752,200
	San Luis Obispo County Community College District, Cuesta College:	
(75)	Construct fine arts building	485,400

Item		Amount
	Hartnell Community College District, Hartnell College:	
(76)	Construct classroom counseling and administration building	1,385,200
(77)	Construct visual arts building	568,700
	North Orange County Community College District, Cypress College:	
(78)	Construct vocational-technical building	2,450,000
	Los Angeles Community College District, Los Angeles Harbor College:	
(79)	Construct library and audiovisual addition	234,500
	Marin Community College District, Indian Valley Colleges:	
(80)	Construct library building.....	322,800
	Los Angeles Community College District, West Los Angeles College:	
(81)	Construct library and audiovisual building	352,200
	San Luis Obispo County Community College District, Cuesta College:	
(82)	Construct faculty office building	194,600
	Los Angeles Community College District, Los Angeles Harbor College:	
(83)	Construct music building	139,800
	San Diego Community College District, San Diego City College:	
(84)	Working drawings and construct administration remodeling, phase II	179,100

Item		Amount
	Riverside Community College District, Riverside City College:	
(85)	Working drawings, construct, and equip technical "A" and "B" remodel	330,000
	Contra Costa Community College District, Diablo Valley College:	
(86)	Working drawings, construct, and equip technical education remodeling	102,800
	Marin Community College District, College of Marin:	
(87)	Working drawings, construct, and equip remodeling of old library, engineering, industrial arts building	418,400
	Citrus Community College District, Citrus College:	
(88)	Working drawings, construct, and equip conversion of warehouse and adjacent facilities	260,900
	Sonoma County Junior College District, Santa Rosa Junior College:	
(89)	Working drawings for liberal arts building	84,300
	Grossmont Community College District, Monte Vista Campus:	
(90)	Working drawings for vocational tech and arts building	144,500
	Coast Community College District, Orange Coast College:	
(91)	Working drawings and construct literature and language building	1,059,900
	Riverside Community College District, Riverside City College:	
(92)	Working drawings, construct, and equip auto service and body shop	425,100
(93)	Working drawings for business education building	24,400

Item		Amount
	Yosemite Junior College District, Columbia Junior College:	
(94)	Working drawing and construct classroom and science building	246,500
	San Francisco Community College District, City College of San Francisco:	
(95)	Construct downtown education center ..... provided, that the Postsecondary Education Commission recommends approval for a downtown site prior to the expenditure of funds appropriated by this subitem.	1,947,300
	Contra Costa Community College District, Diablo Valley College:	
(96)	Working drawings, construct, and equip science building.....	339,100
	West Valley Joint Community College District, Mission Campus:	
(97)	Working drawings for language arts-social science building	66,700
	San Diego Community College District, San Diego Mesa College:	
(98)	Working drawings and construct science building addition.....	975,700
	Cabrillo Community College District, Cabrillo College:	
(99)	Working drawings for occupational center	63,600
	Sierra Joint Community College District, Sierra College:	
(100)	Working drawings, construct, and equip automotive addition	373,300
	Merced Community College District, Merced College:	
(101)	Working drawings, construct, and equip agriculture science building	487,800

Item		Amount
(102) Working drawings, construct, and equip art laboratory building		290,800
Sierra Joint Community College District, Sierra College:		
(103) Working drawings, construct, and equip art building addition....		146,000
Grossmont Community College District, Monte Vista Campus:		
(104) Working drawings for science building		72,200
Sweetwater Community College District, Southwestern College:		
(105) Working drawings, construct, and equip automotive addition		318,000
State Center Community College District, Reedley College:		
(106) Working drawings, construct, and equip lath and greenhouse addition.		68,100
(107) Working drawings and construct life science building		279,300
Fresno City College:		
(108) Working drawings, construct, and equip social science building		593,900
Citrus Community College District, Citrus College:		
(109) Working drawings, construct, and equip auto shop stall addition		156,900
Peralta Community College District, College of Alameda:		
(110) Working drawings for library building		50,200
Grossmont Community College District, Monte Vista Campus:		
(111) Working drawings for library building		92,100

Item		Amount
	Allan Hancock Community College District, Allan Hancock College:	
(112)	Working drawings for library addition	35,700
	San Diego Community College District, San Diego Mesa College:	
(113)	Working drawings and construct music addition	372,800
(114)	Working drawings and construct student personnel administration building	425,000
	Sierra Joint Community College District, Sierra College:	
(115)	Working drawings, construct, and equip student personnel addition	292,200
	State Center Community College District, Fresno City College:	
(116)	Working drawings, construct, and equip administration building provided, that there shall be no State Public Works Board action on this project until the State Center Community College District and the Chancellor's Office of the California Community Colleges provides written certification that every attempt, including application for federal funding assistance, has been made to preserve and utilize the existing administration building at Fresno City College, which has been entered in the National Register of Historic Places.	353,500
	Lassen Community College District, Lassen College:	
(117)	Working drawings and construct student personnel services building	349,395
	North Orange County Community College District, Cypress College:	
(118)	Working drawings for administration building	36,500

Item		Amount
	Santa Barbara Community College District, Santa Barbara City College:	
(119)	Site acquisition	1,714,000
	Pasadena Area Community College District, Pasadena City College:	
(120)	Working drawings and construct air conditioning of music building	181,400
(121)	Working drawings and construct remodeling and air conditioning of science building "E"	905,500
(122)	Working drawings and construct remodeling and air conditioning of science building "D"	812,100
	North Orange County Community College District, Fullerton College:	
(123)	Working drawings for remodeling the north science building	13,600
(124)	Working drawings for remodeling the business education building	12,600
(125)	Working drawings for remodeling the home economics and fine arts building	16,900
	Rancho Santiago Community College District, Santa Ana College:	
(126)	Working drawings, construct, and equip Phillips Hall addition and alterations	145,200
	San Jose Community College District, Evergreen Valley College:	
(127)	Construct physical education building	342,500
	Los Angeles Community College District, West Los Angeles College:	
(128)	Construct physical education buildings	253,400

Item		Amount
	Yosemite Junior College District, Modesto Junior College:	
(129)	Construct gymnasium	913,000
	San Bernardino Community College District, San Bernardino Valley College:	
(130)	Construct gymnasium	610,900
	Peralta Community College District, Feather River College:	
(131)	Working drawings and construct multi-purpose facility	968,900
	Chaffey Community College District, Chaffey College:	
(132)	Working drawings, construct, and equip gymnasium building	321,900
	Palomar Community College District, Palomar College:	
(133)	Working drawings and construct handball courts and shower-locker building	169,000
	Marin Community College District, Indian Valley Colleges:	
(134)	Working drawings for physical education buildings	16,500
	San Diego Community College District, San Diego City College:	
(135)	Working drawings for physical education expansion	57,500
	Saddleback Community College District, Saddleback College:	
(136)	Construct physical education building	1,170,700
	Grossmont Community College District, Monte Vista Campus:	
(137)	Working drawings for physical education building	60,400

Item	Amount
San Jose Community College District, Evergreen Valley College:	
(138) Construct and equip outdoor physical education facilities	269,800
Peralta Community College District, Merritt College:	
(139) Working drawings and construct outdoor physical education facilities, phase I	235,500
Merced Community College District, Merced College:	
(140) Working drawing, construct, and equip outdoor physical education facilities, phase II	204,000
Kern Community College District, Porterville College:	
(141) Working drawings, construct, and equip outdoor physical education facilities (pool)	100,400
Peralta Community College District, Merritt College:	
(142) Working drawings and construct outdoor physical education facilities, phase II (pool)	123,500
Saddleback Community College District, Saddleback College:	
(143) Working drawings for outdoor physical education facilities, phase II (pool)	7,500
Marin Community College District, Indian Valley Colleges:	
(144) Working drawings for outdoor physical education facilities (pool)	4,100
Santa Barbara Community College District, Santa Barbara City College:	
(145) Construct drama and music facilities	1,909,400
Palomar Community College District, Palomar College:	
(146) Working drawings for educational theater	26,200

Item		Amount
	College of the Sequoias Community College District, College of the Sequoias:	
(147)	Working drawings for little theater	21,300
	Yosemite Junior College District, Modesto Junior College:	
(148)	Construct site development, phase II	178,000
	Santa Clarita Community College District, College of the Canyons:	
(149)	Working drawings and construct site development, phase IV B	674,600
	Saddleback Community College District, Saddleback College:	
(150)	Working drawings for entrance and perimeter roads, phase I	11,300
	San Diego Community College District, San Diego City College:	
(151)	Construct dining facility	1,321,600
	Grossmont Community College District, Monte Vista Campus:	
(152)	Working drawings for dining facilities	23,700
	Lassen Community College District, Lassen College:	
(153)	Working drawings and construct maintenance and warehouse building	257,823
	Peralta Community College District, Feather River College:	
(154)	Working drawings and construct warehouse and maintenance building	128,700

Item		Amount
	San Luis Obispo County Community College District, Cuesta College:	
(155)	Working drawings, construct, and equip maintenance and warehouse building	164,800
	Sierra Joint Community College District, Sierra College:	
(156)	Working drawings, construct, and equip warehouse and corporation yard	174,500
	Coast Community College District, Golden West College:	
(157)	Working drawings, construct, and equip corporation yard addition	126,900

notwithstanding the provisions of Section 2.4 of this act, the equipment items in this item shall be available for expenditure only during the 1974–75 and 1975–76 fiscal years.

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT PROGRAM

SEC. 2.5. The following sums of money, or so much thereof, as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1974–75 fiscal year beginning July 1, 1974, and ending June 30, 1975. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund of 1964.

LOCAL ASSISTANCE

Resources

400	—For project review for purposes set forth in Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund of 1964	64,300
400.1	—For grants to counties, cities, or cities and counties, pursuant to subdivision (d) of Section 5096.15 of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964	12,095
	Schedule:	
	(a) County of Merced, Lake Yosemite, for development	12,095

Item		Amount
400.2—For grants to counties, cities, or cities and counties pursuant to subdivision (d) of Section 5096.15 of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964		125,000
Schedule:		
(a) County of San Bernardino, Calico Ghost Town Regional Park for development	125,000	

CAPITAL OUTLAY

Resources

401—For capital outlay, Department of Parks and Recreation, for purposes set forth in Sections 5096.15(a) and (b) of the Public Resources Code for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964		2,399,337
Schedule:		
(a) Bolsa Chica State Beach, for development	2,338,837	
(b) Design and construction liaison ..	60,500	
provided that none of the funds appropriated in this item for Bolsa Chica State Beach shall be expended unless the Resources Secretary certifies that in his judgment the project is reasonable in view of the future development of Bolsa Bay.		
401.1—For capital outlay, Department of Parks and Recreation, for purposes set forth in Sections 5096.15 subdivisions (a) and (b) of the Public Resources Code for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964		310,000
Schedule:		
(a) Santa Monica Mountains for acquisition	310,000	

Item Amount

provided, that none of the funds appropriated herein shall be expended or obligated unless and until the Attorney General certifies in writing that there is no evidence that any prescriptive right or claim in the property to be acquired exists or that if such prescriptive right or claim does exist, the value of such right or claim has been reflected in the purchase price of said property.

Reappropriation

402—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and the limitations) provided for in said appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1975:

Land Acquisition:

Item 362(a), Budget Act of 1965
Item 362(b), Budget Act of 1965
Item 362(c), Budget Act of 1965
Item 423(a)(3), Budget Act of 1966
Item 423(c), Budget Act of 1966
Item 423(f), Budget Act of 1966
Item 423(m), Budget Act of 1966
Item 423(q), Budget Act of 1966
Item 423(t), Budget Act of 1966
Item 343.7(b), Budget Act of 1967
Item 377.1(a), Budget Act of 1968
Item 422 (a), Budget Act of 1969
Item 313(g), Budget Act of 1971
Item 313(h), Budget Act of 1971
Item 313A(a), Budget Act of 1971 as added by Chapter 1223, Statutes of 1971

Development:

Item 424(c), Budget Act of 1966
Item 423(a), Budget Act of 1969
Item 423(c), Budget Act of 1969
Item 314(d), Budget Act of 1971
Item 314(f), Budget Act of 1971

Reversions

403—As of June 30, 1974, the unencumbered balance of the appropriation made by Item 323(b), Budget Act of 1972, shall revert to the unappropriated

Item		Amount
balance of the State Beach, Park, Recreational and Historical Facilities Fund.		

RECREATION AND FISH AND WILDLIFE ENHANCEMENT BOND ACT PROGRAM

SEC. 2.6. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years for expenditure only for programs contemplated by the Recreation and Fish and Wildlife Enhancement Bond Act. All such appropriations shall be paid out of the Recreation and Fish and Wildlife Enhancement Fund.

RESOURCES

404—For capital outlay, Wildlife Conservation Board, Department of Fish and Game, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		596,900
Schedule:		
(a) Construct, modernize and enlarge broodstock facilities, Mt. Whitney Hatchery	340,900	
(b) Fish and wildlife habitat development	56,000	
(c) Construct Oroville wildlife area	100,000	
(d) Fishing access sites, state water facilities	100,000	
405—For capital outlay, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		9,879,867
Schedule:		
(a) Bethany Reservoir, tree planting	60,000	
(b) Del Valle Reservoir, for development	313,869	
(c) Lake Oroville State Recreation Area, for development	1,172,088	
(e) Perris Reservoir, for development	3,364,215	
(f) Ritter Canyon, for development	3,874,205	
(g) San Luis Reservoir State Recreation Area, for development	788,300	
(h) Silverwood Lake State Recreation Area, for development	360,150	
(i) Repayment to Department of Water Resources, tree removal	12,040	

Item		Amount
(j) Design and development	620,000	
(k) Reimbursements from Federal Land and Water Conservation Fund	-685,000	
provided that no funds appropriated in 405(g) may be expended for development of a marina at San Luis Reservoir.		
406—For minor capital outlay, Department of Navigation and Ocean Development, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		65,000
407—For capital outlay, Department of Navigation and Ocean Development, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act payable from the Recreation and Fish and Wildlife Enhancement Fund		492,000
Schedule:		
(a) Construct launching facilities, Bethany Reservoir	192,000	
(b) Construct launching facilities, San Luis Reservoir	300,000	
provided, that no funds appropriated in subitem (b) or any other funds from any other sources may be expended for planning or construction of a marina basin at San Luis Reservoir.		

HEALTH SCIENCE FACILITIES CONSTRUCTION BOND ACT PROGRAM

SEC. 2.7. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years for expenditure only for the programs contemplated by the Health Science Facilities Construction Program Bond Act of 1971. All such appropriations shall be paid out of the Health Science Facilities Construction Program Fund.

HIGHER EDUCATION

409—For capital outlay, University of California subject to approval of the State Public Works Board, payable from the Health Sciences Facilities Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California		74,401,000

Item		Amount
	Schedule:	
	Universitywide, Health Sciences:	
(1)	Reserve for cost-rise augmentation	5,000,000
(2)	Preliminary planning for health sciences projects	356,000
(3)	General planning studies for health sciences	100,000
(3.1)	Program and planning studies for expansion of veterinary medicine education in California	200,000
	Berkeley, Health Sciences:	
(4)	Working drawings and construct optometry building addition	3,813,000
	Davis, Health Sciences:	
(5)	Equip medical surge unit 5	360,000
(6)	Working drawings and construct veterinary medicine unit 2	9,060,000
(7)	Construct utilities and site development, medical sciences unit 1	2,427,000
(8)	Working drawings and construct utilities and site development, veterinary medicine unit 2	339,000
(9)	Equip medical sciences unit 1	533,000
(9.1)	Working drawings, construct and equip Sacramento Medical Center improvements, 1974–75	4,917,000
	Irvine, Health Sciences:	
(10)	Construct and equip medical sciences unit 1	2,354,000
(11)	Construct utilities and site development, medical sciences unit 1	1,381,000
(11.1)	Purchase of the Orange County Medical Center	500,000
(11.2)	Construct central plant expansion	2,203,000
(11.3)	Working drawings, community clinics	49,000
(11.4)	Working drawings Orange County Medical Center improvements	317,000
(11.5)	Construction, medical sciences unit 2	11,770,000
	San Diego, Health Sciences:	
(12)	Construct south wing addition,	

Item	Amount
University Hospital of San Diego County, Chapter 1130, Statutes of 1972 (SB 519), deficiencies	500,000
(13) Equip clinical teaching facility, University Hospital of San Diego County, step 1	235,000
(14) Equip library expansion, University Hospital of San Diego County	77,000
(15) Equip clinical teaching facility, University Hospital of San Diego County, step 2	323,000
(15.1) Working drawings and construct improvements at University Hospital of San Diego County, 1974–75	695,000
(15.2) Working drawings and construct and equip animal-holding facilities, Elliott Field Station, 1974–75	401,000
(15.3) Preliminary plans, working drawings and construct medical teaching facility	11,200,000
San Francisco, Health Sciences:	
(16) Construct school of dentistry	11,000,000
(17) Working drawings and construct HSIR—East 15th floor completion for school of medicine, (genetics)	545,000
(18) Working drawings and construct UC clinics "C" level interior completion for campus services, step 1	437,000
(20.1) Working drawings and construct community dental clinics ..	1,643,000
Riverside Health Services:	
(21) Working drawings and construct alterations to existing buildings for medical education program	1,666,000

provided, that the plan funded by subitem 409(3.1) shall provide for an enrollment in the basic sciences at U.C. Davis beyond a 128-student class in existing facilities, including veterinary medicine unit 2, and for the expansion of enrollments in clinical programs by means of the development of clinical facilities: (1) in southern California; and (2) in a central California area with a high concentration of food animals. The plan shall provide for the enrollment of students

Item Amount

in these clinical centers by the fall of 1978. The plan shall include an economic analysis for each center, and other academic planning and program information required for funding and implementation of the system. A report shall be provided to the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations by January 1, 1975.

Provided further, that construction funds appropriated in subitems 409(4) and 409(6) are contingent upon the receipt of a substantial federal grant in the 1974–75 fiscal year for each individual project. If such grant funding is not received, the construction appropriation shall revert to the Health Sciences Facilities Construction Program Fund on June 30, 1975

Provided further, that the facility to be constructed from funds appropriated in subitem 409(6) shall be designed to implement the plan for expanding veterinary medical education facilities developed pursuant to subitem 409(3.1).

Provided further, that no funds shall be released for the projects to be funded by subitems 409(10), 409(11), 409(11.1), 409(11.2), and 409(11.3), 409(11.4), and 409(11.5) unless an agreement has been reached between the university and the County of Orange by October 1, 1974, concerning the continued availability of the Orange County Medical Center to the university for teaching purposes.

Provided further, that the University of California having made application for federal grants funds, and provided that any federal grant funds received by the university for any project in this schedule, or for any Health Sciences Facilities Construction Bond Act Program project for which state funds have been previously appropriated, shall be substituted for the funds in this schedule or for such state funds as may have been previously appropriated, equal in amount to the federal grant funds received, notwithstanding any other provision of law.

Provided further, that no funds in this appropriation shall be released to subitem 409(15.3) until such time that a substantial federal grant shall have been received to assist in its funding; and provided further, that no funds shall be provided

Item	Amount

for this project unless funds are first allocated for Items 354.1 and 354.2 of this act.

Provided further, that no funds shall be provided for subitem 409(21) unless funds are first allocated for Items 354.1 and 354.2 of this act and provided further, that the following conditions are met prior to expenditure of funds provided by subitem 409(21):

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES

BOND ACT OF 1974 PROGRAM

SEC. 2.8. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years, contingent upon adoption of the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

CAPITAL OUTLAY

RESOURCES

410—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974		2,565,562
Schedule:		
(a) Historical restoration	258,700	
(b) Border Field (Tijuana River Beach), for development	1,422,243	
(c) San Gregorio State Beach, for development	0	
(d) Design and construction planning	593,619	
(e) Project planning	119,000	
(f) Rancho Olompali, for acquisition and development	172,000	

provided, that none of the funds appropriated herein shall be expended or obligated unless and until the Attorney General certifies in writing that there is no evidence that any prescriptive right or claim in the property to be acquired exists or that

Item		Amount
	if such prescriptive right or claim does exist, the value of such right or claim has been reflected in the purchase price of said property.	
410.1	—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974	5,261,800
	Schedule:	
	(a) Old Sacramento State Historic Park, State Railroad Museum, for working drawings and construction 5,101,000	
	(b) Old Sacramento State Historic Park, Arcade Station, working drawings..... 160,800	
	provided, that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects are recommended by the State Park and Recreation Commission and reviewed by the Secretary for the Resources Agency; and provided further, that the Joint Legislative Budget Committee shall review and comment on the working drawings to the Public Works Board prior to its approval of construction funds.	
410.2	—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974	7,600,000
	Schedule:	
	(a) Lands located between Newport Beach and Laguna Beach for acquisition 7,600,000	
	provided, that none of the funds which are appropriated by this item for the project set forth herein shall be available for expenditure unless and until such project is recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.	
410.3	—For loans upon the approval of the Director of Finance to the Department of Parks and Recreation for the purpose of securing options for pur-	

Item		Amount
chase of real property suitable for acquisition pursuant to the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 ..... provided, that such loans shall be repaid, with interest at the rate earned by the Pooled Money Investment Fund, to the General Fund from proceeds of bonds sold pursuant to such act at the time of the acquisition and from the funds made available for the acquisition of the parcels with respect to which such options are secured.		3,000,000
410.4—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund of 1974		35,000
Schedule:		
(a) Fort Ross State Historic Park, general development plan	20,000	
(b) Fort Ross State Historic Park, visitor center, preliminary plans	15,000	
410.5—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years, payable from the State Beach, Parks, Recreational and Historical Facilities Fund of 1974		7,500
Schedule:		
(a) Old Town San Diego State Historic Park, for development	7,500	
410.6—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974		150,000
Schedule:		
(a) Old Shasta Townsite, Litch Store, development	150,000	
provided, that none of the funds which are appropriated by this item for the project set forth herein shall be available for expenditure unless and until such project is recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.		

Item	Amount
410.7—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974	3,200,000
Schedule:	
(a) Ventura County Beaches, Channel Island Harbor area, acquisition 3,200,000	
provided, that none of the funds which are appropriated by this item for the project set forth herein shall be available for expenditure unless and until such project is recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.	
Provided further, that none of the funds appropriated herein shall be expended or obligated unless and until the Attorney General certifies in writing that there is no evidence that any prescriptive right or claim in the property to be acquired exists or that if such prescriptive right or claim does exist, the value of such right or claim has been reflected in the purchase price of said property.	
410.8—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974	530,000
Schedule:	
(a) Colonel Allensworth State Historic Park, development 530,000	
provided, that none of the funds which are appropriated by this item for the project set forth herein shall be available for expenditure unless and until such project is recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.	
410.10—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974	1,000,000

Item	Amount
Schedule:	
(a) Prairie Creek Redwood State Park, land requisition	1,000,000

provided, that the funds appropriated by this item shall only be available for expenditure if Assembly Bill No. 2929 of the 1973–74 Regular Session is enacted; provided further, that such funds shall be expended in accordance with the provisions of Assembly Bill No. 2929.

LOCAL ASSISTANCE

Resources

411—For project review for purposes set forth in Section 5096.85 of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund of 1974 55,823

411.1—For grant to City of Los Angeles pursuant to subdivision (a) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years for land acquisition, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 3,000,000

GENERAL SECTIONS

SEC. 4. Notwithstanding any other provisions of this act, no appropriations made herein, or funds obtained from any other source, over $10,000 may be expended by any state entity for any single expansion, improvement or addition to electronic data-processing activities, personnel, equipment, facilities or supplies during fiscal year 1974–75, or any expenditure budgeted for fiscal year 1975–76 for electronic data-processing activities, personnel, equipment, facilities or supplies unless the department director certifies (or in the case of a consolidated data center, the center director), and the Director of Finance determines and states in writing that the criteria and procedures set forth in the Supplementary Report of the Committee on Conference on the Budget Act of 1977 have been met and followed.

Notwithstanding any other provisions of this act, no appropriations made herein, or funds obtained from any other source, may be expended by any state entity pursuant to a contract for expansion, improvement or addition to electronic data-processing activities,

personnel, equipment, facilities or supplies as defined in the Supplementary Report of the Committee on Conference on the Budget Act of 1974, during fiscal year 1974–75 or any expenditure budgeted for fiscal year 1975–76 for such activities in excess of $10,000, unless the contract for the acquisition or rental of equipment, personal services, or supplies as these terms are defined in the Supplementary Report of the Committee on Conference on the Budget Act of 1974 is competitively bid.

No expenditure of funds for data-processing activities shall be authorized until the director of the department requesting the expenditure and the Director of Finance certify that adequate safeguards have been developed following the criteria contained in the Supplementary Report of the Committee on Conference on the Budget Act of 1974 to insure the confidentiality of data.

The provisions of this section shall not apply to the University of California, the State Compensation Insurance Fund, or agencies provided for by Article VI of the Constitution or the Legislature.

Contracts awarded or entered into pursuant to this section for lease of electronic data-processing equipment shall be in the form of the Model Contract for Lease of Electronic Data Processing Systems and Components as outlined in Management Memo 73-13, dated May 16, 1973, for inclusion in the State Administrative Manual as Section 4960.2 (revised May 16, 1973), and no portion of such contract shall be excluded or stricken.

No funds appropriated in this act may be encumbered or expended for the purchase of electronic data-processing equipment, as defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1974, until a new model contract has been developed and approved for such purchases, provided that any such proposed new model contract for electronic data-processing equipment purchases shall be submitted to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee 30 days prior to approval and adoption of any such new model contract.

No expenditures or encumbrances shall be made from funds appropriated in this act or from any other source for the lease, lease-purchase or purchase of electronic data-processing equipment unless two bidders bidding on mainframes manufactured by different companies have been determined to be qualified for contract award in accordance with this section.

SEC. 4.1. Notwithstanding any provisions of law to the contrary, no funds appropriated in this act nor from any other sources shall be expended, encumbered or transferred to fund planning, staffing or implementation of any phase of the Revenue Consolidated Data Center or the Human Relations Consolidated Data Center (Health and Welfare Consolidated Data Center).

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the

operation of custodial, mental health, educational, administrative, military, and other agencies of the state government, because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1975–76 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of two million dollars ($2,000,000) in estimated cost.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein except appropriations from the California Water Fund or the State Highway Account, State Transportation Fund or appropriations to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency, including the University of California, the California State University and Colleges and the community colleges, except amounts for acquisition of land or other real property, amounts needed for equipment, minor projects and amounts appropriated specifically for preliminary surveys, studies and planning until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for capital outlay with the exception that community college approvals by the Public Works Board will apply only to the allocation of state capital outlay funds appropriated heretofore and hereafter by the Legislature; including land acquisition and equipment funds; provided further, that unless excepted by the conditions of Section 20084 of the Education Code, the Public Works Board shall not approve for allocation any appropriated amounts for working drawings or construction where said working drawings or construction have been started by a community college prior to approval of the state-appropriated amounts by the Public Works Board, and all such amounts not approved by the board under this criterion shall be reverted to the unappropriated balance of the appropriate fund; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further,

that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no more than one thousand dollars ($1,000) of the money appropriated herein may be spent for any single unit of equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Department of Transportation in the expenditure of State Highway Account, State Transportation Fund money appropriated for capital outlay purposes.

The Department of Transportation shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for federal assistance programs, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects for the purpose of augmenting those projects without prior approval of the State Public Works Board of the requested augmentation. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

SEC. 10. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1975:

Department of Consumer Affairs:
Section 6(a), Chapter 1154, Statutes of 1973
Department of the California Highway Patrol:
Item 333(a), Budget Act of 1970
Item 296(a), Budget Act of 1971
Item 296(gx), Budget Act of 1971
Department of Motor Vehicles:
Item 297(c), Budget Act of 1971
Item 297(d), Budget Act of 1971
Air Resources Board:
Section 6(b), Chapter 1154, Statutes of 1973
Department of Conservation:
Item 344(c), Budget Act of 1968
Item 396(a), Budget Act of 1969
Item 396(e), Budget Act of 1969
Department of Fish and Game:
Item 197.3, Budget Act of 1973
Department of Navigation and Ocean Development:
Item 222(a), Budget Act of 1973
Item 223(i), Budget Act of 1973
Department of Parks and Recreation:
Chapter 987, Statutes of 1970
Item 307B, Budget Act of 1971, as added by Chapter 1754, Statutes of 1971
University of California:
Item 377(b), Budget Act of 1969
Item 347.9(j), Budget Act of 1970
Item 316.1, Budget Act of 1973
State University and Colleges:
California State College, Bakersfield:
Item 347.11(a), Budget Act of 1970
Item 347.11(b), Budget Act of 1970
California State University, Chico:
Item 301.5(ee), Budget Act of 1971
California State College, Dominguez Hills:
Item 333(u), Budget Act of 1968
Item 383(b), Budget Act of 1969
California State University, Fresno:
Item 301.5(jj), Budget Act of 1971
Item 301.5(*ll*), Budget Act of 1971
California State University, Hayward:
Item 329(m), Budget Act of 1968
Item 329(n), Budget Act of 1968
California State University, Humboldt:
Item 301.5(aa), Budget Act of 1971
California State University, Los Angeles:
Item 339(ss), Budget Act of 1967
California State University, Northridge:
(Formerly San Fernando Valley State College)
Item 347.11(c), Budget Act of 1970

Item 347.11(d), Budget Act of 1970
California State University, San Diego:
Item 301.5(w), Budget Act of 1971

SEC. 10.1. As of June 30, 1974, the unexpended balance of the appropriation made by Item 90, Budget Act of 1973, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1974, the amount reverted as of June 30, 1974, for Item 90, Budget Act of 1973, is reappropriated and shall be available until June 30, 1975, and may be expended on written authorization of the Department of Finance issued on or before said date, for emergencies, within the meaning of said item, occurring during the 1973–74 fiscal year.

SEC. 10.2. As of June 30, 1974, $340,200 from the appropriation made by Chapter 1112, Statutes of 1973 shall revert to the unappropriated surplus of the General Fund.

SEC. 10.3. Notwithstanding any other provisions of law, the unexpended balance of the appropriation made by Item 35(b), Budget Act of 1973, for the purchase of replacement radio system and radio system engineering, is hereby reappropriated to the Office of Emergency Services, and shall be available for expenditure until June 30, 1975.

SEC. 10.4. Notwithstanding any other provisions of law, the unexpended balances of the appropriations made by Chapter 1325 of the Statutes of 1971, Item 309(c) of the Budget Act of 1973, Item 309.5(b) of the Budget Act of 1973, and Item 309.6(a) of the Budget Act of 1973 as added by Section 5 of Chapter 1005 of the Statutes of 1973 (AB 451) are hereby reappropriated for allocation by executive order by the Director of Finance to the Department of Education for the following purposes:

(a) $2,007,000 of the unexpended balances to augment the appropriation made by Item 309.6(b) of the Budget Act of 1973, as added by Section 5 of Chapter 1005, Statutes of 1973, for the state preschool program in 1974–75 to maintain the 1973–74 program level.

(b) The remaining unexpended balances not to exceed $1,188,314 to augment Item 341(a) of this act to provide a state and federal fund hourly reimbursement up to $1.05 per child hour for child care provided by the various counties under Chapter 1177, Statutes of 1972 (AB 282).

The reappropriated unexpended balances will be available for expenditure through June 30, 1975.

The Legislature recognizes that child care programs established and maintained pursuant to Chapter 1177, Statutes of 1972, have made valuable contributions towards insuring that public assistance recipients have been able to accept and maintain employment or related training. It is, therefore, the intent of the Legislature that the transfer of the administrative authority of these child care programs from the county governments to the Department of Education shall be made in an orderly fashion. To insure such a transfer, it is further

the Legislature's intent that the Department of Education shall insure that the following provisions are met:

(a) All programs initiated or maintained pursuant to Chapter 1177, Statutes of 1972, shall receive funding, provided that the programs meet the federal and state rules and regulations affecting such programs, at a level at least equal to that reported by each respective county welfare department for each respective program to the Department of Education for fiscal year 1973–74, and provided that total state allocations to each county shall not exceed that county's 1973–74 allocation under Chapter 1177 plus each county's 1973–74 maintenance of effort level.

(b) That counties shall comply with Education Code Section 16784 which requires counties to maintain their 1970–71 level of effort for child care services provided by county funds, and that those county funds shall be used to exceed the $1.05 an hour maximum state and federal reimbursement rate as established by Education Code Section 16780, for child care programs.

The Department of Education shall insure that each county complies with Education Code Section 16784 in one of the two following manners:

(1) The Legislature has appropriated $1,188,314 to the Department of Education to be used to match Federal Social Security Act, Title IV-A funds for county child care services. The Department of Education shall not issue funds to a child care contractor within a county until such time as that county certifies in writing to the Department of Education that the county has obligated its 1970–71 child care maintenance of effort funding level, pursuant to Education Code Section 16784, to local county child care contractors. Such sums awarded by a county to a local child care contractor shall not adversely affect an agency's contract reimbursement with the Department of Education (Education Code Section 16780).

(2) The Legislature has appropriated $1,188,314 to the Department of Education to be used to match Federal Social Security Act, Title IV-A funds for county child care services. Each county, which had a 1970–71 maintenance of effort funding level for child care, pursuant to Education Code Section 16784, shall transmit such sum to the Department of Education. Funds derived from each county shall be returned to each respective county's child care contractors as a grant award and not within the reimbursement control of Education Code Section 16780.

The Department of Education shall notify all such programs and all such counties which maintained such programs during fiscal year 1973–74 of the Legislature's intent. The Department of Education shall report to the Legislature, no later than August 1, 1974, on the implementation of the Legislature's intent.

SEC. 10.5. Notwithstanding any other provisions of law, $2,400,000 of the unexpended balances of child development funds appropriated to replace potential loss of federal matching funds

authorized by Chapter 1191, Statutes of 1973 (AB 1244) are hereby appropriated for expenditure in 1974–75 to replace loss of federal matching funds in 1974–75 as authorized by Chapter 1191, Statutes of 1973 for 1973–74.

SEC. 10.6. Notwithstanding any other provisions of law, the unexpended balance of the appropriation made by Item 263, Budget Act of 1973, in excess of $2,836,037 is hereby reappropriated for allocation by executive order by the Director of Finance to the Department of Health for the support of social service programs carried out either by state departments or the various counties or both in California; and to the Department of Education to (1) provide for the payment of approved special rent allowances to private nonprofit contractors who deliver child care services, provided, that these special allowances are not subject to the provisions of Section 16780 of the Education Code, and to (2) provide contract payments not to exceed a total of $500,000 to programs designed to provide care for developmentally and physically disabled children, which were under contract during fiscal year 1973–74 as capitalized child care programs; to be available for expenditure until June 30, 1975.

SEC. 10.7. The unexpended balance of the appropriation made by Item 308 (26), Budget Act of 1972, and 360 (24), Budget Act of 1973, which is directly associated with the LaRue Road extension on the Davis campus, is hereby reappropriated until June 30, 1977, for the purpose of relocating the vegetable crops field headquarters on the Davis campus.

SEC. 10.75. Notwithstanding any other provisions of law, the unexpended balance, on the effective date of this act, of the appropriation made by Section 9, Chapter 1213, Statutes of 1973, is hereby reappropriated for the purposes provided for in such appropriation, and shall be available for expenditure until June 30, 1975.

SEC. 10.8. As of July 1, 1974, the sum of $429,320 appropriated in Item 197, Budget Act of 1973, to the Resources Agency and the Business and Transportation Agency for acquisition of ecological reserves is hereby reappropriated for one year for the same purposes as provided in Item 197, Budget Act of 1973.

SEC. 10.9. As of June 30, 1974, $240,000 of the unexpended balance of Item 241 of the Budget Act of 1973 is hereby reappropriated for allocation by the Director of the Department of Health for continuation of genetic screening projects approved pursuant to subsection (g) of that item.

SEC. 10.10. As of June 30, 1974, $7,000,000 of the unexpended balance of Item 262 of the Budget Act of 1973 is hereby reappropriated for augmentation of Item 293 of the Budget Act of 1974 to be allocated by the Director of the Department of Health in accordance with Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

SEC. 11. As of June 30, 1974, the unencumbered balance of the

appropriations provided in the following citations shall revert to the unappropriated balance of the General Fund:

Department of Finance:
Chapter 97, Statutes of 1973
Department of General Services:
Chapter 867, Statutes of 1972
Department of Industrial Relations:
Chapter 1347, Statutes of 1972
Department of Insurance:
Chapter 415, Statutes of 1971
Office of Educational Liaison:
Section 39.7(b), Chapter 578, Statutes of 1971
Chapter 670, Statutes of 1972
Chapter 1177, Statutes of 1972
Department of Health:
Chapter 1228, Statutes of 1972
Department of Employment Development:
Section 39.7(c), Chapter 578, Statutes of 1971
Chapter 1003, Statutes of 1972
Chapter 1012, Statutes of 1972
California Exposition and State Fair:
Item 337.1, Budget Act of 1973

SEC. 11.1. As of June 30, 1974, the unencumbered balance of the appropriation made by Item 318.4, Budget Act of 1972, shall revert to the unappropriated balance of the Bagley Conservation Fund.

SEC. 11.2. As of June 30, 1974, the unencumbered balance of the appropriation made by Chapter 645, Statutes of 1972, shall revert to the unappropriated balance of the State Dentistry Fund.

SEC. 11.3. As of June 30, 1974, the unencumbered balance of the appropriation in the following citation shall revert to the unappropriated balance of the Health Science Facilities Construction Program Fund:

University of California:
Item 333.5, Budget Act of 1972

SEC. 11.5. As of June 30, 1974, the excess credential fees accumulated by the Board of Governors of the California Community Colleges shall revert to the General Fund.

SEC. 11.6. Notwithstanding any other provisions of law, the unencumbered balance of the State School Construction Fund, as of June 30, 1974, is hereby appropriated for transfer by the State Controller to the unappropriated surplus of the General Fund.

SEC. 11.7. As of June 30, 1974, the unencumbered balance of the appropriation made by Item 361 (38), Budget Act of 1973, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education, Chapter 1, Statutes of 1971, First Extraordinary Session.

SEC. 11.8. As of June 30, 1974, the unencumbered balance of the appropriation in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

University of California:
Item 347.9(c), Budget Act of 1970
Item 347.9(h), Budget Act of 1970

SEC. 11.9. Funds appropriated pursuant to Chapter 1406, Statutes of 1972, for allocation pursuant to Education Code Section 6499.235 for the 1973–74 fiscal year which have not been expended by local districts or the State Department of Education are hereby reappropriated in augmentation of funds allocated pursuant to Item 338.1 of this act.

SEC. 13. There is hereby appropriated from the Transportation Planning and Research Account in the State Transportation Fund an amount necessary to provide payment to the General Fund for charges in excess of $4,500,000 made against the Department of Transportation for administrative costs pursuant to Section 11274 of the Government Code and which have not been paid by June 30, 1975. This appropriation shall be made from funds transferred in the 1975–76 fiscal year from the Retail Sales Tax Fund pursuant to Section 7102 of the Revenue and Taxation Code.

SEC. 13.1. There is hereby appropriated for allocation by the Department of Finance to the Department of Education, from funds budgeted by Item 309.6(b) of the Budget Act of 1973, no more than $553,000 for the purpose of the state administrative costs incurred in the 1974–75 budget year with respect to preschool programs under Division 12.5 (commencing with Section 16700) of the Education Code.

SEC. 13.2. There is hereby appropriated from the General Fund for transfer to the Health Care Deposit Fund on order of the Director of Finance the sum of $23,400,000 in augmentation of Item 264 of the Budget Act of 1973 for estimated increased Medical Assistance Program expenditures.

SEC. 14. The appropriation contained in Chapter 1200, Statutes of 1973 shall not be transferred to and in augmentation of Item 81, Budget Act of 1973 unless the Budget Act appropriation is not sufficient to cover the costs of the program. Any transfers required shall be on an as-needed basis only.

SEC. 14.1. Notwithstanding any other provisions of law, the promissory note for a loan to the State Fair Fund, authorized by Item 50, Budget Act of 1968, in the amount of $414,603 with a due date of February 1, 1971, is to be considered paid in full upon receipt by the State Controller of the proceeds from the sale of property securing the loan, described in Section 2 of Chapter 1071, Statutes of 1957. Any remaining balance of the loan in excess of the proceeds, is hereby forgiven.

SEC. 14.2. Notwithstanding any other provisions of law, there is hereby appropriated from the General Fund to the State Controller the sum of $339,000 for the sole purpose of the repayment of a loan to the State Fair Fund authorized by Section 15849 of the Government Code in the amount of $339,000 for three months debt service during the 1968–69 fiscal year.

SEC. 14.3. There is hereby appropriated from the General Fund

for transfer to the Health Care Deposit Fund on order of the Director of Finance the sum of $50,500,000 to liquidate outstanding obligations to the General Fund, notwithstanding any other provisions of law.

SEC. 14.4. Notwithstanding any other provisions of law, the funds authorized by Chapter 863, Statutes of 1973, shall only be used for studying the effects of the drycleaning process on air pollution; however, none of the funds may be expended by the State Board of Fabric Care sooner than 30 days after notification in writing of the necessity therefor has been given to the chairman of the committee of each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the Chairman of the Joint Legislative Budget Committee, or his designee, may in each instance determine.

SEC. 15. Notwithstanding any provisions of law to the contrary, none of the funds appropriated by Item 250 of this act shall be available for expenditure unless:

(1) Two clerical and two professional positions transferred from the Division of Forestry to the Office of Public Affairs, Department of Conservation are returned to the Division of Forestry; and

(2) The exempt position authorized for the Board of Forestry is assigned to the board to assist the board directly in implementing the Forest Practice Act and conducting other board business.

SEC. 17. The Trustees of the California State University and Colleges having made applications for federal grant funds which would reimburse in whole or in part any appropriation made by Items 361 and 362, Budget Act of 1973, or Items 395 and 397, Budget Act of 1974, any state appropriated funds thereby released, equal in amount to federal grants made to any project in Items 361 and 362, Budget Act of 1973, or Items 395 and 397, Budget Act of 1974, notwithstanding any other provisions of law, may be used as a source of funding for Item 395.5, Budget Act of 1974; and provided, that any state funds released by federal grants in excess of those needed by Item 395.5, Budget Act of 1974, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education. For the purposes of complying with this section, the State Controller shall consider a written federal grant commitment as adequate for release of state funds.

SEC. 18. Notwithstanding any statutes, regulations or state policy to the contrary, all contracts and interagency agreements for consultant or personal services, except such contracts as are expressly excluded below, shall, prior to their approval by the Department of General Services, be routed to the Department of Finance for review and approval. The Director of Finance shall, within 30 days of approving any such contract, so notify the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations.

The following types of contracts are excluded from the provisions of this section:

(a) Contracts that require payment of less than $10,000 per party per 12-month period.

(b) Contracts for hearing reporter services.

(c) Contracts for employer training programs which provide on-the-job training for workers.

(d) Contracts for rehabilitation services entered into by the Department of Rehabilitation.

(e) Contracts for maintenance or service of equipment.

(f) Contracts for electronic data-processing services reported under Section 4 of this act.

(g) Contracts related to any type of construction.

(h) Contracts for community mental health training entered into by the Centers for Training in Community Psychiatry, Department of Health, Health Treatment System.

(i) Contracts for library services entered into by the Department of Education.

(j) Contracts for removal of abandoned vehicles.

SEC. 18.7. Notwithstanding any other provisions of law, the appropriation made by Item 332.5, Budget Act of 1973, and transferred to the Capitol Improvement Fund on June 30, 1973, shall be treated as meeting the requirements of Section 153 of Chapter 963, Statutes of 1967, for the 1973–74 fiscal year.

SEC. 18.8. Notwithstanding any other provision of law, the appropriation made by Section 19.3, Budget Act of 1973, and transferred to the Bagley Conservation Fund on June 30, 1973, shall be treated as meeting the requirements of Section 153 of Chapter 963, Statutes of 1967, for the 1973–74 fiscal year.

SEC. 18.9. The sum of $90,000,000 reserved by Section 153 of Chapter 963, Statutes of 1967, is appropriated together with other funds available therefor, for the purposes of capital outlay under items contained within Section 2.2 of this act.

SEC. 18.10. The unappropriated balance of the $90,000,000 in revenues made available by Section 153, Chapter 963, Statutes of 1967, for capital outlay purposes, as of June 30, 1975, is appropriated for all General Fund purposes and shall be transferred to the General Fund on June 30, 1975.

SEC. 19. On or before September 30, 1974, the State Controller shall transfer to the General Fund any amount of surplus in the Service Revolving Fund as of June 30, 1974, as follows: for the Office of State Printing totals in excess of $7,857,814, and for the remainder of the Service Revolving Fund totals in excess of $20,196,566, and shall apply the amount of such transfers first against any outstanding working capital advances and working capital property.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1974–75 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1975–76 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

Any surplus resulting from legislative printing shall be shown as a reimbursement to Item 11 of this act.

SEC. 19.1. The unencumbered balance of the Department of Employment Development Contingent Fund, which at any time during the 1974–75 fiscal year exceeds $1,000,000, is hereby appropriated for transfer to the General Fund; such transfer to be made from time to time by the State Controller.

SEC. 19.3. There is hereby appropriated from the Abandoned Vehicle Trust Fund in the State Treasury to the General Fund the sum of $1,900,000 for the purposes of Chapter 265, Statutes of 1974.

SEC. 19.5. There is hereby appropriated $215,000,000 from the Federal Revenue Sharing Fund to the General Fund for transfer to the State School Fund during the 1974–75 fiscal year. Such transfers are to be made by the State Controller upon order of the Director of Finance.

SEC. 19.6. (a) Since the State Scholarship and Loan Commission must announce in the spring of 1975 those individuals to whom state scholarship awards will be granted for the following fall semester of 1975 and, since the Budget Act of 1975 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur scholarship obligations for the maximum number of awards authorized by Section 31204 of the Education Code in an amount not to exceed $37,359,550 during the 1974–75 fiscal year for awards to be in effect during the 1975–76 fiscal year.

(b) Since the State Scholarship and Loan Commission must announce in the spring of 1975 those individuals to whom graduate fellowship awards will be granted for the following fall semester of 1975 and, since the Budget Act of 1975 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur graduate fellowship obligations for the awards authorized by Section 31247 of the Education Code in an amount not to exceed $1,000,000 during the 1974–75 fiscal year for awards to be in effect during the 1975–76 fiscal year.

(c) Since the State Scholarship and Loan Commission must announce in the spring of 1975 those individuals to whom College Opportunity Grants will be granted for the following fall semester of 1975 and, since the Budget Act of 1975 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur College Opportunity Grant obligations for the maximum number of awards authorized by Section 31263 of the Education Code in an amount not to exceed $7,250,000 during the 1974–75 fiscal year for awards to be in effect during the 1975–76 fiscal year.

(d) Since the State Scholarship and Loan Commission must announce in the spring of 1975 those individuals to whom Occupational Training Grants will be granted for the following fall

semester of 1975 and, since the Budget Act of 1975 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur Occupational Training Grant obligations for the maximum number of awards authorized by Section 31295.5 of the Education Code in an amount not to exceed $700,000 during the 1974-75 fiscal year for awards to be in effect during the 1975-76 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships, graduate fellowships, College Opportunity Grants, or Occupational Training Grants, the recipients of which have already been notified of their award. It is necessary that the State Scholarship and Loan Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the awards and grants may have sufficient time to plan for entering or returning to school the following fall.

SEC. 19.9. (a) No funds shall be available to finance contracts in respect to instructional materials adopted by the State Board of Education in which the total price, including sales and use tax, for any instructional materials exceeds by more than 13 percent the average of the three highest total prices for competitive instructional materials.

(b) No funds shall be available to finance contracts for textbooks or separate teachers' manuals adopted by the State Board of Education in which the royalty for any such textbook or separate teacher's manual exceeds by more than 10 percent an amount equal to the net price of that book multiplied by the average of the ratios of royalty to net price of all competitive books of its respective type.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position which was abolished effective September 1, 1974 and which position was vacant continuously during the period between October 1, 1973 and July 1, 1974. The State Controller, no later than August 1, 1974, shall notify in writing the Department of Finance of any authorized state position which was vacant continuously during such period. All such positions, except those exempt from civil service or those instructional and instructional-related positions authorized for the California State University and Colleges, are abolished effective September 1, 1974.

The State Controller, not later than December 2, 1974, shall furnish the Joint Legislative Budget Committee a report on all positions as of July 1, 1974, which were unfilled continuously during the period between October 1, 1973, and July 1, 1974.

SEC. 20.1. Notwithstanding any other provisions of law, expenditures under Item 13 of this act or any appropriation in augmentation of such item shall be exempt from the provisions of Sections 11033, 13320 and 13325 of, and Chapter 3 (commencing with Section 14250) of Part 5 of, and Chapter 6 (commencing with Section

14780) of Part 5.5 of, Division 3 of Title 2 of the Government Code, subdivision (a) of Section 713 of Title 2 of the California Administrative Code and Sections 4, 8, 18, and 25 of this act, and may be expended as set forth in the Governor's Budget, or for such other purposes, including expenditures for such number of positions in various classifications, as may be authorized by the Joint Committee on Rules.

SEC. 21.3. Since it is imperative for the Department of the California Highway Patrol to purchase special service automobiles in order to adequately patrol the highways of this state and since such automobiles can be purchased more effectively and economically on an annual basis with relation to the model year, which so-called year bridges two fiscal years, the Department of the California Highway Patrol is authorized to incur automotive equipment purchase obligations in an amount not to exceed $1,500,000 during the 1974–75 fiscal year for delivery beginning in the 1975–76 fiscal year, and the sum of $1,500,000 is hereby appropriated from the Motor Vehicle Account, State Transportation Fund to the Department of the California Highway Patrol. This appropriation shall be available until July 1, 1975.

SEC. 21.4. Since it is imperative that the maximum amount of time possible be provided the State Board of Education in the selection of textbooks and for private publishers and the State Printer to print textbooks for the ensuing school year, the Department of Education and the Department of General Services are authorized subject to the provisions of Education Code Sections 9200 through 10001 to incur textbook printing obligations in an amount not to exceed $10 million in the aggregate during the 1974–75 fiscal year for delivery by the State Printer and private publishers to the Department of Education and local educational agencies beginning in the 1975–76 fiscal year.

SEC. 21.5. Since it is necessary to provide adequate time for planning and preparation for the 1975 State Fair, the Department of Parks and Recreation, Division of Exposition and State Fair, is authorized, during the 1974–75 fiscal year, to incur obligations for operating expenses in an amount not to exceed $500,000 related to the 1975 State Fair, and the sum of $500,000 is hereby appropriated from the General Fund to the Department of Parks and Recreation, Division of Exposition and State Fair; this appropriation shall be available until July 1, 1975; provided further, that no such obligations shall be incurred for personal services, maintenance, or capital outlay projects.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of General Services has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as

defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Transportation, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of California, a Chancellor of the University of California, the Chancellor of the California State University and Colleges, a president of a state university or college, department heads and for other facilities or areas under the control of the agencies financed by this act in accordance with standards issued by the Director of General Services. The Director of General Services shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state facilities under this section.

Approval of the Director of General Services shall be obtained prior to procurement and installation of such materials. The Director of General Services may authorize the use of carpeting in other specialized facilities not meeting the established standards 30 days after notification in writing of the proposal with justification therefor to the Joint Legislative Budget Committee.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including

repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provisions for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workmen's compensation, unemployment compensation benefits, insurance premiums for workmen's compensation coverage, the state's contributions to the Public Employees' Retirement Fund, the Teachers' Retirement Fund, the University of California Retirement Fund to provide for that portion of retirement costs to be provided for Hastings College of Law in Item 358 of this Budget Act, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the state under contract;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such

drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California Governor's Budget for 1974–75 and State of California Budget Supplement for 1974–75," submitted by the Governor to the Legislature at the 1973–1974 Regular Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13300 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: workmen's compensation, the state's contribution to the Public Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Retirement Fund as provided by Sections 14055 and 14100 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14055 and 14100 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section. This transfer may be chargeable to such appropriation for a previous fiscal year if there are no funds available from that fiscal year.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund

and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 27. The Department of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Department of Finance shall furnish the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding month.

Augmentations of amounts available for expenditure for a category or project designated in any line of any schedule for personal services or operating expenses and equipment set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule shall not exceed, during any fiscal year, 20 percent of the amount so scheduled on that line.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1974–75 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 28.1. (a) The Regents of the University of California and the Trustees of the California State University and Colleges may not enter into a lease-purchase agreement with another entity, public or private, which involves building space, unless such agreement is reviewed and approved by the Legislature. Section (a) has no application to the transfer of the California State University and

College headquarters to Long Beach.

(b) The Trustees of the California State University and Colleges shall not finalize any contractual agreement regarding the Long Beach office building until there has been a full and complete review and approval of associated plans, specifications, contract, lease, or other building document whatever, including any financial arrangements, by the Public Works Board.

SEC. 28.2. The Director of General Services may not initiate a lease agreement between the state and another entity, public or private, in which the state is lessee when the agreement is to be for the lease of a building or building space or both which will be for the occupancy of any agency or agencies of the state with a firm lease period of five years or longer and an annual rental in excess of $5,000 or if the agreement contains an option for the purchase of the lease property, unless not less than 30 days prior to such authorization he notifies the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee or his designee in writing of his intention to initiate such an agreement, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine, provided that no funds appropriated in this act may be encumbered or expended for any lease entered into on or after July 1, 1974, for office space in the County of Sacramento unless the lease terms contain a provision that such lease may at the option of the state be canceled without penalty in the event the state builds or has built state office buildings in the City of Sacramento into which the state agency under the lease may be directed by the state to occupy, except that provisions to pay a lessor for the unamortized capital improvements put in at the state's request shall not be considered a penalty for purposes of this section.

SEC. 28.3. The Department of Benefit Payments must submit by September 1, December 1, and April 15 to the Department of Finance for its approval all assumptions underlying all estimates related to the (1) average monthly caseloads for each of the categorical aid programs, (2) average grant for each of the categorical aid programs, (3) total estimated expenditures for each of the categorical aid programs, and (4) savings or costs associated with all regulatory or statutory changes.

The Department of Health shall submit by September 1, December 1, and April 15 to the Department of Finance for its approval all assumptions underlying all estimates related to (1) the average monthly caseload for the medically needy and medical indigent in the Medi-Cal Program, (2) the average cost for each category of service and each category of recipient, (3) total estimated expenditures for each category of service, and (4) savings or costs associated with all regulatory or statutory changes.

The Department of Finance must approve or modify the assumptions underlying all estimates by September 15, December 15, and May 1. Failure on the part of the Department of Finance to

approve or modify the assumptions by such date shall constitute acceptance by the Department of Finance of the assumptions as presented by the department.

The estimates of average monthly caseload, average monthly grant, average cost of medical services, total estimated expenditures including administrative expenditures and savings or costs associated with all regulatory or statutory changes and a listing of all of the approved assumptions, as well as all supporting data provided by the Department of Benefit Payments and the Department of Health or developed independently by the Department of Finance shall be made available to the Joint Legislative Budget Committee immediately following approval by the Department of Finance. However, such departmental estimates, assumptions and other supporting data as have been prepared shall be forwarded to the Joint Legislative Budget Committee no later than October 1, January 1, and May 15 by the Department of Benefit Payments in the event this information has not been released earlier.

SEC. 28.4. No funds appropriated by this act shall be encumbered or expended for the purpose of funding any increased local governmental costs arising from the issuance of an executive order subject to the provisions of Section 2231 of the Revenue and Taxation Code, unless notification in writing of the necessity therefor is given at least 30 days before such encumbrance or expenditure is made to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee or such lesser time as the chairman of said committee, or his designee, may in each instance determine.

SEC. 28.5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee. Such notices shall state the reason for and amount of such authorization and shall be filed prior to approval whenever possible and in no case shall they be filed more than 10 days after approval.

SEC. 28.6. The Director of Parks and Recreation may not advertise to award any concession contract or agreement which involves a total investment for any private party in excess of $100,000 or involves projected concessionaire gross receipts in excess of $100,000 on an annual basis under the terms of the proposed agreement unless not less than 30 days prior to such advertising date, the Director of Finance notifies the Chairman of the Joint Legislative Budget Committee or his designee in writing of his intention to initiate advertising for such concession contract or agreement, or not sooner than such lesser time as the chairman of such committee or his designee, may in each instance determine; provided, that the notification shall include a finding by the Director of Parks and

Recreation and the Director of Finance that the concession contract or agreement cannot reasonably be presented to the Legislature through the annual budgeting process.

In addition, none of the access, picnic, restroom, or camping facilities constructed with funds appropriated by this act shall be operated pursuant to any new or existing concession agreement unless the justification for the appropriation presented to the Legislature has included such concession operation.

SEC. 28.65. In accordance with Chapter 540, Statutes of 1972, no concession contract for occupancy of buildings in the area at the foot of Steep Ravine in Tamalpais State Park shall be awarded by the Department of Parks and Recreation, and the existing structures shall be demolished and removed and the costs incurred in such demolition and removal shall be born from the appropriation made available for support of the department in Item 273 of this act.

SEC. 28.7. The Regents of the University of California shall not undertake any project funded from the Health Sciences Hospital Reserve Fund, which is in excess of $100,000, unless the scope and cost of any such project is approved by the Director of Finance and 30 days written notification is provided to the Chairman of the Joint Legislative Budget Committee or his designee. Any project funded from the Health Sciences Hospital Reserve Fund, of less than $100,000, shall be reported to the Chairman of the Joint Legislative Budget Committee by December 1 of each fiscal year. For purposes of this section the definition of a project does not include equipment projects. Any urgent project concerned with patient life or safety may proceed without prior approval or notification but such project shall be identified in the report provided each December 1.

SEC. 28.8. Notwithstanding any provisions of law to the contrary, including Sections 27 and 28 of this act, no funds allocated by this act or derived from any other source may be used to fund the center for the study and reduction of violence at the Neuropsychiatric Institute or any similar research program at any state entity, without prior approval of the Legislature.

SEC. 28.9. Since it is the intent of the Legislature in enacting this budget that no qualified student be denied admission to the California State University and Colleges or to the University of California because of a budget deficiency caused by unanticipated additional enrollments, the Director of Finance may, following the adoption of a resolution by the Trustees of the California State University and Colleges or the Regents of the University of California declaring an enrollment emergency, authorize the accelerated expenditure of amounts budgeted for the state colleges or the university, in the form of an agreement to seek a supplementary appropriation from the General Fund to the extent necessary to insure that all qualified students can be admitted when he certifies that the systemwide enrollment of the California State University and Colleges or of the University of California exceeds by 2 percent or more the enrollment upon which the budget for the state

university and colleges or the university was based; provided, that no increased expenditure may exceed $5 million in the aggregate or be authorized sooner than 30 days after notification in writing of the necessity therefor to the chairman of committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine.

In the event that the systemwide enrollment of the California State University and Colleges or University of California is under the budgeted enrollment by more than 2 percent, such excess shall be unallotted by the Director of Finance. Unallocated funds may be reallocated to preclude layoffs only after the Director of Finance has approved such action and should not be authorized sooner than 30 days after notification in writing of the necessity therefor to the chairman of committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine.

SEC. 28.10. All appropriations for the support of the California State University and Colleges shall be subject to the provisions of Section 13320 of the Government Code and applicable Budget Act restrictions with the following exceptions:

(a) The trustees may transfer excess salary saving funds from the salary savings reserve allotments to expenditure allotments provided such transfers do not exceed 20 percent of salary saving. Excess salary savings funds are those in excess of the amount budgeted.

(b) The trustees may approve transfer of funds between one or more of the programs for which funds are appropriated for the support of the California State University and Colleges.

Any transfer of funds made under the above exceptions shall be reported to the Department of Finance and Joint Legislative Budget Committee within 30 days after the end of each quarter in which such transfer was approved.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions shall be established unless authorized by the Department of Finance on the basis of work program and organization.

The Director of Finance, or his authorized designee, shall notify the Chairman of the Joint Legislative Budget Committee and the chairmen of the committees in each house which consider appropriations within 30 days of authorizing any position not authorized for that fiscal year by the Legislature or any reclassification to a position with a minimum step of $1,000 or more per month. He shall also report all transfers to blanket authorizations and the establishment of any permanent position out of a blanket authorization.

All positions administratively established pursuant to this section during the 1974–75 fiscal year shall terminate on June 30, 1975, except that those positions which have been (a) included in the 1975–76 Governor's Budget as proposed new positions, or (b) approved by the Department of Finance and reported to the Legislature after the 1975–76 Governor's Budget submission to the Legislature, may be reestablished by the Department of Finance during the 1975–76 fiscal year, provided such positions are shown in the 1976–77 proposed Governor's Budget submitted to the Legislature, or in subsequent Department of Finance letters to the Legislature, and provided, such positions do not result in establishment of positions deleted by the Legislature through the 1975–76 budget process.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1973, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this

paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 31.1. All positions which were administratively established during the 1973–74 fiscal year shall terminate on June 30, 1974, and may not be reestablished during the 1974–75 fiscal year, except that those positions which have been (a) included in the 1974–75 Governor's Budget as proposed new positions, or (b) approved by the Department of Finance and reported to the Legislature after the 1974–75 Governor's Budget submission to the Legislature, may be reestablished by the Department of Finance during the 1974–75 fiscal year, provided such positions are shown in the 1975–76 proposed Governor's Budget submitted to the Legislature, or in subsequent Department of Finance letters to the Legislature, and provided, such positions do not result in establishment of positions deleted by the Legislature through the 1974–75 budget process.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates approved by it under this section to the Chairman of the Joint

Legislative Budget Committee, and the chairman of the committee in each house which considers appropriations, quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.5. Notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the Aid to Families with Dependent Children Programs or the Aid to the Potentially Self-Supporting Blind Program, expenditures of state funds for those programs for the fiscal year ending June 30, 1975, shall not exceed, in the aggregate, the sum of four hundred eleven million one hundred six thousand four hundred dollars ($411,106,400).

The Department of Benefit Payments, subject to the limit placed on aggregate expenditures by this section, may transfer funds between categorical aid programs.

The Department of Benefit Payments shall administer the public assistance programs so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code, without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1974–75 fiscal year.

The limitations on amounts imposed by this section shall apply to any amounts which are determined by the Director of Finance to be necessary to meet increases in cost arising out of approvals made by the Department of Finance pursuant to the provisions contained in Item 307, provided the Legislature is notified pursuant to the provisions of Section 28 of the Budget Act of 1974.

Provided further, that the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or any change in rule or regulation adopted during the current fiscal year which are in excess of Budget Bill estimates for 1974–75.

Further provided, that any increase related to changes in a rule or regulation shall be limited to the minimum amount needed to reimburse counties for increased costs due to such changes when such regulation changes have been approved in advance by the Department of Finance.

If the Director of Finance determines during the third quarter that the estimate of expenditures will exceed the authorized expenditure in this section, he shall so report to the Legislature prior to the end of the third quarter. At such time as a report is made, the amount of the limitation shall be increased by the amount of such excess unless and until otherwise provided by law.

SEC 32.6. No funds included in this act shall be expended for the support of any agency, board, bureau, commission, committee, council, department, division, office, or unit unless such body is operating in and reporting in the administrative structure to which

it is assigned by statute, by a valid, effective, and operative reorganization plan of the Governor submitted to the Legislature, or by this act.

SEC. 32.9. No expenditure for park furnishings shall be made from any appropriation contained in this act for use by the Department of Parks and Recreation unless the department has made reasonable efforts to acquire such furnishings on a consolidated procurement basis. The department shall provide reasonable demonstration of such consolidated procurement to the Public Works Board and the Office of Procurement of the Department of General Services before the board and office authorize an expenditure or approve procurement.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Section 10 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, education, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the state. If they are not available for expenditure on July 1, 1974, the existing program will be delayed. The expeditious correction of such condition and the

efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items cor tained in this measure It is therefore necessary that this act go into immediate effect

CHAPTER 376

An act to add Section 15714 to the Elections Code, and to amend Section 28745 2 of the Public Utilities Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1974 Filed with Secretary of State June 30, 1974]

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

SECTION 1. Section 15714 is added to the Elections Code, to read:

15714. If the number of offices and measures to be voted upon at an election cannot be accommodated on one ballot card, the clerk may, at his discretion, place part of the ballot upon more than one ballot card or he may place part of the ballot upon the ballot card and the remainder upon paper.

SEC. 2. Section 28745.2 of the Public Utilities Code is amended to read:

28745.2. A resolution establishing the election districts shall be adopted by a majority of the members of the board and submitted to the Legislature not later than May 1, 1974.

The boundaries of the election districts shall be established by the board, unless the Legislature enacts a statute which becomes effective on or before July 1, 1974, that establishes and defines such boundaries. In establishing and defining the boundaries of the election districts, the Legislature shall take into consideration the factors specified in Sections 28745.4 and 28745.6. In such a case, the election districts shall be constituted, using 1970 United States census reports, as follows:

(a) Election District 1 consists of all that portion of Contra Costa County bounded and described as follows:

Census tracts 3212 to 3440, inclusive; 3452 to 3553, inclusive; and 3610; and that portion of 3560 not included within Election District 2.

(b) Election District 2 consists of all that portion of Contra Costa County bounded and described as follows:

Census tracts 3010 to 3211, inclusive; 3570 to 3602, inclusive; and 3620 to 3902, inclusive; and that portion of 3560 north of State Highway Route 4.

(c) Election District 3 shall consist of all that portion of:

(1) Contra Costa County bounded and described as follows:

Census tracts 3910 to 3920, inclusive.

(2) Alameda County bounded and described as follows:

Census tracts 4001 to 4004, inclusive; 4011 to 4013, inclusive; 4028 to 4047, inclusive; 4049 to 4056, inclusive; 4080; 4201 to 4206, inclusive; 4211 to 4219, inclusive; 4221 to 4232, inclusive; 4235 to 4239, inclusive; and 4261 and 4262.

(d) Election District 4 shall consist of all that portion of Alameda County bounded and described as follows:

Census tracts 4048; 4057 to 4079, inclusive; 4081 to 4098, inclusive; 4101 to 4104, inclusive; 4271 to 4274, inclusive; and 4276 to 4286, inclusive.

(e) Election District 5 shall consist of all that portion of Alameda County bounded and described as follows:

Census tracts 3451, 4099, and 4100; 4301 to 4353, inclusive; 4355 to 4357, inclusive; 4364; and 4501 to 4517, inclusive.

(f) Election District 6 shall consist of all that portion of Alameda County bounded and described as follows:

Census tracts 4354, 4358 to 4363, inclusive; and 4365 to 4446, inclusive.

(g) Election District 7 shall consist of all that portion of:

(1) San Francisco County bounded and described as follows:

Census tracts 153, 155, 158, and 159; 161 to 169, inclusive; 176 to 180, inclusive; 201 to 203, inclusive; 206 to 209, inclusive; 226 to 234, inclusive; and 606 to 610, inclusive; and those portions of 210, 251, 252, and 253 not included within Election District 8; and that portion of 603 not included within Election District 9.

(2) Alameda County bounded and described as follows:

Census tracts 4005 to 4010, inclusive; 4014 to 4027, inclusive; and 4220, 4233, 4234, 4240, 4251, and 4275.

(h) Election District 8 shall consist of all that portion of San Francisco County bounded and described as follows:

Census tracts 204 and 205; 211 to 218, inclusive; 254 to 264, inclusive; 303 to 314, inclusive; 327 to 332, inclusive; 351 to 354, inclusive; and 604 and 605; and that portion of 210 south of 26th Street; that portion of 251 south of Esmeralda Avenue and the easterly extension thereof, together with the portion west of Peralta Avenue and south of Montcalm Street; that portion of 252 south of Precita Avenue, that portion of 253 northwest of Mission Street and east of Valencia; and that portion of 326 south of Kirkham Street and west of 26th Avenue together with the part of the County of San Mateo contained within the San Francisco Bay Area Rapid Transit District.

(i) Election District 9 shall consist of all that portion of San Francisco County bounded and described as follows:

Census tracts 101 to 135, inclusive; 151, 152, 154, 156, 157, 160, 170, 171, 301, 302, 401, and 402: 426 to 428, inclusive; 451 and 452; 477 to 479, inclusive; and 601 and 602; and that portion of 603 west of Stanyan, and that portion of 326 not included within Election District 8.

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

In order (1) that the county clerk may place part of the ballot on more than one card, or part of the ballot upon a ballot card and the remainder on a paper ballot, and (2) that the boundaries of the nine election districts of the San Francisco Bay Area Rapid Transit District be established, for the general election of November 5, 1974, it is necessary that this act take effect immediately.

CHAPTER 377

An act to amend Sections 38010 and 38012 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1974 Filed with Secretary of State June 30, 1974]

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

SECTION 1. Section 38010 of the Vehicle Code, as amended by Chapter 974 of the Statutes of 1973, is amended to read:

38010. (a) Except as otherwise provided in subdivision (b), every motor vehicle which is not registered under this code because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the department.

(b) The provisions of subdivision (a) shall not apply to any of the following:

(1) Motor vehicles specifically exempted from registration under this code, including but not limited to motor vehicles exempted pursuant to Sections 4006, 4010, 4011, 4012, 4013, 4015, 4018, and 4019.

(2) Implements of husbandry.

(3) Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.

(4) Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.

(5) Special construction equipment described in Section 565, regardless of whether such motor vehicles are used in connection with highway or railroad work.

(6) A motor vehicle owned or operated by a nonresident of this state, whether or not such vehicle is identified or registered in a foreign jurisdiction. For the purposes of this paragraph, a person who holds a valid driver's license issued by a foreign jurisdiction shall be presumed to be such a nonresident.

(7) Commercial vehicles.

(8) Any motorcycle manufactured in the year 1942 or prior thereto.

(9) Motor vehicles operated solely on private property if the motor vehicles are owned by the owner or tenant of the private property.

(10) Motor vehicles operated off the highways in an organized racing or competitive event upon a closed course and which is conducted under the auspices of a recognized sanctioning body, or by permit issued by the local governmental authority having jurisdiction.

SEC. 2. Section 38012 of the Vehicle Code, as amended by Chapter 974 of the Statutes of 1973, is amended to read:

38012. As used in this division, "off-highway motor vehicle subject to identification" means a motor vehicle subject to the provisions of subdivision (a) of Section 38010.

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

In order that the provisions of this act may be in effect by July 1, 1974, the operative date of certain provisions of Chapter 974, Statutes of 1973, relating to off-highway vehicles, it is necessary for this act to take effect immediately.

SEC. 4. Sections 1 and 2 of this act shall become operative on July 1, 1974.

CHAPTER 378

An act to amend Sections 6311, 7046, and 7070 of the Harbors and Navigation Code, relating to harbors and ports, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1974 Filed with Secretary of State June 30, 1974]

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

SECTION 1. Section 6311 of the Harbors and Navigation Code is amended to read:

6311. Upon a four-fifths vote of all the members of the board, it may issue negotiable promissory notes bearing interest at a rate of not exceeding 7 percent per annum; provided, however, that said notes shall be payable from revenues and taxes levied for purposes of the district other than the payment of principal and interest on any bonded debt of the district; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either five hundred thousand dollars ($500,000) or 1 percent of the assessed valuation of the taxable property in the district, or if said assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate.

SEC. 2. Section 7046 of the Harbors and Navigation Code is amended to read:

7046. If and when the territory included within the district lies entirely within a single city, the legislative body of such city shall be ex officio the board of directors of the district. In such a case, the presiding officer of such legislative body shall be ex officio the president of the district

SEC. 3. Section 7070 of the Harbors and Navigation Code is amended to read:

7070. The board shall at its first meeting, or as soon thereafter as practical, appoint a secretary and treasurer. The board shall also appoint other officers that are necessary or convenient for the business of the district.

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

This act will make funds available to the Ventura Port District for an urgently needed marina development. It is, thus, necessary that this act go into immediate effect.

CHAPTER 379

An act to amend Section 830.4 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1974 Filed with Secretary of State July 5, 1974]

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

SECTION 1. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Navigation and Ocean Development and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of a state university or college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene or, on or after July 1, 1973, the State Department of Health, and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) (A) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(B) Any such officer so commissioned on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any officer so commissioned after July 6, 1973 shall have completed the course of instruction within 60 days after such commissioning. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Transportation on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated

(15) Security guards of the County of Los Angeles.

(16) (A) Persons regularly employed and designated by the board of directors of the Monterey Peninsula Airport District as airport policemen.

(B) Any such person employed on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any person so employed after July 6, 1973, shall have completed the course of instruction within 60 days after such employment Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(17) Any person regularly employed as an airport security officer by any airport operated by the City and County of San Francisco, Orange County, or the County of San Joaquin if he meets the following requirements:

(A) If employed by the City and County of San Francisco or Orange County on or before July 6, 1973, he shall have completed the course of instruction required by Section 832 by September 1, 1973; or if employed after July 6, 1973, he shall have completed such course of instruction within 60 days after such employment. If employed by the County of San Joaquin on or before September 25, 1973, he shall have completed the course of instruction required by Section 832 by December 1, 1973; or if employed after September 25, 1973, he shall have completed such course of instruction within 60 days after such employment Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the

course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(B) He shall be commissioned as a peace officer by the police commission or the board of supervisors of the city and county, or county, as the case may be, operating the airport.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(D) The provisions of this paragraph relating to airport security officers of any airport operated by the County of San Joaquin shall have no force and effect on and after April 30, 1975.

(E) In the case of any person regularly employed as an airport security officer by any such airport located in the County of San Mateo, he shall either be deputized by, or have the written consent of, the Sheriff of San Mateo County.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer

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

Regulations adopted by the federal government for the safety of passengers and to deter air piracy provide that all airports serviced by air carriers under the authority of the Civil Aeronautics Board have armed peace officer security guards at the passenger boarding area. California's present statutory provisions, providing that security officers employed by any airport operated by the City and County of San Francisco, Orange County or San Joaquin County are peace officers, took effect immediately as urgency measures at specified dates during 1973, but will have no force or effect on or after one year from those dates Therefore, in order to assure continued compliance with federal requirements, it is necessary that this bill take effect at the earliest possible date.

CHAPTER 380

An act to add Sections 25210.4d and 25211.7a to the Government Code, and to amend Sections 3.1 and 13 of the San Bernardino

County Flood Control Act (Chapter 73 of the Statutes of 1939), relating to flood control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1974. Filed with Secretary of State July 5, 1974.]

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

SECTION 1. Section 25210.4d is added to the Government Code, to read:

25210.4d. In any county which exceeds 20,000 square miles in area, a county service area, in addition to all other types of service which it is empowered to provide, may provide flood or inundation protection services; and any such county service area formed prior to the effective date of this section may provide such services without taking proceedings for the extension of authorized services pursuant to Article 3 (commencing with Section 25210.30) of this chapter. As used in this section, "flood or inundation protection services" shall include, but shall not be limited to, the acquisition, purchase, construction, repair, and maintenance of dams and of all land, easements, structures, facilities, and equipment necessary or convenient therefor when the same are intended to protect persons or property from flooding or inundation which might occur in the event of the failure of an existing privately owned dam.

No indebtedness may be incurred by a county service area for the purposes of this section except in accordance with the provisions of Article 10 (commencing with Section 25211.1) of this chapter.

Any county service area utilizing the provisions of this section to provide flood or inundation protection services and which establishes a zone of benefit therefor, may not provide water service within such zone of benefit.

SEC. 2. Section 25211.7a is added to the Government Code, to read:

25211.7a. In considering what area will be benefited by the provision of flood or inundation services, as authorized pursuant to Section 25210.4d, the board may determine that the acquisition or construction of a dam intended to protect persons or property from flooding or inundation in the event of the failure of an existing dam will benefit exclusively the area benefited by such existing dam and by the water impounded by such existing dam.

A resolution determining the area of benefit pursuant to this section, if adopted by a four-fifths vote of the board of supervisors, shall be conclusive evidence of the following:

(a) The proceedings taken in connection with such determination have been properly and legally conducted.

(b) The property included within the boundaries of such area will be benefited by the proposed work.

SEC. 3. Section 3.1 of the San Bernardino County Flood Control Act (Chapter 73 of the Statutes of 1939) is amended to read:

Sec. 3.1. The board of supervisors is authorized and empowered at any time and from time to time, to create within any of the zones described in Sections 1.01 to 1.6, inclusive, of this act, special zones for the purpose of constructing any project authorized by this act and which, in the opinion of the board, will be of special benefit only to the area within the special zones.

Before creating any special zone under the provisions of this section, the board of supervisors shall hold a public hearing on the proposal. Notice of the hearing shall be published in a newspaper of general circulation within the special zone, if there be one, otherwise, notice of the meeting shall be posted in at least seven places within the proposed special zone. Such notice shall describe the boundaries of the proposed special zone and contain a general statement of the nature of the work proposed to be done. At the hearing, any interested person may appear and protest the creation of the zone or the performance of any proposed work therein.

In determining the areas which will be specially benefited by the construction of the proposed work, the board of supervisors may consider any and all types of benefits which may accrue by reason of such construction. For the purpose of this section, proposed work which, if constructed, will provide protection against the failure of a dam impounding the waters of a lake or reservoir may be determined by the board of supervisors to benefit exclusively those properties benefited by such lake or reservoir. Such work may be determined to benefit only such properties even though the work is not contiguous to the lake or reservoir; and the construction of such work to provide flood control protection in the event of the failure of such a dam hereby is expressly declared to be one of the powers of the district.

A resolution forming a special zone pursuant to this section, if adopted by a four-fifths vote of the board of supervisors, shall be conclusive evidence of the following:

(a) The proceedings taken in connection with the formation of such special zone have been properly and legally conducted

(b) The property included within the boundaries of such special zone will be benefited by the proposed work.

Notwithstanding any other provision of law, no indebtedness may be incurred for the benefit of any special zone for any project which, if constructed, will provide protection against the failure of a dam impounding the waters of a lake or reservoir, unless and until the proposal to incur such indebtedness is submitted to the voters of the special zone and more than two-thirds of the votes cast in such election are in favor of incurring the indebtedness.

Any action to attack, contest, review, set aside, void or annul the formation of a special zone or the inclusion of property therein shall

be commenced within 30 days after the filing of the statement of the creation of such zone pursuant to Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

All of the provisions of this act relating to zones are applicable to special zones formed under this section; and all of the powers and duties conferred or imposed by this act with respect to zones, including the powers and duties to collect taxes or assessments and to incur indebtedness and to issue and sell bonds, shall apply with like respect to special zones.

SEC. 4. Section 13 of the San Bernardino County Flood Control Act (Chapter 73 of the Statutes of 1939) is amended to read:

Sec. 13. The board of supervisors shall prescribe the form of the bonds to be issued by the district and of the interest coupons to be attached thereto. The board shall fix the date of the bonds and may, in its discretion, divide the aggregate principal amount of any authorized issue into two or more series and fix different dates for each separate series. In the event any authorized issue is divided into two or more series, the bonds of each series may be made payable at such time or times as may be fixed by the board, separate and distinct from the time or times of payment of bonds of any other series of the same issue; provided, that no bond shall run more than forty (40) years from its date, that the earliest maturity of each issue or series, as the case may be, shall not be more than two years from the date of the bonds of said issue or series.

The bonds shall be issued in denominations of one thousand dollars ($1,000), or multiples of one thousand dollars ($1,000), as the board of supervisors may determine, and shall be payable on the date and at the place or places stated in such bonds and with interest at the rate specified in such bonds, payable semiannually except that interest for the first year may be made payable at the end of said year. Said bonds shall be signed by the chairman of the board of supervisors (or such other member of the board of supervisors as the board of supervisors shall by resolution designate) and countersigned by the auditor of the county, and the seal of said district shall be affixed thereto. The coupons of said bonds shall be numbered consecutively and signed by the auditor of said county The signature on all coupons and one signature on the bonds may be by printed, lithographed, or engraved facsimile signature. In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature shall nevertheless be valid for all purposes the same as if such person had remained in office until delivery of the bonds.

The board of supervisors may provide that all or any part of the bonds issued may be called and redeemed prior to maturity, at the option of the board, upon payment of such premiums, if any, as said board in the resolution providing for the issuance thereof may determine In the event any bond is redeemable prior to its maturity, a statement substantially to that effect shall be contained in the bond.

SEC. 5 It is the intent of the Legislature, to authorize in

accordance with the provisions of this act, the construction by a county service area or the San Bernardino County Flood Control District of a second dam to protect the public health and safety in the event of the failure of an existing privately owned dam impounding the waters of a lake or reservoir, and it is not the intent to affect in any way existing rights with respect to such private dam and the waters of the lake or reservoir impounded by such private dam.

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

Substantial questions have been raised as to the safety of a dam located within the San Bernardino County Flood Control District and, in order that a flood control facility may be constructed which will protect against the failure of such dam, it is essential that this act go into immediate effect.

CHAPTER 381

An act to amend Section 25505.3 of the Education Code, relating to community colleges.

[Approved by Governor July 5, 1974 Filed with Secretary of State July 5, 1974]

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

SECTION 1. Section 25505.3 of the Education Code is amended to read:

25505.3 (a) Subject to the provisions of Sections 25503 to 25504.5, inclusive, a district resident, as defined for purposes of Chapter 7 (commencing with Section 22800) of Division 16.5, shall be admitted to a community college in another district unless such admission would be contrary to the terms of an interdistrict attendance agreement or a notice of restriction.

(b) A district resident may be entitled to enroll and may be admitted to a community college in another district; provided, that the governing board of the receiving community college district has approved such admission and has determined that space is available at that community college. The admission of such person shall not be subject to an interdistrict attendance agreement or a notice of restriction, if the student pays on behalf of the district in which he resides the tuition computed under Section 25505.4 on account of such attendance. In the absence of an interdistrict attendance agreement and subject to the provisions of subdivision (c) of Section 25505.4, the tuition shall be computed as specified in Section 20201, including the specified charge of three hundred dollars ($300) per

unit of average daily attendance for the use of buildings and equ pment.

(c) Attendance of such students shall be separately recorded and reported to the Chancellor's Office of the California Community Colleges.

(c.) Basic aid shall be apportioned to the district of attendance, and the district of attendance shall not include the attendance of such students in the determination of the district's revenue limit pursuant to Section 20935.

(e) The governing board of each community college district shall prescribe rules and regulations for the implementation of this section.

CHAPTER 382

An act to amend Sections 13658 and 20110 of, and to repeal Section 20806.6 of, the Education Code, to amend Sections 822, 823, 828, 829, 832, and 4003 of, and to repeal Sections 824, 825, and 831 of, the Unemployment Insurance Code, relating to unemployment insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1974 Filed with Secretary of State July 5, 1974]

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

SECTION 1. Section 13658 of the Education Code is amended to read:

13658. Every regularly employed classified school employee employed by any of the following: (a) governing board of a school district, (b) county board of education, (c) county superintendent of schools, or (d) personnel commission of a school district which has a merit system as provided in Article 5 (commencing with Section 13701) of Chapter 3 of Division 10 of the Education Code, shall be covered for unemployment insurance pursuant to Sections 135 3 and 605.2 of, and Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of, the Unemployment Insurance Code.

As used in this section, "regularly employed classified school employee" includes all persons employed pursuant to Sections 872, 934, 949, 13581.2, 13581.5, 13599.7, and Sections 13581 1 and 13712 and any other similar provisions heretofore or hereafter enacted. Persons serving as substitute, short-term, part-time playground, full-time day student employed part-time where enrolled, apprentice, temporary professional expert, emergency, limited term, or provisional employees or volunteers are, unless otherwise eligible, excluded from the meaning of the term.

This section shall apply to districts that have adopted the merit

system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Section 20110 of the Education Code is amended to read:

20110. The Superintendent of Public Instruction shall represent, and exercise all rights of appeal under this part on behalf of school employers or arrange with a county superintendent of schools or make designation thereof consistent with this section for the filing of appeals for school employers and for the representation of school employers at hearings held under Part 1 (commencing with Section 100) of Division 1 of the Unemployment Insurance Code. The cost of services provided by the Superintendent of Public Instruction under this section and under Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code shall be paid from the Classified School Employees Fund. The Superintendent of Public Instruction is hereby authorized to obtain pertinent personnel records and data from any school employer and to act as an agent individually or collectively for school employers in matters pertaining to unemployment insurance.

Each county superintendent of schools, unless notified by the administrator or the Superintendent of Public Instruction to the contrary, shall perform such duties and render such services as required to implement such program. Any district, combination of districts, county, combination of counties, or combination of counties and school districts, may be designated by the Superintendent of Public Instruction whereby one agency may administer the program for the purpose of consolidation for economy and employment of specialists. This consolidation may include the services of a regional data center operated by a county superintendent of schools or the data-processing services of a school district.

Each school employer shall perform pursuant to Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code and shall respond to the Superintendent of Public Instruction and the county superintendent of schools or designated agency as soon as possible, in no case later than 48 hours, to inquiries made on behalf of such county superintendent or the Superintendent of Public Instruction in reference to any aspect of eligibility, notice of claim or appeal under the unemployment insurance program. Each county superintendent or agent thereof who is responsible for administering the unemployment insurance program shall be responsible for timely responses to any inquiry by the administrator, Superintendent of Public Instruction, State Treasurer, State Controller, or other officer or person responsible for disbursements on behalf of the joint account, the Classified School Employees Fund in the State Treasury as established by Section 822 of the Unemployment Insurance Code, and the Unemployment Fund in the State Treasury. Any school employer which fails to pay the contributions, interest, charges or levies within the time required shall be liable for interest on moneys due at the rate of one-half percent (0.5%) per month or fraction

thereof from and after the date of delinquency until paid. If, except as stated in Section 828 of the Unemployment Insurance Code with reference to Section 826 thereof, the school employer fails, without good cause, to pay any sums required within the time required a penalty of 10 percent of the amount noticed, billed or required shall be made by the administrator. The administrator may for good cause waive all or a portion of interest and penalty.

SEC. 3. Section 20806.6 of the Education Code is repealed.

SEC. 4. Section 822 of the Unemployment Insurance Code is amended to read:

822. There is hereby established in the State Treasury the "Classified School Employees Fund." Moneys received pursuant to Section 823, together with any charges, notices, fees, interest, penalties, assessments, or other revenue, shall be deposited in this fund. All money in the fund is hereby appropriated to the administrator without regard to fiscal year for carrying out the purposes of this article, for administrative costs, for making refunds, and for investment through the Surplus Money Investment Fund, with any interest or earnings credited to the Classified School Employees Fund. Funds to be used for administrative costs shall be budgeted and expended in accordance with existing state law.

SEC. 5. Section 823 of the Unemployment Insurance Code is amended to read:

823. (a) For the purpose of payment, by each school employer as defined in Section 135 3, of all or part of the charges for unemployment compensation benefits, fees, assessments, interest, penalties, billings, notices, and other expenses of unemployment insurance for classified school employees pursuant to Section 13658 of the Education Code, moneys budgeted pursuant to subdivision (b) of this section shall be remitted by the school employer or on the school employer's behalf by the county auditor to the State Treasurer pursuant to this article, and shall be deposited in the Classified School Employees Fund.

(b) For 1972–1973 and 1973–1974 fiscal years and each subsequent fiscal year, each school employer employing classified school employees shall budget and remit on or before the last day of the calendar month following the close of each calendar quarter to the State Treasurer for deposit in the Classified School Employees Fund in the State Treasury one-half percent (0.5%) of total wages, including taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930, but excluding wages paid for specially funded projects.

SEC. 6. Section 824 of the Unemployment Insurance Code is repealed.

SEC. 7. Section 825 of the Unemployment Insurance Code is repealed.

SEC. 8. Section 828 of the Unemployment Insurance Code is amended to read:

828. Each school employer shall be responsible for a quarterly

local experience charge as set forth below, together with such charges or penalties set by the administrator for administrative indiscretions including tardiness, error, as well as all costs for benefits and administration resulting from failure to properly cover an employee. Such reimbursement for charges shall be delinquent 30 days from the date of notice and if not paid within the time required the school employer shall pay a penalty of 10 percent of the unpaid amount plus interest at the rate of one-half of 1 percent (0.5%) per month or fraction thereof from and after the date of delinquency until paid. However, if funds are not available to pay local experience charges, when the budget requirements as set forth in Section 826 were adhered to, penalties shall be waived by the administrator for a period of not to exceed nine (9) months. The formula to be used for calculating the local experience charge to be levied against each school employer is as follows:

Local Experience Charge

Step (a) The amount of benefits paid, including benefits paid based on wages paid to employees performing services in specially funded projects, during any quarter shall be divided by the number of employees on the school employer's quarterly contribution return and report of wages to the department for that quarter.

Step (b) The amount derived by step (a) shall be distributed in line 1, then 2 and then 3, in accordance with the following table.

That portion of step (a) which is equal to or exceeds column (a) and is not greater than column (b) shall be multiplied by the rate on the same line

Value derived in step (a) is to be distributed

Line	Column (a)	Column (b)	Rate
1	$0.00 up to	$40.00	10%
2	$40.01 up to	$80.00	5%
3	$80.01 and over		1%

Step (c) The values in step (b) shall be added.

Step (d) The sum derived in step (c) shall be multiplied by the number of employees on the school employer's last quarterly contribution return and report of wages.

SEC. 9. Section 829 of the Unemployment Insurance Code is amended to read:

829. The total amount derived in step (d) of Section 828 shall be the amount that the school employer, county superintendent of schools or empowered entity shall on behalf of the employers under such jurisdiction reimburse the Classified School Employees Fund in the State Treasury. However, this amount shall not exceed one and seven-tenths percent (1.7%) of the actual annual wages paid by a school employer in the immediately preceding calendar year as indicated in the four quarterly reports to the department.

SEC. 10. Section 831 of the Unemployment Insurance Code is repealed.

SEC. 11. Section 832 of the Unemployment Insurance Code is amended to read:

832. The administrator shall at least annually calculate, as of the close of and for the immediately preceding fiscal year, the experiences of school employers relative to usage of the Unemployment Fund by specially funded employees. Such calculations shall include individual tabulations on the experience of each school employer in relation to expenditures made on behalf of both regular and specially funded project employees and the income to the Classified School Employees Fund from the wages paid such employees by such employer and all school employers' participation with special funds shall be listed and ranked by ratio of use and reported annually to the affected school employer and governing board thereof prior to the 15th day of October of each year.

The administrator shall develop experience relationships on all benefits paid to employees via the Classified School Employees Fund and on school employers' experience related to use and exposure. Data shall relate to numbers of employees and types of programs and shall be calculated as of the close of and for the immediately preceding fiscal year. A report by the administrator on the above shall be made each year to the Legislature prior to the 15th of December containing comments and recommendations on improvement to administration, enforcement and financing of the provisions relative thereto.

SEC. 11.5. Section 5003 of the Unemployment Insurance Code, as amended by Chapter 155 of the Statutes of 1974, is amended to read:

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

(b) Effective with respect to compensation for weeks of unemployment beginning before August 1, 1974, and beginning after December 31, 1973, the determination of whether there has been a state "on" or "off" indicator beginning or ending any extended benefit period shall be made as provided in subsection (e) of Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended by HR 14833 of the 93rd Congress as if subparagraph (A) of paragraph (1) of such subsection (e) did not exist.

SEC. 12. The amendment of Section 823 of, and the repeal of Section 831 of the Unemployment Insurance Code by this act shall apply on and after July 1, 1974.

SEC. 13. It is the intent of the Legislature in amending Section 823 of the Unemployment Insurance Code as proposed in this act to continue the unemployment compensation program for classified school employees in districts where such program was implemented prior to July 1, 1974. Therefore, no additional tax rate is authorized

for school districts for the purpose of funding this program because sufficient funds for this purpose are included in the revenue base of such districts and will continue to be included in the revenue limit of such districts pursuant to Sections 20904 and 20905 of the Education Code for subsequent fiscal years.

SEC. 14. The provisions of step (a) of Section 828 of the Unemployment Insurance Code as amended by this act are merely a clarification of the original intention of the Legislature and are not a substantive change, and are in conformity with the existing administrative interpretation of the law.

SEC. 14.5. The amendment to Section 4003 of the Unemployment Insurance Code, as set forth in Section 11.5 of this act, shall be operative only if and when H.R. 14833 of the 93rd Congress, or some other bill of the 93rd Congress, is enacted to extend until July 31, 1974, the time during which the 120 percent trigger for the "on" or "off" indicators is removed for purposes of obtaining the federal share of benefits under the Federal-State Extended Unemployment Compensation Act of 1970. If no such bill is enacted at the 93rd Congress, Section 11.5 of this act shall not become operative.

SEC. 15. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local governments by this act.

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

In order that the local agency taxing provisions of this act may be effective during the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 383

An act to add Section 19700.748 to the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1974 Filed with Secretary of State July 5, 1974]

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

SECTION 1. Section 19700.748 is added to the Education Code, to read:

19700.748. Notwithstanding any provisions of this article or Section 19700 745 thereof to the contrary, any school district which lacks sufficient matching funds for a particular project or projects, as

required under this article, may file an application and the board may approve a project or projects conditioned upon the district levying, in the 1974–75 fiscal year, the entire twenty-cent ($0.20) tax rate per one hundred dollars ($100) of assessed valuation permitted under Section 15518 and applying the proceeds of such levy as local matching funds for such project or projects.

Under such circumstances, provided such applicant district was not eligible to receive a grant under the provisions of Section 19700.746, the board may increase the basic computed state matching ratio of assistance in such amount, which, when added to the sum of the entire proceeds of the twenty-cent ($0.20) tax rate and such other funds which in the opinion of the board are or can be made currently available for the project or projects, would be necessary to construct minimum essential facilities for the project or projects as determined by the board. Not more than twelve million dollars ($12,000,000) of the proceeds of the sale of bonds authorized by Section 19700.51, may be apportioned pursuant to this section and in augmentation of the forty-five million dollars ($45,000,000) made available under Section 19700.745.

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

In order that school districts may contract for the orderly and efficient replacement or reconstruction of structurally inadequate school buildings without undue disruption of the education program and dislocation of pupils, it is necessary that this act take effect immediately.

CHAPTER 384

An act to amend Sections 3050, 3060, 3062, 3066, 3067, 3068, 9550, 11702, 11704, 11705, 11713.2, 11900, and 11906 of, to amend the heading of Article 4 (commencing with Section 3060) of Chapter 6 of Division 2 of, and to add Section 11909 to, the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1974. Filed with Secretary of State July 5, 1974.]

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

SECTION 1. Section 3050 of the Vehicle Code, as amended by Statutes of 1973, Chapter 996, is amended to read:

3050. The board shall:

(a) Adopt rules and regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3,

Title 2 of the Government Code governing such matters as are specifically committed to its jurisdiction.

(b) Hear and consider, within the limitations and in accordance with the procedure hereinafter provided, an appeal presented by an applicant for, or holder of, a license as a new car dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative when any such applicant or licensee submits such an appeal provided for in this chapter from a decision arising out of the department.

(c) Consider any matter concerning the activities or practices of any person applying for or holding a license as a new car dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative pursuant to Chapter 4 (commencing with Section 11700) of Division 5 submitted by any person; and, after such consideration, the board may do any one or any combination of the following:

(1) Direct the department to conduct such investigation of such matter as the board deems reasonable, and make a written report on the results of such investigation to the board within the time specified by the board;

(2) Undertake to arbitrate amicably or resolve any honest difference of opinion or viewpoint existing between any member of the public and any new car dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative;

(3) Order the department to exercise any and all authority or power that the department may have with respect to the issuance, renewal, refusal to renew, suspension or revocation of the license of any new car dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative as such license is required under Chapter 4 (commencing with Section 11700) of Division 5.

(d) Hear and consider, within the limitations and in accordance with the procedure hereinafter provided, a protest presented by a franchisee pursuant to Section 3060, 3062, 3064, or 3065.

SEC. 3. The heading of Article 4 (commencing with Section 3060) of Chapter 6 of Division 2 of the Vehicle Code, as added by Statutes of 1973, Chapter 996, is amended to read:

Article 4. Hearings on Franchise Modification, Replacement, Termination, Refusal to Continue, Delivery and Preparation Obligations, and Warranty Reimbursement

SEC. 4. Section 3060 of the Vehicle Code, as added by Statutes of 1973, Chapter 996, is amended to read:

3060. Notwithstanding the terms of any franchise, no franchisor shall terminate or refuse to continue any existing franchise unless:

(a) The franchisee and the board have received written notice from the franchisor as follows:

(1) Sixty days before the effective date thereof setting forth the specific grounds for termination or refusal to continue.

(2) Fifteen days before the effective date thereof setting forth the specific grounds with respect to any of the following:

(i) Transfer of any ownership or interest in the franchise without the consent of the franchisor, which consent shall not be unreasonably withheld.

(ii) Misrepresentation by the franchisee in applying for the franchise.

(iii) Insolvency of the franchisee, or filing of any petition by or against the franchisee under any bankruptcy or receivership law.

(iv) Any unfair business practice after written warning thereof.

(b) The board finds that there is good cause for termination or refusal to continue, following a hearing called pursuant to Section 3066. The franchisee may file a protest with the board within 30 days after receiving a 60-day notice, or within 10 days after receiving a 15-day notice. When such a protest is filed, the board shall advise the franchisor that a timely protest has been filed, that a hearing is required pursuant to Section 3066, and that the franchisor may not terminate or refuse to continue until the board makes its findings.

(c) The franchisor has received the written consent of the franchisee, or the appropriate period for filing a protest has elapsed.

The franchisor shall not modify or replace a franchise with a succeeding franchise if such modification or replacement would substantially affect the franchisee's sales or service obligations or investment, unless the franchisor shall have first given the board and each affected franchisee notice thereof at least 60 days in advance of such modification or replacement. Within 30 days of receipt of such notice, a franchisee may file a protest with the board and such modification or replacement shall not become effective until there is a finding by the board that there is good cause for such modification or replacement. If, however, a replacement franchise is the successor franchise to an expiring or expired term franchise, such prior franchise shall continue in effect until resolution of the protest by the board. In the event of multiple protests, hearings shall be consolidated to expedite the disposition of the issue.

SEC. 5. Section 3062 of the Vehicle Code, as added by Statutes of 1973, Chapter 996, is amended to read:

3062. In the event that a franchisor seeks to enter into a franchise establishing an additional motor vehicle dealership or relocating an existing motor vehicle dealership in a relevant market area where the same line-make is then represented, the franchisor shall in writing first notify the board and each franchisee in such line-make in the relevant market area of intention to establish or relocate an additional dealership in that market area. Within 15 days of receiving such notice or within 15 days after the end of any appeal procedure provided by the franchisor, any franchisee receiving such notice may file with the board a protest to the establishing or relocating of the proposed additional dealership. When such a protest is filed, the board shall inform the franchisor that a timely protest has been filed, that a hearing is required pursuant to Section 3066, and that the

franchisor shall not establish or relocate the proposed dealership until the board has determined that there is good cause for not permitting such additional dealership. In the event of multiple protests, hearings shall be consolidated to expedite the disposition of the issue.

SEC. 6. Section 3066 of the Vehicle Code, as added by Statutes of 1973, Chapter 996, is amended to read:

3066. (a) Upon receiving a notice of protest pursuant to Section 3060, 3062, 3064, or 3065, the board shall fix a time, which shall be within 60 days of such order, and place of hearing and send by registered mail a copy of the order to the franchisor, the protesting franchisee, and all individuals and groups which have requested notification by the board of protests and decisions of the board. The board, or a hearing officer designated by the board, shall hear and consider the oral and documented evidence introduced by the parties and other interested individuals and groups, and the board shall make its decision solely on the record so made. Government Code Sections 11507.6, 11507.7, except subdivision (c), 11510, 11511, 11513, 11514, 11515, and 11517 shall be applicable to such proceedings.

(b) In any hearing on a protest filed pursuant to Section 3060 or 3062, the franchisor shall have the burden of proof to establish that there is good cause to modify, replace, terminate, or refuse to continue a franchise. The franchisee shall have the burden of proof to establish there is good cause not to enter into a franchise establishing or relocating an additional motor vehicle dealership.

(c) In any hearing on a protest filed pursuant to Section 3064 or 3065, the franchisee shall have the burden to establish that the schedule of compensation or the warranty reimbursement schedule is not reasonable.

SEC. 7. Section 3067 of the Vehicle Code, as added by Statutes of 1973, Chapter 996, is amended to read:

3067. The decision of the board shall be in writing and shall contain findings of fact and a determination of the issues presented. If the board fails to act within 30 days after such hearing, within 30 days after the board receives a proposed decision where the case is heard before a hearing officer alone, or within such period as may be necessitated by Section 11517 of the Government Code or as may be mutually agreed upon by the parties, then the proposed action shall be deemed to be approved. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail, as well as to all individuals and groups, which have requested notification by the board of protests and decisions by the board. The decision shall be final upon its delivery or mailing and no reconsideration or rehearing shall be permitted.

SEC. 8. Section 3068 of the Vehicle Code, as added by Statutes of 1973, Chapter 996, is amended to read:

3068. Either party may seek judicial review of final decisions of the board. Time for filing for such review shall not be more than 45 days from the date on which the final order of the board is made

public and is delivered to the parties personally or is sent them by registered mail.

SEC. 9. Section 9550 of the Vehicle Code, as amended by Statutes of 1973, Chapter 996, is amended to read:

9550. All fees required to be paid by a vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, representative, or transporter in accordance with this code, for any license or special plates shall be paid at the time application is made to the department.

SEC. 10. Section 11702 of the Vehicle Code, as amended by Statutes of 1973, Chapter 996, is amended to read:

11702. The department may issue, or for reasonable cause shown, refuse to issue a license and special plates to any applicant applying for a manufacturer's, manufacturer's branch, distributor's, distributor's branch, transporter's, or dealer's license and special plates.

SEC. 11. Section 11704 of the Vehicle Code, as amended by Statutes of 1973, Chapter 996, is amended to read:

11704. The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this article and require of such applicants, where appropriate, as a condition precedent to issuance of such license, such information, including, but not limited to, fingerprints and personal history statements, touching on and concerning the applicant's character, honesty, integrity and reputation as it may consider necessary; provided, however, that every application for a dealer's license shall contain, in addition to such information as the department may require, a statement of the following facts:

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence address of each member thereof, whether a limited or general partner, and the name under which the partnership business is to be conducted; and if the applicant be a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city, town or village with the street and number, if any, of the established place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the established place of business.

(c) If the application be for a dealer's license, the name or names of the new motor vehicle or vehicles that the applicant has been enfranchised to sell or exchange and the name or names and address of the manufacturer or distributor who has enfranchised the applicant.

(d) If the application be for a manufacturer's or manufacturer's branch license, the names and addresses of all distributors and representatives acting for the applicant in this state and all dealers

franchised by said applicant in this state and business addresses of such dealers. Thereafter, all manufacturers or manufacturer's branches shall inform the department within 30 days of any change in the list of distributors, representatives or dealers.

(e) If the application be for a distributor's or distributor's branch license, the name of the manufacturer for whom the distributor will act, the names and business addresses of all representatives acting for the applicant in this state and the names and business addresses of all dealers in this state franchised by such distributor. Thereafter, all distributors shall inform the department within 30 days of any change in the list of representatives and dealers.

(f) Upon receipt of an application accompanied with the appropriate fee, the department shall, within 120 days, make a thorough investigation of the information contained in the application.

SEC. 12. Section 11705 of the Vehicle Code, as amended by Statutes of 1973, Chapter 996, is amended to read:

11705. (a) The department, after notice and hearing, may suspend or revoke the license issued to a dealer, transporter, manufacturer, manufacturer branch, distributor, or distributor branch upon determining that the person to whom the license was issued is not lawfully entitled thereto, or has committed any of the following acts:

(1) Filed an application for the license thereafter issued using a false or fictitious name not registered with the proper authorities, or knowingly made any false statement or knowingly concealed any material fact, in the application for such license.

(2) Has made, or knowingly or negligently permitted, any illegal use of the special plates issued to such license.

(3) Has used a false or fictitious name, knowingly made any false statement, or knowingly concealed any material fact, in any application for the registration of a vehicle, or otherwise committed a fraud in such application.

(4) Failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership.

(5) Has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle.

(6) Failed to provide and maintain a clear physical division between the type of business licensed pursuant to this chapter and any other type of business conducted at the established place of business.

(7) Has willfully violated any of the terms or provisions of Sections 3064 and 3065 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(8) Has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000) or a rule or regulation adopted pursuant thereto, or Section 1651.

(9) Has violated one or more of the terms and conditions of Division 4 (commencing with Section 10500) or the rules and

regulations adopted pursuant thereto or adopted pursuant to Section 165..

(10) Has violated one or more of the provisions of Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(11) Has violated any of the terms or provisions of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651 of this code.

(12) Has violated any of the terms or provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code or the rules and regulations adopted pursuant thereto under the authority of Section 1651 of this code.

(13) Has committed and has been convicted of a crime of a felony or a crime of moral turpitude.

(14) Has submitted a check, draft, or money order to the department for any obligation or fee due the state and it is thereafter dishonored or refused payment upon presentation.

(15) Has caused any person to suffer any loss or damage by reason of any fraud or deceit practiced on him or fraudulent representations made to such person in the sale or purchase of a vehicle or parts or accessories thereof.

For the purposes of this subdivision, the term "fraud" includes any act or omission which is included within the definition of either "actual fraud" or "constructive fraud" as defined in Sections 1572 and 1573 of the Civil Code, and the term "deceit" has the same meaning as defined in Section 1710 of the Civil Code. In addition, the terms "fraud" and "deceit" include, but are not limited to, the following: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; an intentional failure to disclose a material fact; any act falling within the provisions of Section 484 of the Penal Code.

(b) Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer applicant shall be cause to suspend or revoke a license and certificate issued to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 13. Section 11713.2 of the Vehicle Code as added by Statutes of 1973, Chapter 996, is amended to read:

11713.2. It shall be unlawful and a violation of this code for any manufacturer, manufacturer branch, distributor, or distributor branch licensed under this code:

(a) To refuse or fail to deliver in reasonable quantities and within

a reasonable time after receipt of an order from a dealer having a franchise for the retail sale of any new vehicle sold or distributed by the manufacturer or distributor, any new vehicle or parts or accessories to new vehicles as are covered by such franchise, if such vehicle, parts or accessories are publicly advertised as being available for delivery or actually being delivered. This subdivision is not violated, however, if such failure is caused by acts or causes beyond the control of the manufacturer, manufacturer branch, distributor, or distributor branch.

(b) To prevent or require or attempt to prevent or require, by contract or otherwise any change in the capital structure of a dealership or the means by or through which the dealer finances the operation of the dealership, provided that the dealer at all times meets any reasonable capital standards agreed to by the dealer and the manufacturer or distributor, and also provided that no change in capital structure shall cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor.

(c) To prevent or require, or attempt to prevent or require, a dealer to change the executive management of a dealership, other than the principal dealership operator or operators if the franchise was granted the dealer in reliance upon the personal qualifications of such person or persons.

(d) To prevent or require, or attempt to prevent or require, by contract or otherwise, any dealer, or any officer, partner, or stockholder of any dealership, the sale or transfer of any part of the interest of any of them to any other person or persons. No dealer, officer, partner, or stockholder shall, however, have the right to sell, transfer, or assign the franchise, or any right thereunder, without the consent of the manufacturer or distributor except that such consent shall not be unreasonably withheld.

(e) To prevent, or attempt to prevent a dealer from receiving fair and reasonable compensation for the value of the franchised business. There shall be no transfer or assignment of the dealer's franchise without the consent of the manufacturer or distributor, which consent shall not be unreasonably withheld.

(f) To obtain money, goods, service, or any other benefit from any other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and such other person, other than for compensation for services rendered, unless such benefit is promptly accounted for, and transmitted to, the dealer.

(g) To require a dealer to prospectively assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability to be imposed by this article or to require any controversy between a dealer and a manufacturer, distributor, or representative, to be referred to any person other than the board, if such referral would be binding on the dealer. This subdivision shall not, however, prohibit arbitration before an independent arbitrator.

(h) To increase prices of motor vehicles which the dealer had ordered for private retail consumers prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a private retail consumer shall constitute evidence of each such order. In the event of manufacturer price reductions, the amount of any such reduction received by a dealer shall be passed on to the private retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer. Price reductions shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. Price differences applicable to new model or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase or price decrease. Price changes caused by either (1) the addition to a motor vehicle of required or optional equipment pursuant to state or federal law, or (2) revaluation of the United States dollar in the case of foreign-make vehicles, shall not be subject to the provisions of this subdivision.

(i) To fail to pay to a dealer, within a reasonable time following receipt of a valid claim by a dealer thereof, any payment agreed to be made by the manufacturer or distributor to the dealer by reason of the fact that a new vehicle of a prior year model is in such dealer's inventory at the time of introduction of new model vehicles. A manufacturer or distributor shall not authorize or enable any new model or series passenger vehicle or station wagon to be delivered by dealers at retail more than 30 days prior to the eligibility date of such model change allowance payment for prior year model vehicles.

(j) To deny the widow or heirs designated by a deceased owner of a dealership, the opportunity to participate in the ownership of such dealership or successor dealership under a valid franchise for a reasonable time after the death of such owner.

(k) To offer any refunds or other types of inducements to any person for the purchase of new motor vehicles of a certain line-make to be sold to the state or any political subdivision thereof without making the same offer to all other dealers in the same line-make within the relevant market area.

(*l*) To modify, replace, enter into, relocate, terminate or refuse to renew a franchise in violation of Article 4 (commencing with Section 3060) of Chapter 6 of Division 2.

(m) To employ a person as a representative who has not been licensed pursuant to Article 3 (commencing with Section 11900) of Chapter 4 of Division 5.

(n) To deny any dealer the right of free association with any other dealer for any lawful purpose.

(o) To compete with a dealer in the same line make operating under an agreement or franchise from a manufacturer or distributor in the relevant market area. A manufacturer or distributor shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified independent person at a

fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions A distributor shall not be deemed to be competing when a wholly owned subsidiary corporation of such distributor sells motor vehicles at retail, if, for at least three years prior to January 1, 1973, such subsidiary corporation has been a wholly owned subsidiary of such distributor and engaged in the sale of vehicles at retail.

(p) To unfairly discriminate among its franchisees with respect to warranty reimbursement or authority granted its franchisees to make warranty adjustments with retail customers.

(q) To sell vehicles to persons not licensed under this chapter for resale.

SEC. 14. Section 11900 of the Vehicle Code, as added by Statutes of 1973, Chapter 996, is amended to read:

11900. It shall be unlawful for any person to act as a representative on or after July 1, 1974, without having first procured a license or temporary permit issued by the department or when such license or temporary permit has been canceled, suspended, revoked, or invalidated or has expired.

SEC. 15. Section 11906 of the Vehicle Code, as added by Statutes of 1973, Chapter 996, is amended to read:

11906. Fees for the original issuance of a representative's license shall be twenty-five dollars ($25), and for the annual renewal of a representative's license, the fee shall be fifteen dollars ($15).

All fees shall be paid as provided in Section 9550.

SEC. 16. Section 11909 is added to the Vehicle Code, to read:

11909. Upon issuance by the department to the licensee, the license provided in this article shall be immediately delivered to and posted in a place conspicuous to the public at the place of business of the manufacturer, manufacturer's branch, distributor, distributor's branch from which the representative is directly supervised and shall be continuously exhibited in such place while the representative is employed by such employer.

In the event a representative's employment is terminated, the license shall be forwarded to the department by the manufacturer, manufacturer's branch, distributor, distributor's branch not later than the end of the third business day after termination.

SEC. 17. Sections 1 through 16, inclusive, of this act shall become operative on July 1, 1974.

SEC. 18. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be an appropriation made by this act, because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

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SEC. 19. The Department of Motor Vehicles may do whatever it determines is reasonably necessary to prepare for the implementation of the provisions of Statutes of 1973, Chapter 996, and this act, including, but not limited to, the issuing of licenses which will be required by such provisions and collecting of fees prescribed by such provisions.

SEC. 20. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inasmuch as, by its terms, Statutes of 1973, Chapter 996, will become operative on July 1, 1974, it is necessary that this act take effect immediately so that the amendments and additions to Chapter 996 made by this act may become operative at the same time Chapter 996 becomes operative.

CHAPTER 385

An act to amend Section 71922 of, to repeal and add Article 2 (commencing with Section 71930) of Chapter 4 of Part 7 of Division 20 of, and to repeal Sections 71925, 71926, and 71927 of, the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1974. Filed with Secretary of State July 5, 1974.]

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

SECTION 1. Section 71922 of the Water Code is amended to read:

71922. The resolution of intention shall state that the board intends to form an improvement district of an uninhabited portion of the district which in the opinion of the board will be benefited, and to call an election in such proposed improvement district, on a date to be fixed, for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for such uninhabited improvement district.

SEC. 2. Section 71925 of the Water Code is repealed.

SEC. 3. Section 71926 of the Water Code is repealed.

SEC. 4. Section 71927 of the Water Code is repealed.

SEC. 5. Article 2 (commencing with Section 71930) of Chapter 4 of Part 7 of Division 20 of the Water Code is repealed.

SEC. 6. Article 2 (commencing with Section 71930) is added to Chapter 4 of Part 7 of Division 20 of the Water Code, to read:

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Article 2. Bond Election

71930. After the board has made its determination of the matters required to be determined by the resolution of intention, and if the board deems it necessary to form the improvement district and to incur the bonded indebtedness, the board shall by a formation resolution call a special election in the proposed uninhabited improvement district for the purpose of submitting to the voters thereof the proposition of forming the uninhabited improvement district and incurring indebtedness by the issuance of bonds of the district for the uninhabited improvement district.

71930.5. The provisions of this article apply only to bond elections called pursuant to this chapter. The provisions of Section 2504 of the Elections Code, relating to mandatory consolidation of elections, shall not apply to this chapter.

71931. Voter means a person who is a holder of title. Each voter shall have one vote for each dollar's worth of assessed value of land to which he holds title. The last equalized assessment roll of the county is conclusive evidence of ownership and of the value of the land so owned. Where title is held by two or more persons in undivided interests, the manner in which such interest may be voted shall be as provided in the resolution calling the election.

71931.5. The form and type of ballot to be used in the election and the manner of distribution thereof, to the voters, will be determined by the board.

71932. All ballots shall be returned to the secretary of the district at the office of the district on or before the last date established for the return of the ballots by the board.

71932.5. Within 10 days after the date on which all ballots must be received by the district, the board shall canvass the votes and declare the result.

71933. Each ballot will give the voter the option of voting in favor of or in opposition to the formation of the improvement district and incurring indebtedness by the issuance of bonds of the district for the improvement district.

71933.5. If a majority of the votes cast are in favor of the formation of the improvement district and incurring indebtedness by the issuance of bonds of the district for the improvement district, the improvement district shall be formed and bonds may be issued pursuant to Chapter 6 (commencing with Section 71950) of this part. If a majority of the votes cast are against the formation of the improvement district and incurring indebtedness by the issuance of bonds of the district for the improvement district, the improvement district shall not be formed and no bonds shall be issued.

71934 Voting may be by proxy and every appointment of a proxy is revocable at the pleasure of the person executing it by giving written notice to the district any time before the person appointed as proxy shall cast a ballot representing the votes for which the proxy was given.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of this act are necessary to permit municipal water districts to incur bonded indebtedness for uninhabited improvement districts. In order, therefore, to permit the construction of urgently needed water facilities in such uninhabited improvement districts at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 386

An act to amend Sections 4639 and 4651 of the Public Resources Code, relating to state forests.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. Section 4639 of the Public Resources Code is amended to read:

4639. "Management" means the handling of forest crop and forest soil so as to achieve maximum sustained production of high quality forest products while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries, and aesthetic enjoyment.

SEC. 2. Section 4651 of the Public Resources Code is amended to read:

4651. The management of state forests and the cutting and sale of timber and other forest products from state forests shall conform to regulations prepared by the State Forester and approved by the board. These regulations shall be in conformity with forest management practices designed to achieve maximum sustained production of high quality forest products while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries, and aesthetic enjoyment. The sale of timber and other forest products is limited to raw materials only.

CHAPTER 387

An act to add Section 14150.5 to the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. Section 14150.5 is added to the Welfare and Institutions Code, to read:

14150.5. Notwithstanding the provisions of Section 14150, commencing with the 1973–74 fiscal year, no county shall be required to pay as the county share toward the cost of care and administration in any fiscal year under Section 14150 an amount which would exceed the amount produced by a property tax rate of sixty-five cents ($0.65) per one hundred dollars ($100) of modified assessed value of property in the county. The term "modified assessed value" means the total of (a) the taxable assessed value of state-assessed property and the exempt assessed value of partially or totally exempt state-assessed property on which tax losses are reimbursed by the state and (b) the product of the factor prescribed in Section 17261 of the Education Code times the sum of (1) the taxable assessed value of county-assessed property and (2) the exempt assessed value of partially or totally exempt county-assessed property on which tax losses are reimbursed by the state.

Any relief to the county under this section shall be first used to reduce the amount owing by any county of the 15th class to the state under the Medi-Cal program.

CHAPTER 388

An act to amend Section 22853 of, and to add Section 22864 to, the Education Code, relating to student residency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 22864 is added to the Education Code, to read:

22864. No provision of this chapter shall be applicable to the University of California unless the Regents of the University of California, by resolution, make such provision applicable.

SEC. 2. Section 22853 of the Education Code is amended to read:

22853. A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification until he has resided in the state the minimum time necessary to become a resident.

Should that member of the armed forces of the United States, whose dependent natural or adopted child, stepchild, or spouse is in attendance at an institution, be thereafter transferred on military

orders to a place outside the continental United States where the member continues to serve in the armed forces of the United States, the student dependent shall not lose his resident classification until he has resided in the state the minimum time necessary to become a resident.

SEC. 3. Section 2 of this act shall be operative on the first residence determination date at each institution following the effective date of this act.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government

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

In order that student dependents of military personnel on active duty in this state shall be accorded resident status, as provided for herein, for the next semester or quarter during which they are enrolled at an institution of public higher education in California, it is necessary that this act take immediate effect.

CHAPTER 389

An act to amend Section 2954 of the Civil Code, relating to impound accounts.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 2954 of the Civil Code, as amended by Chapter 975 of the Statutes of 1973, is amended to read:

2954. (a) No impound, trust or other type of account for payment of taxes on the property, insurance premiums or other purposes relating to the property shall be required as a condition of a real property sale contract or a loan secured by a deed of trust or mortgage on real property containing only a single-family, owner-occupied dwelling, except: (1) where required by a state or federal regulatory authority; or (2) where a loan is made, guaranteed, or insured by a state or federal governmental lending or insuring agency; or (3) upon a failure of the purchaser or borrower to pay two consecutive tax installments on the property prior to the delinquency date for such payments; or (4) where the original principal amount of such a loan is (i) 90 percent or more of the sale

price, if the property involved is sold, or is (ii) 90 percent or more of the appraised value of the property securing the loan. Nothing contained in this section shall preclude establishment of such an account on terms mutually agreeable to the parties to the loan, if, prior to the execution of the loan or sale agreement, the seller or lender has furnished to the purchaser or borrower a statement in writing, which may be set forth in the loan application, to the effect that the establishment of such an account shall not be required as a condition to the execution of the loan or sale agreement, and further, stating whether or not interest will be paid on the funds in such an account.

An impound, trust, or other type of account for the payment of taxes, insurance premiums or other purposes relating to property established in violation of this subdivision is voidable, at the option of the purchaser or borrower, at any time, but shall not otherwise affect the validity of the loan or sale.

(b) Every mortgagee of real property, beneficiary under a deed of trust on real property or vendor on a real property sale contract upon the written request of the mortgagor, trustor or vendee shall furnish to the mortgagor, trustor or vendee for each calendar year within 60 days after the end of such year an itemized accounting of moneys received for interest and principal repayment and received and held in or disbursed from an impound or trust account, if any, for payment of taxes on the property, insurance premiums or other purposes relating to the property subject to the mortgage, deed of trust or real property sale contract. The mortgagor, trustor or vendee shall be entitled to receive one such accounting for each calendar year without charge and shall be entitled to additional similar accountings for one or more months upon written request and on payment in advance of fees as follows:

(1) Fifty cents ($0.50) per statement when requested in advance on a monthly basis for one or more years.

(2) One dollar ($1) per statement when requested for only one month.

(3) Five dollars ($5) if requested for a single cumulative statement giving all the information described above back to the last statement rendered.

If the mortgagee, beneficiary or vendor transmits to the mortgagor, trustor or vendee a monthly statement or passbook showing moneys received for interest and principal repayment and received and held in and disbursed from an impound or trust account, if any, the mortgagee, beneficiary or vendor shall be deemed to have complied with this section.

No increase in the monthly rate of payment of a mortgagor, trustor or vendee on a real property sale contract for impound or trust accounts shall be effective until after the mortgagee, beneficiary or vendor has furnished the mortgagor, trustor or vendee with an itemized accounting of the moneys presently held by it in the accounts, and a statement of the new monthly rate of payment, and

an explanation of the factors necessitating the increase.

The provisions of this section shall be in addition to the obligations of the parties as stated by Section 2943 of this code.

Every person who willfully or repeatedly violates this subdivision shall be subject to punishment by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

(c) As used in this section, "single-family, owner-occupied dwelling" means a dwelling which will be owned and occupied by a signatory to the mortgage or deed of trust secured by such dwelling within 90 days of the execution of such mortgage or deed of trust.

CHAPTER 390

An act to amend Section 20390 of, to add Section 20208 to, and to repeal Section 20208 of, the Government Code, and to amend Section 2 of Chapter 195 of the Statutes of 1974, relating to Public Employees Retirement System.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 20208 of the Government Code is repealed.

SEC. 2. Section 20208 is added to the Government Code, to read:

20208. (a) Whenever a person entitled to payment of a member's accumulated contributions or any other benefit fails to claim the payment or cannot be located or a warrant in payment is canceled pursuant to Section 17070 of this code, the amount owed from the retirement fund shall be administered in accordance with subdivision (c).

(b) Whenever the amount of a benefit payable by this system cannot be determined because the recipient cannot be identified or information necessary to determination of the benefit to be paid cannot be ascertained, the accumulated contributions of the member on whose account the benefit is payable shall be administered in accordance with subdivision (c).

(c) Notwithstanding any provision of law to the contrary, the amounts described in subdivisions (a) and (b) shall be held, or if a warrant has been drawn such warrant shall be redeposited in the retirement fund and held for the claimant without further accumulation of interest, and such redeposit shall not operate to reinstate the membership of the person with respect to whose membership the refund or benefit was payable in this system. If the proceeds, whether heretofore or hereafter redeposited, are not claimed within four years after the date of redeposit, they shall revert to and become a part of the reserve established pursuant to Section 20203. Transfer to this reserve shall be made as of the June

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30th next following the expiration of the four-year period.

The board may at any time after transfer of proceeds to the described reserve upon receipt of proper information satisfactory to it, return such proceeds so held in reserve to the credit of the claimant, to be administered in the manner provided under this system.

SEC. 3. Section 20390 of the Government Code is amended to read:

20390. A person ceases to be a member:

(a) Upon retirement.

(b) If he is paid his normal contributions or such contributions are held pursuant to Section 20208. For the purposes of this subdivision, deposit in the United States mail of a warrant drawn in favor of a member, addressed to the latest address of the member on file in the office of this system, constitutes payment to the member of the amount for which the warrant is drawn.

SEC. 4. Section 2 of Chapter 195 of the Statutes of 1974 is amended to read:

Sec. 2. In accordance with Section 20740 of the Government Code, any agency electing to be subject to Section 20024.2 shall cease to be an employer for the purposes of Chapter 6 (commencing with Section 20740) of Part 3, of Division 5, of Title 2, of the Government Code upon the effective date of such election.

CHAPTER 391

An act to amend Sections 11547, 11548, and 11549 of the Business and Professions Code, relating to subdivision maps

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 11547 of the Business and Professions Code is amended to read:

11547. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges or major thoroughfares.

Such local ordinance may require payment of fees pursuant to this section if:

(1) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to flood control provisions thereof which identify streams for which bridge crossings are required on general plan or local roads and in the case of major thoroughfares to the provisions of such circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and

provide a network connecting to the state highway system; provided, such circulation element and flood control provisions have been adopted by the local agency 30 days prior to the filing of a subdivision map or application for a building permit.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of the subdivision map or building permit application considered at such proceedings.

(3) The ordinance provides that at such public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to such lands from other sources.

(4) The ordinance provides that payment of fees shall not be required unless the planned bridge facility or major thoroughfares are in addition to, or a reconstruction of, any existing bridge facilities or major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(5) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section

Nothing in this section shall preclude the processing and recordation of subdivision maps in accordance with other provisions of this chapter if proceedings are abandoned

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of a majority of the property within the area of benefit are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A separate fund shall be established for each planned bridge facility or major thoroughfare project. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of constructing the improvement.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from planned bridge facility or major thoroughfares funds established to finance the construction of such improvements.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of bridge facilities or major thoroughfares provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility or major thoroughfares funds

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

SEC. 2. Section 11547 of the Business and Professions Code is amended to read·

11547. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit for purposes of defraying the actual or

estimated cost of constructing bridges over waterways, railways, roadways, and canyons, or constructing major thoroughfares.

Such local ordinance may require payment of fees pursuant to this section if:

(1) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to the transportation or flood control provisions thereof which identify railways, roadways, streams, or canyons for which bridge crossings are required on general plan or local roads, and in the case of major thoroughfares, to the provisions of such circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system; provided, such circulation element, transportation or flood control provisions have been adopted by the local agency 30 days prior to the filing of a subdivision map or application for a building permit.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of the subdivision map or building permit application considered at such proceedings.

(3) The ordinance provides that at such public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for such property or portions thereof Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to such lands from other sources.

(4) The ordinance provides that payment of fees shall not be required unless the planned bridge facility or major thoroughfares are in addition to, or a reconstruction of, any existing bridge facilities or major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(5) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Nothing in this section shall preclude the processing and recordation of subdivision maps in accordance with other provisions of this chapter if proceedings are abandoned.

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of a majority of the property within the area of benefit are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project and each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Money in such funds shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of constructing the improvement.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from planned bridge facility or major thoroughfares funds established to finance the construction of such improvements.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of bridge facilities or major thoroughfares; provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility or major thoroughfares funds.

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

SEC. 3. Section 11548 of the Business and Professions Code is amended to read:

11548. Whenever, pursuant to a local ordinance a subdivider or land developer is required to pay a fee for the construction of a bridge or improvement of an major thoroughfare as a condition precedent to the acceptance of a final map or as a condition of issuing a building permit and the facility is dedicated to the public, the governing body may contract with the subdivider or land developer for the construction of the bridge or improvement of a major thoroughfare, and reimburse the subdivider or land developer for the cost of constructing the facility.

SEC. 4. Section 11549 of the Business and Professions Code is amended to read:

11549. Any city or county may establish an area of benefit pursuant to Section 11547 and may impose a reasonable charge on property within the area which, in the opinion of the legislative body, is benefited by the construction of the bridge or major thoroughfare. The charge collected shall be paid to the county, city or subdivider constructing the bridge or major thoroughfare pursuant to Sections 11547 and 11548, and any city or county having jurisdiction over any property which, in the opinion of the legislative body, is benefited by the construction of the bridge or major thoroughfare may enter into a reimbursement agreement with the subdivider.

SEC. 5. It is the intent of the Legislature, if this bill and Senate Bill No. 1747 are both chaptered and become effective January 1, 1975, both bills amend Section 11547 of the Business and Professions Code, and this bill is chaptered after Senate Bill No. 1747, that the amendments to Section 11547 proposed by both bills be given effect and incorporated in Section 11547 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1747 are both chaptered and become effective January 1, 1975, both amend Section 11547, and this bill is chaptered after Senate Bill No. 1747, in which case Section 1 of this act shall not become operative.

CHAPTER 392

An act to amend Sections 19594 and 19700.78 of the Education Code, relating to state school building aid.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

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

19594. Whenever a conditional apportionment has, prior to January 1, 1975, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

SEC. 2. Section 19700.78 of the Education Code is amended to read:

19700.78. Whenever a conditional apportionment has, prior to January 1, 1975, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, the qualified electors of the district voting thereat authorized the governing board of the applicant school district, by the same majority vote required at a district bond election, to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the

applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund or the School Building Safety Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 393

An act to amend Sections 895, 896, 902, 903.1, 905, and 933 of the Penal Code, relating to grand juries.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. Section 895 of the Penal Code is amended to read:

895. During the month preceding the beginning of the fiscal year of the county, the superior court of each county shall make an order designating the estimated number of grand jurors that will, in the opinion of the court, be required for the transaction of the business of the court during the ensuing fiscal year as provided in Section 905.5.

SEC. 2. Section 896 of the Penal Code is amended to read:

896. (a) Immediately after such order is made, the court shall select the grand jurors required by personal interview for the purpose of ascertaining whether they possess the qualifications prescribed by subdivision (a) of Section 893. If a person so interviewed, in the opinion of the court, possesses such qualifications, in order for his name to be listed he shall sign a statement declaring that he will be available for jury service for the number of hours usually required of a member of the grand jury in that county.

(b) The selections shall be made of men and women who are not exempt from serving and who are suitable and competent to serve as grand jurors pursuant to Sections 893, 898, and 899. The court shall list the persons so selected and required by the order to serve as grand jurors during the ensuing fiscal year of the county, or until a new list of grand jurors is provided, and shall at once place this list in the possession of the county clerk.

SEC. 3. Section 902 of the Penal Code is amended to read.

902. The names of persons drawn for grand jurors shall be drawn from the grand jury box by withdrawing either the pieces of paper placed therein pursuant to subdivision (a) of Section 900 or the markers placed therein pursuant to subdivision (b) of Section 900. If, at the end of the fiscal year of the county, there are the names of persons in the grand jury box who have not been drawn during the fiscal year to serve and have not served as grand jurors, the names of such persons may be placed on the list of grand jurors drawn for

the succeeding fiscal year.

SEC. 4. Section 903.1 of the Penal Code is amended to read:

903.1. Pursuant to written rules or instructions adopted by a majority of the judges of the superior court of the county, the jury commissioner shall furnish the judges of the court annually a list of persons qualified to serve as grand jurors during the ensuing fiscal year of the county, or until a new list of jurors is required. From time to time, a majority of the judges of the superior court may adopt such rules or instructions as may be necessary for the guidance of the jury commissioner, who shall at all times be under the supervision and control of the judges of the court. Any list of jurors prepared pursuant to this article must, however, meet the requirements of Section 899.

SEC. 5. Section 905 of the Penal Code is amended to read:

905. In all counties there shall be at least one grand jury drawn and impaneled in each fiscal year of the county.

SEC. 6. Section 933 of the Penal Code is amended to read:

933. On or before the last day of each fiscal year of a county, each grand jury of the county impaneled during that fiscal year shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government.

No later than the 60th day after the discharge of each such grand jury, the board of supervisors shall comment on the findings and recommendations of the grand jury that pertain to county government matters under the control of the board and every elective county officer shall report to the board of supervisors on the findings and recommendations pertaining to such county officer. All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy thereof shall be placed on file with the county clerk and shall remain on file in the office of the county clerk.

CHAPTER 394

An act to amend Section 1907 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 1907 of the Education Code is amended to read:

1907. Any unsold bonds of an elementary, high school, unified, or community college district which is included as a whole in a new school district and authorized at an election held either prior or

subsequent to the date upon which the action to form the new district pursuant to Section 1704 was completed, may be issued by the board of supervisors in the name of the new district and the proceeds derived upon the sale thereof shall be the funds of the new district; provided that the proceeds derived upon the sale thereof shall be expended only within the territory of the school district which authorized said bonds and only for the purpose or purposes for which such bonds were authorized.

Until the bonded indebtedness described in the preceding paragraph shall have been assumed by the new district any tax levied pursuant to Section 22101 for the interest and redemption of said bonds shall be levied only within the territory of the district within which said bonds were authorized.

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

In certain newly formed unified school districts in the state, there exists specified amounts of unsold bonds authorized by component districts either prior or subsequent to the formation of the new unified school districts. However, bond attorneys who rule on constitutional issues involving the sale of such bonds are unable to give an unqualified endorsement to the sale of these bonds under the existing provisions of Section 1907 of the Education Code. It is therefore necessary that this act take immediate effect.

CHAPTER 395

An act relating to Placer County County Service Area No. 1, Dollar Point, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. The Legislature finds and declares as follows:

(a) Placer County County Service Area No. 1, Dollar Point, is located in the Lake Tahoe basin, a unique area of this state;

(b) There are special and unique needs for park and recreational facilities and services within such county service area;

(c) Each parcel of land within the county service area will receive benefit from such park and recreational facilities and services and such benefit will be equal with respect to each parcel, without regard to the assessed value of the parcel, and

(d) The conditions set forth in subdivisions (a) to (c), inclusive, are a unique and special situation for which a general law cannot be made applicable

SEC. 2. (a) Notwithstanding Article 6 (commencing with Section 25210.60) of Chapter 2.2 of Part 2 of Division 2 of Title 3 of the Government Code, the board of supervisors may make an assessment of a uniform amount on each parcel of land located within Placer County County Service Area No. 1, Dollar Point, without regard to the assessed value of such parcel, required for the purpose of providing local park and recreational facilities and services within the service area. The revenue obtained thereby may be in lieu of, or supplemental to, revenue obtained by the levy of taxes.

(b) Prior to making any assessment under this section, the following provisions shall be complied with:

(1) The board of supervisors shall adopt a resolution of its intention to make an assessment, stating the proposed amount of the assessment and fixing a time and place for public hearing on the establishment of the assessment not less than 30 nor more than 60 days after adoption of the resolution.

(2) Notice of the hearing shall be given as specified in Section 25210.16 of the Government Code, except that, instead of as provided in subdivision (c) of Section 25210.16, the notice shall state that at the hearing testimony of all interested persons or taxpayers for or against the making of the assessment will be heard.

(3) At the hearing, protests against the establishment of the assessment may be made orally or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings shall be as specified in Section 25210.17 of the Government Code. If 50 percent or more of the registered voters residing in the service area or one-half or more of the owners of parcels of land within the service area, without regard to the assessed value of such parcels, file written protests against the establishment of the assessment, the board shall abandon the proposed assessment.

(c) Assessments made pursuant to this section shall be collected at the same time and in the same manner as general taxes on the secured roll are collected and shall be subject to the same penalties and interest; and all of the laws for the levy, enforcement and collection of such general taxes are hereby made applicable to assessments made under this section.

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

In order that needed park and recreational facilities and services may be provided in Placer County County Service Area No. 1, Dollar Point, at the earliest possible time and in order that budgetary procedures may be facilitated for the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 396

An act to amend Sections 2 and 7 of, and to add Sections 7.1, 7.2, 7.3, and 7.4 to, the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), relating to the Placer County Water Agency.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. Section 2 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Placer County Water Agency.

(b) "County" is the County of Placer of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of water; power generation and transmission facilities; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the state empowered by law to appropriate water and deliver water to water users.

(g) "Public agency" means the United States, the state or any district.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

(k) "Agency election" means the election provided for in Section 7.1 held in accordance with the provisions of the Uniform District Election Law.

SEC. 2. Section 7 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 7. (a) The board of supervisors of the county shall be ex

officio the board of directors of the agency until succeeded by an appointed board as provided for in this section. Each member of the board of supervisors shall serve as a member of said board of directors without additional compensation, except such member shall be allowed his actual, necessary and reasonable traveling expenses.

(b) On or before January 15, 1975, the board of supervisors of the county shall by resolution do both of the following:

(1) Appoint a board of five directors for the agency, each of whom shall be a voter from a different supervisorial district in the county.

(2) Fix the time and date upon which the newly appointed directors shall take office, which time and date shall not be later than twelve o'clock noon, February 1, 1975. After such time and date the board of supervisors shall cease to be ex officio the board of directors of the agency.

SEC. 3. Section 7.1 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 7.1. Except for the directors first appointed pursuant to Section 7, the governing body of the agency shall be a board of five directors, each of whom shall be a voter of, and nominated and elected from, a supervisorial district of the county.

The directors first appointed from supervisorial districts 3, 4, and 5 shall hold office until their successors take office following their election at the agency election held in 1975, and the directors first appointed from supervisorial districts 1 and 2 shall hold office until their successors take office following their election at the next succeeding agency election, which shall be in 1977.

Excepting directors appointed, each director shall be elected at an agency election and shall serve a term of four years. The provisions of the Uniform District Election Law shall govern all agency elections for directors.

All vacancies occurring in the office of director, including the failure of a person elected to qualify, shall be filled within 30 days after the vacancy occurs by appointment by the remaining directors of a person who is eligible to be elected for the vacancy. If the remaining directors fail to fill any vacancy within such 30-day period, the vacancy shall be filled by appointment by the board of supervisors of a person who is eligible to be elected for the vacancy.

SEC. 4. Section 7.2 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 7.2. Within 30 days after the directors first appointed pursuant to Section 7 take office, and thereafter within 30 days after those who are elected at the succeeding elections take office, the directors shall meet and organize as a board.

The board shall:

(a) Elect from its members a chairman, who shall preside at all meetings of the board, and in case of the chairman's absence or inability to act, the members present shall, by an order entered in their records, select one of their number to act as temporary chairman.

(b) Provide for the time and place of holding its regular meeting.

(c) Provide for the manner of calling special meetings.

The board shall act only by ordinance, resolution or motion and the enacting clause of all ordinances passed by the board shall be:

"Be it ordained by the Board of Directors of the Placer County Water Agency as follows:"

All ordinances shall be signed by the chairman and attested by the secretary or clerk, and shall be adopted, recorded, and published in the same manner, except as herein otherwise expressly provided, as are ordinances of the county. A majority of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid and binding unless a majority of all members concur therein. The board may transact any business of the agency at its organization meeting.

The board shall establish rules for its proceedings, and all legislative sessions of the board shall be public.

SEC. 5. Section 7.3 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 7.3. No contract for the sale of electrical energy shall be executed, nor shall any revenues received pursuant to any contract for the sale of electrical energy entered into after January 1, 1975, be spent, unless previously approved by the board of supervisors of the county. The board of supervisors may, in connection with any of the foregoing conduct public hearings. Such hearings shall be declared by a resolution specifying the purpose and the day, hour, and place where all interested persons may appear and be heard. Such resolution shall be published in the agency pursuant to Section 6063 of the Government Code in a newspaper of general circulation in the agency. The hearing may be adjourned from time to time at the discretion of the board of supervisors, and at its conclusion the board of supervisors shall declare its decision.

SEC. 6. Section 7.4 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 7.4. Each member of the board of directors shall be entitled to receive from the agency such compensation for performing the duties of director as may be fixed from time to time by the board; provided, that such compensation shall not exceed the maximum compensation permitted by law for directors of irrigation districts. In addition thereto, directors may be paid their actual and necessary expenses when acting under the orders of the board.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 397

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

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. The Legislature finds and declares that the unique situation with regard to the use of federal funds and tax revenues in the Del Paso Heights Elementary School District require special treatment with respect to the requirements prescribed by Section 17503 of the Education Code, regarding the percentage of the current expense of education which must be expended in each fiscal year for the salaries of classroom teachers. For this reason, a general act cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 2. Notwithstanding Section 17503 of the Education Code, all amounts apportioned to the Del Paso Heights Elementary School District from the State School Fund for the 1973–74 fiscal year shall be allowed and disbursed to the district and shall be available for district expenditure even if less than 60 percent of the district's current expense of education in the 1972–73 fiscal year was expended for the salaries of classroom teachers.

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

In order to permit this act to be operative in the 1973–74 fiscal year, and so facilitate the orderly administration of the financial affairs of the Del Paso Heights Elementary School District, it is necessary that this act take effect immediately.

CHAPTER 398

An act to amend Section 1704 of the Insurance Code, relating to insurance agents.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 1704 of the Insurance Code is amended to read:

1704. (a) Every applicant for a license to act as a life agent, an insurance agent, or a travel insurance agent shall have filed on his

behalf with the commissioner a notice of appointment executed by an insurer, or its authorized representative, admitted to transact one or more classes of insurance included within the scope of the license sought, appointing the applicant, upon licensing, its agent within this state. Every applicant for a license to act as an insurance solicitor shall have filed on his behalf with the commissioner a notice executed by an insurance agent or broker agreeing to employ the applicant and appointing the applicant, upon licensing, the agent's or broker's solicitor within this state. Additional notices of appointment may be filed by other insurers or insurance agents or brokers, as the case may be, before such license is issued and thereafter as long as such license remains in force. No notice of appointment of a life agent, insurance agent, or travel insurance agent shall be filed by an insurer under this subdivision unless the agent being appointed has consented to such filing. Each such appointment made under this subdivision shall by its terms continue in force until:

(1) The cancellation or expiration of the license applied for or held at the time such appointment was filed.

(2) The filing of a notice of termination by the insurer or employing insurance agent or broker, or by such appointed life agent, insurance agent, travel insurance agent, or insurance solicitor.

(b) Upon the termination of all appointments, the permanent license shall not be canceled, but shall become inactive. It may be renewed pursuant to Section 1718. It may be reactivated at any time prior to its expiration by the filing of a new appointment pursuant to this section, Section 1707, and Section 1751.3. An inactive license shall not permit its holder to transact any insurance for which a valid, active license is required.

(c) Upon the termination of all appointments of a person licensed under a certificate of convenience, such certificate shall be canceled and shall be returned by its lawful custodian to the commissioner.

(d) An insurance agent or broker appointing an insurance solicitor pursuant to this section, if a natural person, must be the holder of a permanent license to act as insurance agent or broker or the holder of a certificate of convenience so to act issued pursuant to either subdivision (a) or (b) of Section 1685. If such insurance agent or broker is an organization, it must be the holder of a permanent license.

CHAPTER 399

An act to add Section 34708.5 to the Water Code, relating to California water districts, and declaring the urgency thereof, to take effect immediately

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 34708.5 is added to the Water Code, to read:

34708.5. At any time after the adoption of a resolution pursuant to Section 34708, such resolution may be repealed by a unanimous vote of the members of the board. Immediately upon the effective date of the repeal of the resolution, the offices created thereby shall be deemed vacated and abolished.

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

California water districts having more than the standard five directors and wishing to return to the five offices have vacancies which will have to be filled at the next election unless this act goes into effect prior to such election. In order to prevent unnecessary expense and internal hardship for such districts, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 400

An act to add Section 11092 to the Government Code, relating to statistical tabulations.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 11092 is added to the Government Code, to read:

11092. Each state agency and department shall, in the maintenance of any statistical tabulation of minority groups, commence the categorization of Filipinos as Filipinos at the earliest date possible but not later than 60 days following the operative date of this section.

CHAPTER 401

An act to amend Sections 851.7 and 1203.45 of the Penal Code, relating to sealing of records.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 851.7 of the Penal Code is amended to read:

851.7. (a) Any person who has been arrested for a misdemeanor, with or without a warrant, while a minor, may, during or after minority, petition the court in which the proceedings occurred or, if there were no court proceedings, the court in whose jurisdiction the arrest occurred, for an order sealing the records in the case, including any records of arrest and detention, if any of the following occurred:

(1) He was released pursuant to paragraph (1) of subdivision (b) of Section 849.

(2) Proceedings against him were dismissed, or he was discharged, without a conviction.

(3) He was acquitted.

(b) If the court finds that the petitioner is eligible for relief under subdivision (a), it shall issue its order granting the relief prayed for. Thereafter, the arrest, detention, and any further proceedings in the case shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

(c) This section applies to arrests and any further proceedings that occurred before, as well as those that occur after, the effective date of this section.

(d) This section does not apply to any person taken into custody pursuant to Section 625 of the Welfare and Institutions Code, or to any case within the scope of Section 781 of the Welfare and Institutions Code, unless, after a finding of unfitness for the juvenile court or otherwise, there were criminal proceedings in the case, not culminating in conviction. If there were criminal proceedings not culminating in conviction, this section shall be applicable to such criminal proceedings if such proceedings are otherwise within the scope of this section.

(e) This section does not apply to arrests for, and any further proceedings relating to, any of the following:

(1) Offenses for which registration is required under Section 290.

(2) Offenses under Division 10 (commencing with Section 11000) of the Health and Safety Code.

(3) Offenses under the Vehicle Code or any local ordinance relating to the operation, stopping, standing, or parking of a vehicle.

(f) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted in evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

(g) This section shall apply in any case in which a person was under the age of 21 at the time of the commission of an offense as to which this section is made applicable if such offense was committed prior to March 7, 1973.

SEC. 2. Section 1203.45 of the Penal Code is amended to read:

1203.45. (a) In any case in which a person was under the age of 18 years at the time of commission of a misdemeanor and is eligible for, or has previously received, the relief provided by Section 1203.4 or 1203.4a, such person, in a proceeding under Section 1203.4 or 1203.4a, or a separate proceeding, may petition the court for an order sealing the record of conviction and other official records in the case, including records of arrests resulting in the criminal proceeding and records relating to other offenses charged in the accusatory pleading, whether defendant was acquitted or charges were dismissed. If the court finds that such person was under the age of 18 at the time of the commission of the misdemeanor, and is eligible for relief under Section 1203.4 or 1203.4a or has previously received such relief, it may issue its order granting the relief prayed for. Thereafter such conviction, arrest, or other proceeding shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

(b) This section applies to convictions which occurred before, as well as those which occur after, the effective date of this section

(c) This section shall not apply to offenses for which registration is required under Section 290, to violations of Division 10 (commencing with Section 11000) of the Health and Safety Code, or to misdemeanor violations of the Vehicle Code relating to operation of a vehicle or of any local ordinance relating to operation, standing, stopping. or parking of a motor vehicle.

(d) This section does not apply to a person convicted of more than one offense, whether the second or additional convictions occurred in the same action in which the conviction as to which relief is sought occurred or in another action, except in the following cases:

(1) One of the offenses includes the other or others.

(2) The other conviction or convictions were for the following:

(i) Misdemeanor violations of Chapters 1 (commencing with Section 21000) to 9 (commencing with Section 22500), inclusive, or Chapters 12 (commencing with Section 23100) to 14 (commencing with Section 23340), inclusive, of Division 11 of the Vehicle Code, other than Sections 23101 to 23108, inclusive, or Section 23121.

(ii) Violation of any local ordinance relating to the operation, stopping, standing, or parking of a motor vehicle.

(3) The other conviction or convictions consisted of any combination of paragraphs (1) and (2).

(e) This section shall apply in any case in which a person was under the age of 21 at the time of the commission of an offense as to which this section is made applicable if such offense was committed prior to March 7, 1973.

(f) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who

is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

CHAPTER 402

An act to amend Section 13002 of the Education Code, relating to school district expenditures.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 13002 of the Education Code is amended to read:

13002. The governing board of any school district shall provide for the payment of the actual and necessary expenses, including traveling expenses, of any employee of the district incurred in the course of performing services for the district, whether within or outside the district, under the direction of the governing board. The board may authorize an advance of funds to cover such necessary expense. Such advance shall be repaid or adjusted upon filing of a regular claim for the actual and necessary expenses incurred. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the school district.

In implementing this section, a governing board of any school district may, by rule or regulation, delegate to the district superintendent the authority to perform all powers described in this section; provided, that funds expended pursuant to such delegation shall not exceed the amount previously budgeted for such purposes by the governing board.

CHAPTER 403

An act to amend Section 3059 of the Business and Professions Code, relating to optometry.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 3059 of the Business and Professions Code is amended to read:

3059. (a) On and after July 1, 1974, if the board determines that the public health and safety would be served by requiring all holders of licenses to practice optometry granted under the provisions of this chapter to continue their education after receiving such license, it may require, as a condition to the renewal thereof, that they submit proof satisfactory to the board that they have, during the preceding year, informed themselves of the developments in the practice of optometry occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

(b) The board may, in accordance with the intent of this section, make exceptions from continuing education requirements for reasons of health, military service, or other good cause.

(c) If for good cause compliance cannot be met for the current year, the board may grant exemption of compliance for that year, provided that a plan of future compliance that includes current requirements as well as makeup of previous requirements is approved by the board.

CHAPTER 404

An act authorizing the Yuba County Water District to call a special election, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Notwithstanding the provisions of Section 2504 of the Elections Code or any other provision of law, the Board of Directors of the Yuba County Water District may, within 90 days after the effective date of this act, by resolution call a special election, which need not be held on any regular election date or consolidated with any other election, for the purpose of the formation of Improvement District No. 5 and the authorization of bonds for such improvement district.

SEC. 2. The Legislature hereby finds and declares that facts and circumstances exist in the Yuba County Water District peculiar to that district which necessitates the special authorization provided by this act for calling a special election for the purpose of the formation of an improvement district and the authorization of bonds for such improvement district. It is essential that the water supply project which would be so authorized be completed this summer so that the residents which will be served by the project will have an adequate

supply of water during the coming dry months, and it is too late to conduct such election on the regular election date in June.

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

In order to authorize the construction of an urgently needed water supply project prior to the coming dry months when many persons will otherwise have no domestic water supply, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 405

An act to amend Section 6900 of the Financial Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 6900 of the Financial Code is amended to read:

6900. The minimum amount specified for the statutory net worth of each association shall be five percent of the aggregate amount of its outstanding investment certificates and withdrawable shares.

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

Presently there is no requirement under federal law or regulation applied to federally chartered savings and loan associations similar to the requirement imposed upon state charter associations by subsection (b) of Section 6900 of the Financial Code. State savings and loan associations are therefore placed at a competitive disadvantage until this requirement is repealed.

CHAPTER 406

An act to appropriate funds to Shasta County, relating to state-mandated program reimbursements, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. The sum of sixty thousand dollars ($60,000) is appropriated from the General Fund to the State Controller for payment to Shasta County as a state block grant to reimburse Shasta County for the full annual costs of the program mandated by Chapter 1093 of the Statutes of 1973 notwithstanding the provisions of Section 2231 of the Revenue and Taxation Code, and it is further provided that disbursement of the funds herein shall not diminish payment by the state pursuant to Sections 68206 and 75101 of the Government Code.

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

In order that the provisions of this chapter take effect without causing undue delay in reimbursing Shasta County pursuant to Section 2231 of the Revenue and Taxation Code, this act must go into effect immediately.

CHAPTER 407

An act to amend Sections 6880 and 6880.6 of, to amend and repeal Section 6880.2 of, and to add Sections 6880.1, 6880.5, 6880.7, 6880.17, and 6880.25 to, the Education Code, relating to development centers for handicapped pupils, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. Section 6880 of the Education Code is amended to read:

6880. The purpose of the Legislature in enacting this chapter is to recognize that each severely mentally retarded or physically handicapped pupil eligible for enrollment in development centers, as defined in this chapter, is entitled to an appropriate program in the public schools of this state. Such centers have successfully demonstrated that there is a need for programs to provide for pupils from an earlier age; that such centers can prevent the breakup of families; and that such centers reduce the need for institutional placement.

It is the further intent of the Legislature that during the period between July 1, 1974, and September 1, 1978, there be an orderly phase-in of pupils identified as being eligible for the program, so that by September 1, 1978, all eligible pupils shall be served.

SEC. 1.5. Section 6880.1 is added to the Education Code, to read:

6880.1. This chapter shall be known and may be cited as the Alan Short Development Centers for the Handicapped Act of 1974.

SEC. 2. Section 6880.2 of the Education Code is amended to read:

6880.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded pupils between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

The establishment and maintenance of any development center for physically handicapped and mentally retarded pupils by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district.

Pupils who are otherwise eligible for development center placement as determined by the Superintendent of Public Instruction, and who are between 18 months and 3 years of age, may be enrolled in experimental programs conducted by a school district or county superintendent of schools maintaining a development center. Experimental programs for such pupils shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by the State Board of Education.

This section shall remain in effect only until September 1, 1978, and as of such date is repealed, unless a later enacted statute, which is chaptered before September 1, 1978, deletes or extends such date.

SEC. 3. Section 6880.5 is added to the Education Code, to read:

6880.5. (a) The governing board or county superintendent shall annually certify to the Superintendent of Public Instruction that each child enrolled in a development center for handicapped pupils has been found to be eligible for such program by the local admissions and evaluation committee pursuant to eligibility requirements established by the State Board of Education.

(b) The governing board or county superintendent of schools maintaining a center shall annually report to the Superintendent of Public Instruction the number of pupils identified as eligible for center programs in the jurisdiction and the number of pupils enrolled in such programs.

SEC. 4. Section 6880.6 of the Education Code is amended to read:

6880.6. The State Board of Education shall establish and the

Superintendent of Public Instruction shall enforce reasonable and uniform standards for development centers for handicapped pupils, and shall establish standards for the admission of a child. The board may change the standards whenever it deems it advisable. However, in no case shall the State Board of Education adopt any rule or regulation which precludes enrolling or maintaining of a pupil in a development center on the basis of any means test. Eligibility for enrollment shall be based on the physical and mental handicapping conditions of each pupil.

SEC. 5. Section 6880.7 is added to the Education Code, to read:

6880.7. With the consent of the parent or guardian, each eligible handicapped pupil, between 3 years and 21 years of age residing in the district, shall be enrolled by the district in either a center maintained by the district or a center maintained pursuant to a contract for the district. If a parent or guardian seeks to enroll his child in a center and enrollment is denied, or if a parent or guardian disagrees with the proposed enrollment of a child in a center, provision shall be made for a fair hearing, including prior notice and an opportunity to be heard, on the issue of whether or not the child shall be enrolled.

The State Board of Education shall adopt rules and regulations relating to the conduct of such hearings.

The hearing may be before the board itself or before a panel composed of persons designated by the board and the parent or guardian.

Each governing board shall adopt rules and regulations relating to the conduct of such hearings.

SEC. 6. Section 6880.17 is added to the Education Code, to read:

6880.17. (a) State support, in accordance with the formula specified in Sections 6880.14 and 6880.48, shall be provided during the 1975–76 fiscal year for the number of pupils enrolled in centers on the effective date of this section for whom no state support was provided.

(b) The tax rate for the support of a school district or county superintendent of schools is reduced for the 1975–76 fiscal year by the amount sufficient to reduce the local tax revenues of the entity by the amount which the entity will receive pursuant to subdivision (a).

SEC. 7 Section 6880.25 is added to the Education Code, to read:

6880.25. The county superintendent of schools shall establish and maintain development centers for handicapped pupils who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not entered into a contract with other counties or districts to provide such programs.

Any elementary or unified school district which has an average daily attendance of more than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of more than 8,000 in the high schools of the district

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shall establish and maintain development centers for the handicapped.

The county superintendent of schools may establish development centers for handicapped pupils who reside in any district within the county with the approval of the county board of education and the agreement of the governing board of the school district.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain programs for such pupils.

The county superintendent of schools required to provide development centers for handicapped pupils may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified or high school district for the latter to provide for the education of such handicapped pupils.

Pupils who are otherwise eligible for development center placement as determined by the Superintendent of Public Instruction, and who are between 18 months and 3 years of age, may be enrolled in experimental programs conducted by a school district or county superintendent of schools maintaining a development center. Experimental programs for such pupils shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by the State Board of Education.

This section shall become operative on September 1, 1978.

SEC. 8. The Department of Finance, with the participation of the Department of Education and State Department of Health, shall prepare a study which:

(a) Identifies where pupils eligible for development centers for handicapped pupils services now reside.

(b) Recommends specific criteria for the admission of pupils to development centers for handicapped pupils.

(c) Identifies existing facilities in those locations that can be utilized as development centers.

(d) Recommends minimum standards of facilities to be used to house development centers for handicapped pupils.

(e) Identifies the number and location of new facilities which will be needed.

(f) Identifies current and potential funding sources which may be used for the support of development centers for handicapped pupils and for the construction of facilities to house centers. However, in no case shall parent fees, tuition, or other pupil related charges be considered as possible funding sources.

(g) Reviews and evaluates program direction and makes recommendations for expanding and improving services.

(h) Recommends minimum services, both educational and medical, which shall be available in development centers for handicapped pupils.

The departments shall submit the study to the Governor and the Legislature by March 1, 1975.

SEC. 9. It is the intent of the Legislature that the present system of local support for development center programs through taxes levied under Section 6880.16 of the Education Code shall continue, and that this act represents a clarification and necessary extension of the provisions relating to the establishment and operation of development centers for handicapped pupils, as enacted by Chapter 1093 of the Statutes of 1972, and will be funded by the combined federal, state, and local system of support therein provided for. No obligation is created by this act under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by them in carrying on any program or performing any service required to be carried on or performed by them by this act. The ratio between state and local support for development center programs shall be determined in accordance with rules and regulations established by the State Board of Education.

SEC. 10. There is hereby appropriated from the General Fund in the State Treasury to the Department of Finance, the sum of thirty thousand dollars ($30,000) for the 1974–75 fiscal year for the purpose of carrying out the provisions of Section 7 of this act.

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

In order to permit much-needed development centers for handicapped pupils to be made available at the earliest possible time, and to provide information to the Governor and the Legislature regarding such programs as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 408

An act to add Section 1907.5 to the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. Section 1907.5 is added to the Education Code, to read:

1907.5. Any unsold bonds of an elementary, high school, unified, or community college district which is included as a whole in a new

school district and authorized at an election held either prior or subsequent to the date upon which the action to form the new district pursuant to Section 1704 was completed, if issued by the board of supervisors in the names of the old districts, shall be considered a liability of the new district for purposes of computing the bonding capacity of the new district when applying the State School Building Aid Law of 1952 (Chapter 10 (commencing with Section 19551) of Division 14).

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

In order to make final, without undue delay, apportionments of state school building aid to reorganized school districts which have sold bonds authorized by component school districts, it is necessary that this act take effect immediately.

CHAPTER 409

An act to add and repeal Section 11475.6 of the Education Code, relating to the Cabrillo Community College District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 11475.6 is added to the Education Code, to read:

11475.6. For the experimental 4-1-4 academic calendar year program operated in the Cabrillo Community College District, the units of average daily attendance for graded classes shall be based upon active enrollment on regular census dates as provided for in Section 11476.5 occurring during the two 16-week terms with application of the usual factors and procedures prescribed in Section 11475. No state apportionment shall be calculated for enrollment or attendance during the one-month intersession in the Cabrillo Community College District. The computation of average daily attendance for the summer sessions at Cabrillo Community College District shall be in accordance with Section 11478. In the event the 4-1-4 academic year does not comply with the requirement of 175 days instruction for an academic year as prescribed by Section 17551, such requirement may be waived during the experimental period, provided that the governing board of the Cabrillo Community College District and the Board of Governors of the California Community Colleges cooperate in determining how the district can comply with Section 17551. These exceptions to the computation of

units of average daily attendance shall apply only to the Cabrillo Community College District for the 1974–75 and 1975–76 fiscal years.

This section shall only be operative until July 1, 1976, and as of such date is repealed.

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

In order for the experimental 4-1-4 academic year program to operate efficiently in the Cabrillo Community College District for the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 410

An act to amend Section 832 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 832 of the Penal Code is amended to read:

832. (a) Every person described in this chapter as a peace officer, shall receive a course of training in the exercise of his powers to arrest and a course of training in the carrying and use of firearms. The course of training in the carrying and use of firearms shall not be required of any peace officer whose employing agency prohibits the use of firearms. Such courses shall meet the minimum standards prescribed by the Commission on Peace Officer Standards and Training.

(b) (1) Every such peace officer described in this chapter shall, by July 1, 1974, or within 12 months following the date that he was first employed by any employing agency to exercise the powers of a peace officer, whichever period is greater, have satisfactorily completed the course of training in the carrying and use of firearms described in subdivision (a).

(2) Every such peace officer described in this chapter, except a peace officer described by subdivision (*l*) of Section 830.3, shall, by July 1, 1974, or within 12 months following the date that he was first employed by any employing agency to exercise the powers of a peace officer, whichever period is greater, have satisfactorily completed the course of training in the exercise of his powers to arrest described in subdivision (a).

(3) Every peace officer described by subdivision (*l*) of Section 830.3 shall, by January 1, 1975, or within 12 months following the date

that he was first employed by any employing agency to exercise the powers of a peace officer, whichever period is greater, have satisfactorily completed the course of training as described in subdivision (a)

(c) Persons described in this chapter as peace officers who have not so satisfactorily completed the courses described in subdivision (a) by the dates specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete such courses.

(d) Any peace officer who on the effective date of this section possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training shall be exempted from the provisions of this section.

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

Section 832 of the Penal Code currently provides that certain peace officers who do not complete the required course or courses on powers to arrest or carrying and use of firearms before July 1, 1974, shall not then have peace officer powers until such courses are completed. Because it is not feasible to administer the course on arrest powers to all fire department members with peace officer power before the specified date, it is in the best interest of the public safety to extend the deadline six months so that such persons do not lose their peace officer status during the interim period. For these reasons it is necessary that this act take effect before July 1, 1974, as an urgency statute.

CHAPTER 411

An act to amend Section 1825 of the Welfare and Institutions Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section

(b) A commitment rate for each county and for the state as a

whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c)

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table, beginning with the 1973–1974 fiscal year, to reflect changes in the Consumer Price Index established by the U.S. Department of Labor and given a weighted average for California by the California Department of Industrial Relations. The first adjustment shall use the December 1971 index as the base. Payments per uncommitted case shall in any event not exceed the average annual per capita cost of maintaining wards in Department of the Youth Authority institutions.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40–49 100,000	50–59 100,000	60–69 100,000	70–79 100,000	80–89 100,000	90–100 100,000
0 percent	—	—	—	—	—	—
1 percent	$2,285	$2,180	$2,135	$2,105	$2,085	$2,080
2 percent	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000
Over 25 percent	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code, except that funds obtained under this article may be used by a county that has not established a juvenile home, ranch or camp to pay for its juvenile home, ranch or camp placements in other counties.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

(j) As a supplement to earnings received by counties pursuant to subdivision (d), the Director of the Youth Authority may allocate from any moneys made available, to each participating county, an amount not to exceed 10 percent of the county's earnings generated in the 1972–73 fiscal year. This special allocation may be used, notwithstanding the provisions of Section 1821 or any other section of the article, for the diagnosis, control, or treatment of offenders or alleged offenders by local law enforcement agencies in the county, subject to standards, rules, and regulations established by the Director of the Youth Authority.

A sum of two million dollars ($2,000,000) is hereby appropriated to the Department of the Youth Authority for the 1974–75 fiscal year to carry out the provisions of this act.

In addition, one hundred seventy-four thousand dollars ($174,000) is hereby appropriated to the Director of the Youth Authority. One hundred forty-five thousand dollars ($145,000) of the total appropriation shall be used to (a) reimburse each participating county for carrying out program evaluation studies specified by the Department of the Youth Authority and twenty-nine thousand

dollars ($29,000) to be used to (b) defray the cost to the Department of the Youth Authority for processing the county evaluations to prepare a report to the 1975–76 Legislature on the effectiveness of state aid to probation services.

Each county participating in these studies shall be required to enter into a contractual agreement with the state. Such agreement shall specify the maximum amount each county shall be reimbursed.

No county shall share in any additional funds appropriated by this subdivision unless it enters into an agreement with the state to provide such evaluation or is granted an exemption by the Department of the Youth Authority.

The provisions of this subdivision shall be terminated on June 30, 1975.

(k) A review of this article shall be made by the Director of the Youth Authority and a report made to the 1975–76 Legislature by January 9, 1976.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act may become effective prior to the termination date of specific appropriations and provisions relating to specific county probation subsidy programs and studies it is necessary that this act take immediate effect.

CHAPTER 412

An act making an appropriation for the payment of a sewer assessment against state park system lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Department of Parks and Recreation the sum of forty-seven thousand six hundred twelve dollars ($47,612) for the payment of a sewer assessment made by the City of Elsinore against lands within the Lake Elsinore State Recreation Area; provided, that no moneys shall be expended for the payment of the sewer assessment until there is a signed agreement with the concessionaire to reimburse the state for such payment. Such agreement shall provide for the payment of interest under such terms and conditions as are prescribed by the Director of Finance.

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

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

In order that the Lake Elsinore State Recreation Area may be connected to a public sewer system at the earliest possible time to avoid health hazards that may result if the present septic tank system is continued, which connection cannot be made without payment of the assessment made by the City of Elsinore against lands within the state recreation area, it is necessary that this act take immediate effect.

CHAPTER 413

An act to amend Section 11926 of the Revenue and Taxation Code, relating to the Documentary Transfer Tax Act

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

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

SECTION 1. Section 11926 of the Revenue and Taxation Code is amended to read:

11926. Any tax imposed pursuant to this part shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result of or in lieu of foreclosure; provided, that such tax shall apply to the extent that the consideration exceeds the unpaid debt, including accrued interest and cost of foreclosure. Consideration, unpaid debt amount and identification of grantee as beneficiary or mortgagee shall be noted on said deed, instrument or writing or stated in an affidavit or declaration under penalty of perjury for tax purposes

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CHAPTER 414

An act to amend Section 4985 of, and to repeal Section 4833 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 8, 1974 Filed with Secretary of State July 8, 1974]

The people of the State of California do enact as follows

SECTION 1 Section 4833 of the Revenue and Taxation Code is repealed.

SEC 2. Section 4985 of the Revenue and Taxation Code is amended to read.

4985. Any uncollected delinquent penalty, cost, redemption

penalty, interest, or redemption fee, heretofore or hereafter attached, shall upon satisfactory proof submitted by the tax collector, the auditor, or the assessor, be canceled by the auditor on order of the board of supervisors with the written consent of the district attorney upon a showing that either:

(a) Such delinquent penalty, cost, redemption penalty, interest, or redemption fee has attached because of an error of the tax collector, the auditor, or the assessor, or because of their inability to complete valid procedures initiated prior to the delinquency date, and upon the further showing that payment of the corrected or additional amount was made within 30 days from the date that the correction was entered on the roll or abstract record; or

(b) The correction of any assessor's error under Section 4831 for any prior fiscal year causes an increase of over one hundred dollars ($100), or over 50 percent of such tax for such year, whichever is greater, and such error was made without fault on the part of the assessee, and upon a further showing that payment of such increased tax was made within one year from the date that such correction was entered on the roll or abstract record; provided, however, that if payment of such increased tax is made pursuant to Section 4837.5, this subdivision shall not apply.

CHAPTER 415

An act to amend Section 31621.2 of, and to add Sections 31676.15, 31740, and Article 15.6 (commencing with Section 31855) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to County Employees Retirement Law of 1937

[Approved by Governor July 8, 1974. Filed with Secretary of State July 8, 1974.]

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

SECTION 1. Section 31621.2 of the Government Code is amended to read:

31621.2. In counties adopting Section 31676.12 or 31676.15, the normal rates of contribution, except for members covered by Article 6.8 (commencing with Section 31639) of this chapter, shall be such as will provide an average annuity at age 60 equal to one one-hundredth of the final compensation of members not covered by Article 6.8 (commencing with Section 31639) of this chapter, according to tables adopted by the board of supervisors, for each year of service rendered after entering the system.

SEC. 2. Section 31676.15 is added to the Government Code, to read:

31676.15. This section may be made applicable in any county which has implemented the provisions of Article 15.6 (commencing

with Section 31855). The provisions of this section shall be made applicable by the adoption of a resolution so to do by a majority vote of all the members of the board of supervisors Such resolution may specify a date subsequent to the date of adoption of the resolution as the operative date for this section. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-fiftieth of the member's final compensation set forth opposite the age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to the member's sex, multiplied by the number of years of current service or years of current and prior service with which the member is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation.

Age at Retirement	Fraction Men	Women
50	.7279	.7454
50¼	.7393	7561
50½	.7506	.7668
50¾	.7619	.7775
51	.7732	.7882
51¼	.7885	.7998
51½	.7978	.8114
51¾	.8102	.8230
52	.8225	.8346
52¼	.8360	.8472
52½	.8494	.8598
52¾	.8629	.8724
53	.8764	.8850
53¼	.8911	.8987
53½	.9059	.9125
53¾	.9206	.9262
54	.9353	.9399
54¼	.9515	.9549
54½	.9676	.9699
54¾	9838	.9849
55	1.0000	1.0000
55¼	1.0110	1.0111
55½	1.0221	1.0223
55¾	1.0332	1.0335
56	1.0443	1.0447
56¼	1.0591	1.0597
56½	1 0739	1 0747
56¾	1.0887	1.0898
57	1 1035	1.1048

57¼	1 1191	1.1207
57½	1 1348	1.1367
57¾	1.1504	1.1526
58	1 1660	1.1686
58¼	1.1826	1.1855
58½	1.1991	1.2025
58¾	1.2157	1.2195
59	1.2322	1.2365
59¼	1.2498	1.2547
59½	1 2673	1.2729
59¾	1.2849	1.2911
60	1.3025	1.3093
60¼	1.3153	1.3221
60½	1.3282	1.3350
60¾	1.3411	1.3479
61	1.3540	1.3608
61¼	1.3668	1.3736
61½	1.3797	1.3865
61¾	1.3926	1.3994
62	1.4055	1.4123
62¼	1.4183	1.4251
62½	1 4312	1.4380
62¾	1.4441	1.4509
63	1 4570	1.4638
63¼	1.4698	1.4766
63½	1.4827	1.4895
63¾	1.4956	1.5024
64	1.5085	1.5153
64¼	1.5213	1 5281
64½	1.5342	1.5410
64¾	1.5471	1.5539
65	1.5600	1.5668

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Whenever in this chapter reference is made to survivorship and other benefits and rights under Section 31676.1, the same shall apply to this section.

SEC. 2. Section 31740 is added to the Government Code, to read:

31740 In any county which has implemented the provisions of Article 15.6 (commencing with Section 31855), any member who is thereafter retired for disability shall receive a supplemental disability retirement allowance in the sum of three hundred dollars ($300) per month in addition to any other benefits due under this chapter, provided the member's disability is such that the member is incapable of gainful employment. The board may adopt regulations, including a requirement for periodic declarations of nonemployment, to administer this supplemental allowance

SEC. 3. Article 15.6 (commencing with Section 31855) is added to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to read:

Article 15.6. Survivors' Allowances

31855. It is the intent of the Legislature to provide by this article a means by which any county which has provided all or any of officers and employees with both retirement benefits pursuant to this chapter and federal social security benefits on a nonintegrated basis may provide the benefits set forth herein as an alternative to survivorship benefits under social security. Accordingly, this article shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote and specifying the class or classes of employees to which it applies, make the provisions of this article applicable in such county, and a majority of the members of the class or classes of employees elect to terminate supplemental survivorship benefits under social security. Any such resolution may specify a date subsequent to the date of adoption as the operative date for implementation of this article.

31855.1. This article shall not be applicable to any member who has retired or been placed in a deferred retirement status prior to the date this article becomes operative in any county; provided, however, that if such member reenters county employment on a full-time basis subsequent to the operative date of the article, it shall become applicable to such member.

31855.2. Adoption of an enabling resolution by a board of supervisors shall make the provisions of this article applicable only to officers and employees of that county. If the governing board of any special district whose employees are within the retirement system of that county desire to include their employees within the coverage of this article, they shall do so by adoption of a resolution so to do by a majority of all of the members of the board.

31855.3. As used in this article "child" means a member's child who is dependent upon such member at the time of the member's death and while such child is unmarried and:

(a) Under 18 years of age, or

(b) Whether under or over 18 years of age, totally disabled and such disability occurred prior to such child attaining age 18 years, or

(c) Eighteen years of age or over, but has not attained the age of 22 years, and is enrolled as a full-time student in an accredited school, as determined by the board.

31855.4. As used in this article "parent" means the father or mother of the deceased member who at the time of the death of such member was not less than 62 years of age and was receiving not less than one-half of his or her support from the member, and who has not remarried since the member's death.

31855.5. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately

prior to the member's death, the member's surviving spouse shall be paid a monthly survivor's allowance equal to the sum, based upon the appropriate factual circumstances, specified in Section 31855.8.

31855.6. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to the member's death and who is survived by one or more children but no surviving spouse, such child or children shall be entitled to a monthly survivor's allowance as specified in Section 31855.8. The monthly survivor's allowance of two or more children shall be divided equally as to such children.

31855.7. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to the member's death, the member's surviving parent or parents shall be entitled to a monthly survivor's allowance as specified in Section 31855.8.

31855.8. Monthly survivor's allowances shall be based upon the following table:

Member's survivors	Monthly allowances
Surviving spouse caring for one child	$591.80
Surviving spouse caring for two or more children	690.40
One child only	295.90
Two children only	581.80
Three or more children	690.40
Widow or widower age 62 (no child)	327.10
Each of two dependent parents at age 62	295.90
Sole dependent parent at age 62	325.50
Lump sum payment	255.00

31855.9. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to his death who is survived by a spouse with whom the member was living at the time of death, the retirement system shall pay to such surviving spouse, in addition to all other payments due, if any, a lump sum supplemental survivorship benefit of two hundred fifty-five dollars ($255), as set forth in Section 31855.8. If such member is not survived by a spouse with whom the member was living, the retirement system shall apply such lump sum supplemental survivorship benefit to reimburse the person who paid the funeral expenses of such member to an amount not to exceed two hundred fifty-five dollars ($255).

31855.10. In addition to the contributions required elsewhere in this chapter there shall be deducted from the salary or wages of each member covered by the provisions of this article, to finance the cost of the benefits provided herein, the sum of three dollars and fifty cents ($3.50) per month and an equivalent amount to be paid by the county as an additional county contribution The amounts deducted pursuant to this section shall not be considered to be a portion of a member's accumulated contributions and shall not be refunded to a

member upon termination of service or for any other reason. The board is empowered to change the contribution figures set forth herein from time to time based on actuarial recommendation as to contributions needed to fund these benefits.

CHAPTER 416

An act to add and repeal Section 8045.7 of the Fish and Game Code, relating to crab, and making an appropriation therefor.

[Approved by Governor July 9, 1974. Filed with Secretary of State July 9, 1974]

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

SECTION 1. Section 8045.7 is added to the Fish and Game Code, to read:

8045.7. Every person operating under a license issued pursuant to this article shall, in addition to the license fee and the tax required under Section 8045.5, pay an additional privilege tax of one and eighty-five hundredths cent ($0.0185) for each pound, or fraction thereof, of crab purchased, received, or taken by him. The moneys collected by the department pursuant to this section shall be expended for research and management activities, including propagation, for the purpose of maintaining and enhancing the market crab resources within the waters of the state.

This section shall remain in effect only until July 1, 1979, and as of such date is repealed, unless a later enacted statute, which is chaptered before July 1, 1979, deletes or extends such date.

SEC. 2. The Legislature hereby finds and declares that the market crab, Cancer magister, is a resource of economic importance to the state; that the availability of this wholesome, delicate, and renowned seafood product has declined in California waters for reasons not clearly understood; and that there is need for concerted inquiry into the causes for this decline and the identification of measures for increasing the resource for the benefit and enjoyment of the people of the state.

SEC. 3. The Department of Fish and Game shall conduct an investigation into factors responsible for the decline of the market crab in the waters of the state, and shall report its findings, together with recommendations for legislative and administrative actions necessary to protect and increase the abundance of market crabs in such waters, to the Governor and Legislature no later than September 1, 1979. The Department of Fish and Game shall submit an annual progress report on such investigation to the Governor and Legislature, the first such report to be submitted by January 5, 1976.

SEC 4. For the conduct of the investigation directed in this act there is hereby appropriated to the Department of Fish and Game

the sum of sixty thousand dollars ($60,000) from the following sources:

(a) Fish and Game Preservation Fund..... $50,000
(b) General Fund..... $10,000.

Provided, however, that the amount appropriated by this section from the Fish and Game Preservation Fund shall not exceed the amount derived from the privilege tax collected pursuant to Section 8045.7 of the Fish and Game Code.

CHAPTER 417

An act to add Section 2266 to the Vehicle Code, relating to the California Highway Patrol, and declaring the urgency thereof, to take effect immediately..

[Approved by Governor July 9, 1974 Filed with Secretary of State July 9, 1974]

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

SECTION 1. The Legislature hereby finds and declares that an appropriate study is needed to ascertain the feasibility of employing women as members of the Department of the California Highway Patrol. The Legislature further finds and declares that the study necessarily shall consist of the hiring of an appropriate number of women to perform traffic law enforcement work, including their assignment to full patrol duty at various locations throughout the state, and shall also consider the appropriate hiring standards and performance measures to be utilized with reference to the individuals that are the subject of the study.

SEC. 2. Section 2266 is added to the Vehicle Code, to read:

2266. (a) The Department of the California Highway Patrol shall conduct a study to ascertain the feasibility of employing women as members of the California Highway Patrol. The study shall also consider the appropriate hiring standards, including physical factors, and performance measures to be utilized with reference to the individuals that are the subject of the study. The State Personnel Board shall assist the department in carrying out the provisions of this subdivision.

(b) The study shall consist of the hiring by the department of an appropriate number of women to perform traffic law enforcement work, including their assignment to full patrol duty, in such areas and under such conditions as will enable the department to ascertain the feasibility of employing women as members of the California Highway Patrol. The State Personnel Board shall assist the department in carrying out the provisions of this subdivision.

(c) Notwithstanding any other provisions of law, the State Personnel Board, to assist in accomplishing the objectives of the

study, may establish a special classification of state traffic officer for the employment of women during the course of the study. During the course of the study women in the special classification shall be members of the California Highway Patrol.

(d) The department shall make every effort to obtain public or private or both public and private financial assistance for the costs of such study, including reimbursement to the State Personnel Board for its assistance in carrying out the provisions of this section. The department may do anything else it determines is reasonably necessary to accomplish the requirements of such study, including the retention of an outside consulting firm.

(e) The department shall, not later than one year after the effective date of this section, submit an interim report to the Legislature and the State Personnel Board regarding the progress of the study undertaken pursuant to subdivision (a). Not later than two years after the effective date of this section, the department shall submit a final report to the Legislature and the State Personnel Board on matters pertaining to the feasibility of employing women as members of the California Highway Patrol.

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

In order to provide adequate time for the Department of the California Highway Patrol to initiate and complete, within a reasonable period of time, the study required by subdivision (a) of Section 2266 of the Vehicle Code and to allow for the soliciting and obtaining of public and private financial assistance prior to such study, it is necessary that this act take effect immediately.

CHAPTER 418

An act to amend Sections 25424.7 and 25425 of the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1974 Filed with Secretary of State July 9, 1974]

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

SECTION 1. Section 25424.7 of the Education Code, as added by Chapter 1142 of the Statutes of 1973, is amended to read:

25424.7. The governing board of any district maintaining a community college may provide health supervision and services, including direct or indirect medical and hospitalization services, and operate a student health center or centers wherein students in grades 13 and 14 and other persons authorized by the governing

board may be diagnosed and treated. School physicians shall be authorized to provide medical treatment at such centers.

SEC. 2. Section 25425 of the Education Code is amended to read:

25425. (a) The governing board of a district maintaining a community college may require of pupils in attendance in grades 13 and 14, the payment of a fee in the total amount of not more than ten dollars ($10) for the regular school year for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, authorized by Section 25424.7, or both.

(b) If pursuant to this section a fee is required, the governing board of a district shall decide the amount of the fee, if any, that a part-time student is required to pay.

(c) The governing board of a district maintaining a community college shall adopt rules and regulations that either exempt low-income students from any fee required pursuant to subdivision (a) or provide for the payment of the fee from other sources.

(d) The governing board of a district maintaining a community college shall adopt rules and regulations that exempt students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization and students who are attending a community college under an approved apprenticeship training program from any fee required pursuant to subdivision (a).

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

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

In order to permit the governing boards of a school district maintaining community colleges to provide direct or indirect medical and hospitalization services, and to include those services with the purposes for which there may be required of students in attendance in grades 13 and 14 an annual health supervision and services fee for the 1974–75 academic year, it is necessary that this act take effect immediately.

CHAPTER 419

An act to amend Sections 37911, 37912, and 37922 of, and to add Section 37922.2 to, the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1974. Filed with Secretary of State July 10, 1974.]

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

SECTION 1. Section 37911 of the Health and Safety Code, as added by Chapter 1201 of the Statutes of 1973, is amended to read:

37911. The Legislature hereby finds and declares that it is necessary and essential that cities, counties, and cities and counties, and redevelopment agencies and housing authorities within such cities, counties, and cities and counties, be authorized to make long-term, low-interest loans to finance residential rehabilitation in depressed residential areas in order to encourage the upgrading of property in such areas. Unless such local agencies intervene to provide some form of assistance to finance residential rehabilitation, many depressed residential areas will deteriorate at an accelerated pace because property owners are not able to obtain rehabilitation loans from private sources.

SEC. 2. Section 37912 of the Health and Safety Code, as added by Chapter 1201 of the Statutes of 1973, is amended to read:

37912. Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by a local agency pursuant to this part and which are payable exclusively from the revenues, as defined in subdivision (i), and from any other funds specified in this part upon which the bonds may be made a charge and from which they are payable.

(b) "Citizen participation" means action by the local agency to provide persons who will be affected by residential rehabilitation financed under the provisions of this part with opportunities to be involved in planning and carrying out the residential rehabilitation program. "Citizen participation" shall include, but not be limited to, the following:

(1) Holding a public meeting prior to the hearing by the local governing body considering selection of the area for designation.

(2) Consultation with an elected or appointed citizen advisory board, composed of representatives of owners of property in, and residents of, a residential rehabilitation area, in developing a plan for public improvements and the rules and regulations for implementation of the residential rehabilitation program.

(3) Dissemination by mailing to property owners within the residential rehabilitation area or the proposed area at the address shown on the latest assessment roll and by distribution to residents of the residential rehabilitation area or the proposed area by a manner determined appropriate by the local agency, of information relating to the time and location of meetings, boundaries of the proposed area, and a general description of the proposed residential rehabilitation program.

(4) Any other means of citizen involvement determined appropriate by the legislative body of the local agency.

Public meetings and consultations held to implement the

requirements of citizen participation shall be conducted by a planning or rehabilitation official designated by the legislative body of the local agency. Public meetings shall be held at times and places convenient to residents and property owners.

(c) "Financing" means the lending of moneys or any other thing of value for the purpose of residential rehabilitation and includes refinancing of outstanding indebtedness of the participating party with respect to property which is subject to residential rehabilitation or the purchase of structures rehabilitated by a redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(d) "Legislative body" means the city council, board of supervisors, or other legislative body of the local agency.

(e) "Local agency" means any of the following:

(1) Any city, county, or city and county.

(2) Any redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(3) Any housing authority functioning pursuant to Part 2 (commencing with Section 34200) of this division.

(f) "Participating party" means any person, company, corporation, partnership, firm, or other entity or group of entities requiring financing for residential rehabilitation pursuant to the provisions of this part. No elective officer of the state or any of its political subdivisions shall be eligible to be a participating party under the provisions of this part.

(g) "Residential rehabilitation" means the construction, reconstruction, renovation, replacement, extension, repair, betterment, equipping, developing, embellishing, or otherwise improving residences consistent with standards of strength, effectiveness, fire resistance, durability, and safety, so that such structures are satisfactory and safe to occupy for residential purposes and are not conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime because of any one or more of the following factors:

(1) Defective design and character of physical construction.

(2) Faulty interior arrangement and exterior spacing.

(3) Inadequate provision for ventilation, lighting, and sanitation.

(4) Obsolescence, deterioration, and dilapidation

(h) "Residence" means a residential structure and means a commercial structure which, in the judgment of the local agency, is an integral part of a residential neighborhood.

(i) "Rehabilitation standards" means the applicable local or state standards for the rehabilitation of buildings located in rehabilitation assistance areas, including any higher standards adopted by the local agency as part of its residential rehabilitation financing program.

(j) "Revenues" means all amounts received as repayment of principal, interest, and all other charges received for, and all other income and receipts derived by, the local agency from the financing of residential rehabilitation, including moneys deposited in a sinking,

redemption, or reserve fund or other fund to secure the bonds or to provide for the payment of the principal of, or interest on, the bonds and such other moneys as the legislative body may, in its discretion, make available therefor.

(k) "Residential rehabilitation area" means the geographical area designated by the local agency as one for inclusion in a comprehensive residential rehabilitation financing program pursuant to the provisions of this part.

SEC. 3. Section 37922 of the Health and Safety Code, as added by Chapter 1201 of the Statutes of 1973, is amended to read:

37922. Prior to the issuance of any bonds or bond anticipation notes of the local agency for residential rehabilitation, the local agency shall by ordinance or resolution adopt a comprehensive residential rehabilitation financing program which shall include, but not be limited to, the following items:

(a) Criteria for selection of residential rehabilitation areas by the local agency which shall include findings by the local agency that:

(1) There are a substantial number of deteriorating structures in the area which do not conform to community standards for decent, safe, sanitary housing.

(2) Financial assistance from the local agency for residential rehabilitation is necessary to arrest the deterioration of the area.

(3) Financing of residential rehabilitation in the area is economically feasible.

However, these findings are not required when the residential rehabilitation area is a redevelopment project area that the provisions of the Community Redevelopment Law (Part 1 (commencing with Section 33000)) apply to.

(b) Procedures for selection of residential rehabilitation areas by the local agency which shall include:

(1) Provisions for citizen participation in selection of residential rehabilitation areas.

(2) Provisions for a public hearing by the governing body of the local agency prior to selection of any particular residential rehabilitation area by the local agency.

(c) A commitment that, subject to budgeting and fiscal limitations of the local agency, rehabilitation standards will be enforced in 95 percent of the residences in each residential rehabilitation area.

(d) Guidelines for financing residential rehabilitation which shall be subject to the following limitations:

(1) Outstanding loans on the property to be rehabilitated, including the amount of the loans for rehabilitation, shall not exceed 80 percent of the anticipated after-rehabilitation value of the property to be rehabilitated, except that the local agency may, authorize loans of up to 95 percent of the anticipated after-rehabilitation value of the property if such loans are made for the purpose of rehabilitating the property for residential purposes, there is demonstrated need for such higher limit, and there is a high probability that the value of the property will not be impaired during

the term of the loan.

(2) The maximum repayment period for residential rehabilitation loans shall be 20 years or three-fourths of the economic life of the property, whichever is less.

(3) The maximum amount loaned for rehabilitation for each dwelling unit and for each commercial unit which is, or is part of, a "residence" within the meaning of that term as defined in this part, shall be seventeen thousand five hundred dollars ($17,500).

(4) No more than 20 percent of any loan for residential rehabilitation shall be used for residential rehabilitation which is not required under the local agency's rehabilitation standards except that in the case of owner-occupied one-to-four-dwelling unit properties, up to 40 percent of the loan for residential rehabilitation may be used for residential rehabilitation not required under the local agency's rehabilitation standards.

(5) Loans shall not be made for the purpose of refinancing the outstanding indebtedness of the participating party with respect to property which is subject to residential rehabilitation, unless the cost, including any amount previously expended for residential rehabilitation of that property by a participating party within a residential rehabilitation area or a redevelopment area established at the time of such expenditure, of meeting the rehabilitation standards is at least 20 percent of the principal amount of the loan.

(e) A requirement that a plan for public improvements necessary to successful rehabilitation of the residential rehabilitation area be developed, with citizen participation, for each residential rehabilitation area and that the plan for public improvements be adopted by the local agency prior to the financing of residential rehabilitation in any residential rehabilitation area, together with a commitment that, subject to budgetary and fiscal limitations, such plan will be carried out by the local agency.

SEC. 4. Section 37922.2 is added to the Health and Safety Code, to read:

37922.2. If anticipated rent increases or other increases in housing costs will result in dislocation of residential rehabilitation area residents or will result in residents paying a disproportionately large percentage of their incomes for housing, the local agency shall make efforts to prevent displacement of residents as a result of the operation of the residential rehabilitation program in residential rehabilitation areas. Such efforts shall include, but need not be limited to, utilization of federal, state, or local funding programs which may be available for rent subsidies. In allocating funds which may become available through federal revenue sharing, the local agency shall give consideration to measures which will assist in preventing displacement of such residents.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any city, county, or city and county for any costs that may be incurred by it in carrying on any program

or peforming any service required to be carried on or performed by it by this act.

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

Funds for the federally assisted code enforcement program have been impounded, and it is essential for the continuance of housing rehabilitation programs throughout the state that authority to finance such vital programs be granted to every city and county in the state and to the redevelopment agencies and housing authorities therein. Additionally, to help assure success of housing rehabilitation programs authorized by Part 13 (commencing with Section 37910) of Division 24 of the Health and Safety Code, it is necessary that procedures be established which permit residents of areas designated for such rehabilitation programs to determine for themselves by means of citizen participation the desirability of certain aspects of such a program. In order that current programs not be interrupted and so that new such programs may be initiated without delay, it is necessary that this act go into immediate effect.

CHAPTER 420

An act to amend Section 12403 of, to add Section 830.5a to, and to repeal Section 12403.2 of, the Penal Code, relating to tear gas weapons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1974. Filed with Secretary of State July 10, 1974]

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

SECTION 1. Section 830.5a is added to the Penal Code, to read:

830.5a. (a) Any agent of the law enforcement liaison unit of the Department of Corrections is a peace officer. The authority of any such peace officer shall extend only (1) to the investigation and apprehension of parole violators; (2) to the investigation and apprehension of any inmate or ward who has escaped from a state institution; (3) to any violation of a penal provision which arises and is discovered in the course of his performance of his employment duties; (4) to the transportation of such persons; (5) to the coordination of such activities with other criminal justice agencies; and (6) as provided in Section 8597 or 8598 of the Government Code, or when acting pursuant to Section 8617 of the Government Code.

(b) Any peace officer under this section shall have the same status of a peace officer provided for in subdivision (a) or (b) of Section 830.2 for the purpose of obtaining any group insurance benefits

available to such peace officers.

(c) Any peace officer under this section shall have the full powers and duties of a peace officer as provided by Section 830.1 when acting pursuant to Section 8617 of the Government Code.

SEC. 2. Section 12403 of the Penal Code is amended to read:

12403. Nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; chiefs, assistant chiefs, or special agents of the investigative bureaus of the Department of Justice; investigator who is regularly employed and paid as such in the office of the Attorney General and is designated by the Attorney General; investigator who is regularly employed and paid as such in the office of a district attorney and is designated by the district attorney; deputy of the Department of Fish and Game; hospital administrator or police officer of the Department of Health; warden, superintendent, supervisor, agent of the law enforcement liaison unit, or guard of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; any employee of the Department of the Youth Authority who is a peace officer pursuant to Section 830.5 and is assigned to the department's missing ward unit; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of their duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

SEC. 3. Section 12403.2 of the Penal Code is repealed.

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

Because of defective drafting, similar 1973 legislation had to be vetoed by the Governor. As a result of the assaultive behavior of escapees and missing parolees when apprehended, the specified personnel of the Departments of Corrections and Youth Authority need the authority to possess tear gas weapons at the earliest date. This act is necessary to minimize injury to the arrestee, agents and the personnel of the missing parolee unit.

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CHAPTER 421

An act to amend Section 37922 of the Health and Safety Code, relating to residential rehabilitation and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1974 Filed with Secretary of State July 10, 1974]

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

SECTION 1. Section 37922 of the Health and Safety Code is amended to read:

37922. Prior to the issuance of any bonds or bond anticipation notes of the local agency for residential rehabilitation, the local agency shall by ordinance or resolution adopt a comprehensive residential rehabilitation financing program which shall include, but is not limited to, the following items:

(a) Criteria for selection of residential rehabilitation areas by the local agency which shall include findings by the local agency that.

(1) There are a substantial number of deteriorating structures in the area which do not conform to community standards for decent, safe, sanitary housing.

(2) Financial assistance from the local agency for residential rehabilitation is necessary to arrest the deterioration of the area.

(3) Financing of residential rehabilitation in the area is economically feasible.

However, these findings are not required when the residential rehabilitation area is a redevelopment project area that the provisions of the Community Redevelopment Law (Part 1 (commencing with Section 33000)) apply to.

(b) Procedures for selection of residential rehabilitation areas by the local agency which shall include:

(1) Provisions for citizen participation in selection of residential rehabilitation areas.

(2) Provisions for a public hearing by the governing body of the local agency prior to selection of any particular residential rehabilitation area by the local agency.

(c) A commitment that, subject to budgeting and fiscal limitations of the local agency, rehabilitation standards will be enforced in 95 percent of the residences in each residential rehabilitation area.

(d) Guidelines for financing residential rehabilitation which shall be subject to the following limitations:

(1) Outstanding loans on the property to be rehabilitated, including the amount of the loans for rehabilitation, shall not exceed 80 percent of the anticipated after-rehabilitation value of the property to be rehabilitated, except that the local agency may authorize loans of up to 95 percent of the anticipated after-rehabilitation value of the property if such loans are made for the purpose of rehabilitating the property for residential purposes,

there is demonstrated need for such higher limit, and there is a high probability that the value of the property will not be impaired during the term of the loan.

(2) The maximum repayment period for residential rehabilitation loans shall be 20 years or three-fourths of the economic life of the property, whichever is less. However, with regard to loans made by a redevelopment agency for rehabilitation within a redevelopment project area from the proceeds of any bonds or bond anticipation notes issued on or after the effective date of the amendments to this section enacted by the Statutes of 1974, the maximum repayment period shall be 30 years or three-fourths of the economic life of the property, whichever is less.

(3) The maximum amount loaned for rehabilitation for each dwelling unit and for each commercial unit which is, or is part of, a "residence" within the meaning of that term as defined in this part, shall be seventeen thousand five hundred dollars ($17,500). However, with regard to loans made by a redevelopment agency for rehabilitation within a redevelopment project area from the proceeds of any bonds or bond anticipation notes issued on or after the effective date of the amendments to this section enacted by the Statutes of 1974, the maximum amount loaned per dwelling unit shall be thirty thousand dollars ($30,000).

(4) No more than 20 percent of any loan for residential rehabilitation shall be used for residential rehabilitation which is not required under the local agency's rehabilitation standards except that in the case of owner-occupied one-to-four-dwelling unit properties, up to 40 percent of the loan for residential rehabilitation may be used for residential rehabilitation not required under the local agency's rehabilitation standards.

(5) Loans shall not be made for the purpose of refinancing the outstanding indebtedness of the participating party with respect to property which is subject to residential rehabilitation, unless the cost of meeting the rehabilitation standards is at least 20 percent of the principal amount of the loan.

(e) A requirement that a plan for public improvements necessary to successful rehabilitation of the residential rehabilitation area be developed, with citizen participation, for each residential rehabilitation area and that the plan for public improvements be adopted by the local agency prior to the financing of residential rehabilitation in any residential rehabilitation area, together with a commitment that, subject to budgetary and fiscal limitations, such plan will be carried out by the local agency.

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

There are presently redevelopment projects in California whose funding has halted and which cannot take advantage of this act to finance residential rehabilitation unless the act takes effect immediately.

CHAPTER 422

An act to add Section 25825.1 to the Water Code, relating to irrigation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1974. Filed with Secretary of State July 10, 1974.]

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

SECTION 1. Section 25825.1 is added to the Water Code, to read:

25825.1. Within the Madera Irrigation District only, any person having an interest in any land within the district may file with the secretary, in lieu of the petition authorized by Section 25825, a verified petition alleging as to such land all of the following:

(a) It is served by a municipal water supply.

(b) It is entitled to a special rate of assessment.

The procedure for any such petition shall be in accordance with this article.

A city whose area or any portion thereof is located within the boundaries of the Madera Irrigation District may petition the district to establish a special rate for the land in such city area on the basis that such area is served by a municipal water supply and is not susceptible of irrigation and therefore not benefited in a sufficient manner to justify assessment at the regular rate. The procedure for any such petition shall be in accordance with this article.

After the conclusion of the hearing as provided in Section 25831, if the board finds that any of the land described in any petition is served by a municipal water supply and is not and will not be benefited to the same extent as other lands by the operations of the district or in a manner that would justify its assessment at the regular rate of assessment, the board may adjust the rate of assessment on the land in an order entered in full upon its minutes.

SEC. 2. The provisions of this act are necessary because many of the residents of the Madera Irrigation District reside within urban areas and are served by a municipal water supply. Such areas of the district are not and will not be benefited by the operations of the district in a manner that would justify their assessment at the regular rate of assessment. This problem is not common to all districts formed under the Irrigation District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this act as a special law is necessary for the solution of problems existing in the Madera Irrigation District.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation pursuant to Section 6066 of the Government Code, which notice shall state all of the following:

Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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

In order to correct the present disparity in assessments which permits urban areas included within the Madera Irrigation District which receive no irrigation benefits from the district to be assessed at the full rate at the earliest possible time, and to permit the provisions of this act to be applicable to assessments levied during the current year, it is necessary that this act go into immediate effect.

CHAPTER 423

An act to amend Sections 7137 and 7138 of the Business and Professions Code, and to amend Section 4113 of the Government Code, relating to contractors.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 7137 of the Business and Professions Code is amended to read:

7137. The amount of the fees prescribed by this chapter is that fixed by the following schedule provided that the board may adjust such fees so that the total of such fees shall not produce a total estimated revenue which is in excess of the estimated total cost, including the cost specified in Section 7136, to the board for the administration of this chapter:

(a) The application fee for an original license in a single classification is fifty dollars ($50) but the board may increase the fee to not more than one hundred dollars ($100).

The application fee for each additional classification applied for in connection with an original license is twenty dollars ($20) but the board may increase the fee to not more than forty dollars ($40).

(b) After failure of an examination, the fee for reexamination of an applicant who has applied for an original license, additional classification, or a change of responsible managing officer or responsible managing employee, is twenty dollars ($20) but the board may increase the fee to not more than forty dollars ($40).

(c) The renewal fee for an active license is fifty dollars ($50), but the board may increase the fee to not more than one hundred dollars ($100).

The renewal fee for an inactive license is fifteen dollars ($15) but

the board may increase the fee to not more than thirty dollars ($30).

(d) The delinquency fee is an amount equal to fifty percent (50%) of the renewal fee.

(e) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(f) The application fee for each additional classification pursuant to the provisions of Section 7059 is twenty dollars ($20) but the board may increase the fee to not more than forty dollars ($40).

(g) The application fee to replace a responsible managing officer or employee pursuant to the provisions of Section 7068.2 is twenty dollars ($20) but the board may increase the fee to not more than forty dollars ($40).

(h) Each registration fee for a home improvement salesman is twenty-five dollars ($25) but the board may increase the fee to not more than fifty dollars ($50).

(i) The renewal fee for a home improvement salesman registration is twenty-five dollars ($25) but the board may increase the fee to not more than fifty dollars ($50).

SEC. 2. Section 7138 of the Business and Professions Code is amended to read:

7138. An application, reapplication, or reexamination fee paid in connection with an application for an original license, an application for an additional classification, or an application to replace a responsible managing officer or employee as provided in subdivisions (a), (b), (f), (g) and (h) of Section 7137 shall accrete to the Contractors' License Fund as an earned fee, and notwithstanding any other provision of law shall not thereafter be refunded, when:

(a) The application is accepted for filing.

(b) The applicant or the examinee for the applicant, after having failed the qualifying examination for an original license, additional classification or change of responsible managing officer or responsible managing employee, is granted permission to take a reexamination.

SEC. 3. Section 4113 of the Government Code is amended to read:

4113. As used in this chapter, the word "subcontractor" shall mean a contractor, within the meaning of the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, who contracts directly with the prime contractor.

"Prime contractor" shall mean the contractor who contracts directly with the awarding authority.

CHAPTER 424

An act to add Section 13111.3 to the Health and Safety Code, relating to fire protection, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 13111.3 is added to the Health and Safety Code, to read:

13111.3. The State Department of Health shall establish and administer a program which will make loans available to private nonprofit children's institutions from such funds as may be appropriated by the Legislature to pay the cost of the installation of automatic sprinkler systems or detectors responding to invisible products of combustion other than heat approved by the State Fire Marshal. Any loan pursuant to this section shall bear interest at a rate of 5 percent per annum and shall not be for a term exceeding 30 years.

The State Department of Health shall adopt and enforce such regulations as may be necessary for the administration of the loan program which he is required by this section to establish and administer.

SEC. 2. On the effective date of this act, the sum of two million two hundred thousand dollars ($2,200,000) shall be transferred from the unexpended balance of the appropriation made by Item 262 of the Budget Act of 1973 to the State Department of Health for expenditure, without regard to fiscal years, pursuant to Section 13111.3 of the Health and Safety Code for loans to private nonprofit children's institutions.

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

The costs of automatic sprinkler systems and detectors responding to invisible products of combustion other than heat are rising rapidly. It is, therefore, imperative, if the program contemplated by this act is to be accomplished with the money appropriated by this act, that this act take effect immediately.

CHAPTER 425

An act to repeal Chapter 3 (commencing with Section 259) of Division 2 of the Probate Code relating to inheritance rights of aliens

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Chapter 3 (commencing with Section 259) of Division 2 of the Probate Code is repealed.

CHAPTER 426

An act to amend Section 61715 of, to add Chapter 7 (commencing with Section 38000) to Part 2 of Division 3 of Title 4 of, and to repeal Chapters 7 (commencing with Section 38000) and 12 (commencing with Section 39000) of Part 2 of Division 3 of Title 4 of, the Government Code, to amend Sections 4771 and 6541 of the Health and Safety Code, to amend Section 17010 of the Public Utilities Code, to amend Sections 5150.5, 10207, 10404, 10600, 31502, 31504, 31781, 31782, 31791, 31792, 31850, 31855, 31861, 31865, 31910, 31915, 35276, 35402, 35402.3, 35450, 35469, and 35469.5 of, to add Sections 11011, 31503, 31505, 31506, and 31519 to, to add Part 1 (commencing with Section 4000) to Division 6 of, to add Chapter 2.1 (commencing with Section 31580) to Part 1 of Division 18 of, to repeal Sections 31501, 31503, 31505, 31506, 31507, 31508, 31509, 31510, 31511, 31512, 31513, 31514, 31515, 31517.5, 31853.5, 31862, 31863, 31864, 31867, 31932, 35400, 35401.5, and 35402.1 of, to repeal Parts 1 (commencing with Section 4000) and 2 (commencing with Section 4500) of Division 6 of, to repeal Part 4 (commencing with Section 6000) of Division 7 of, and to repeal Chapters 2 (commencing with Section 31530), 2.1 (commencing with Section 31580), 3 (commencing with Section 31590), 4 (commencing with Section 31620), 5 (commencing with Section 31670), 6 (commencing with Section 31700), and 7 (commencing with Section 31730) of Part 1 of Division 18 of, the Streets and Highways Code, and to amend Sections 31502, 36455.1, 56100, 56104, and 74900 of the Water Code, relating to public improvements.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Chapter 7 (commencing with Section 38000) of Part 2 of Division 3 of Title 4 of the Government Code is repealed.

SEC. 2. Chapter 7 (commencing with Section 38000) is added to Part 2 of Division 3 of Title 4 of the Government Code, to read:

CHAPTER 7. PARK AND PLAYGROUND ACT OF 1909

38000. This chapter may be cited as the Park and Playground Act of 1909.

38001. This chapter shall be liberally construed to promote its objects.

38002. As used in this chapter, "improvement" includes a public park, urban open-space lands, playground, or library.

38010. When the public interest or convenience requires, the legislative body may acquire by condemnation land situated in the city for improvements.

38011. The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 may be used by a city for any improvement.

SEC. 3. Chapter 12 (commencing with Section 39000) of Part 2 of Division 3 of Title 4 of the Government Code is repealed.

SEC. 4. Section 61715 of the Government Code is amended to read:

61715. Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in, under, or upon the whole or any portion of any one or more of the streets or public places of the district, or any property or rights-of-way owned by the district, any work or improvement which the district is authorized to do and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any district to be assessed therefor, which district need not be composed of lands contiguous to each other. The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 are applicable to districts.

SEC. 5. Section 4771 of the Health and Safety Code is amended to read:

4771. The Improvement Act of 1911, the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915 are applicable to districts.

SEC. 6. Section 6541 of the Health and Safety Code is amended to read:

6541. The Improvement Act of 1911, the Improvement Bond Act of 1915, and the Municipal Improvement Act of 1913 are applicable to districts.

SEC. 7. Section 17010 of the Public Utilities Code is amended to read:

17010. Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in, under, or upon the whole or any portion of any one or more of the streets or

public places of the district, or any property or rights-of-way owned by the district, any work or improvement which the district is authorized to do and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any district which may be assessed therefor, and which need not be composed of lands contiguous to each other. The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915, as now or hereafter provided, are applicable to districts.

SEC. 8. Part 1 (commencing with Section 4000) of Division 6 of the Streets and Highways Code is repealed.

SEC. 9. Part 1 (commencing with Section 4000) is added to Division 6 of the Streets and Highways Code, to read:

PART 1. STREET OPENING ACT OF 1903

4000. This part may be cited as the Street Opening Act of 1903.

4000.2. Unless the particular provision or the context otherwise requires, the definitions and general provisions contained in this part shall govern the construction of this part.

4000.5. This part shall be liberally construed in order to effectuate its purposes.

4001. "City" includes counties, cities, cities and counties, and all corporations organized and existing for municipal purposes.

4002. "Legislative body" means:

(a) When used with reference to a county, the board of supervisors.

(b) When used with reference to a city, the body which by law constitutes the legislative department of the government of the city

4008. "Street" includes public streets, avenues, roads, highways, squares, lanes, alleys, courts or places.

4009. "Work" or "improvement" whether used singly or in combination includes any work which is authorized to be done or any improvement which is authorized to be made under this part.

4090. Whenever the public interest or convenience may require, the legislative body of any city shall have full power and authority:

(a) To order the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of any one or more of any public streets or parking places within the city.

(b) To acquire by condemnation any and all property necessary or convenient for any purpose specified in subdivision (a) of this section or any interest therein including an easement or easements for the construction and maintenance of any one or more of any public streets or walks, parking places, passages or ways upon the surface of the earth or in any designated levels or slopes, above or below such surface together with a sufficient clearance height thereabove. The legislative body shall conclusively determine and designate such clearance height and shall leave to the owner the

right to maintain or construct and maintain any buildings or other structures above or below or above and below such streets, walks, parking places, passages, or ways, and the clearance height therefor so acquired by the city

(c) To acquire by condemnation any and all property, rights-of-way or easements, or any interest therein, necessary or convenient for the purpose of constructing thereon any of the work or improvements of the character mentioned in the "Improvement Act of 1911," as contained in Division 7 (commencing with Section 5000).

4091. The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 may be used by a city for any improvement.

SEC. 10. Part 2 (commencing with Section 4500) of Division 6 of the Streets and Highways Code is repealed.

SEC. 11. Section 5150.5 of the Streets and Highways Code is amended to read:

5150.5. The legislative body may, by resolution, establish, change, or modify the official grade of any street, boulevard, park or place which is to be improved pursuant to this division, and the words "official grade" when used in this division shall mean the grade so established, changed, or modified

SEC. 12. Part 4 (commencing with Section 6000) of Division 7 of the Streets and Highways Code is repealed.

SEC. 13. Section 10207 of the Streets and Highways Code is amended to read:

10207. The provisions of Chapter 4 (commencing with Section 5150) of Part 3 of the Improvement Act of 1911 are incorporated in this division as if fully set out herein.

SEC. 13.5. Section 10404 of the Streets and Highways Code is amended to read:

10404. (a) Notice of recordation of assessment shall be given as provided in this section.

(b) Upon recording of the assessment, the collection officer shall mail, as provided in subdivision (a) of Section 5070, a statement containing all of the following:

(1) A designation by street number, or some other description, of the property assessed sufficient to enable the owner to identify it.

(2) The amount of the assessment.

(3) The date of the recordation of the assessment.

(4) The time and place of payment of the assessment and the effect of failure to pay within such time

(5) If bonds are to be issued, a statement of that fact designating the act pursuant to which such bonds are to be issued.

(c) The failure of the collection officer to mail the notice to any property owner or the failure of any property owner to receive the notice shall not affect the validity of any proceedings taken under this division.

(d) The collection officer also shall give notice by publication

(1) That the assessment has been recorded as provided in Section 10402, and that all sums assessed therein are due and payable immediately.

(2) That the payment of such sums is to be made to the collection officer within 30 days after the date of recording the assessment, which date shall be stated in the notice

(3) If bonds are not to be issued, that all assessments will become delinquent if not paid before the expiration of that 30 days and that upon such delinquency 5 percent of the amount of each such assessment will be added thereto.

(4) If bonds are to be issued, the effect of the failure to pay the assessments within the 30-day period.

SEC. 14. Section 10600 of the Streets and Highways Code is amended to read:

10600. The legislative body conducting the proceedings under the provisions of this division may, in its resolution of intention, determine and declare that bonds shall be issued under the provisions of either the Improvement Act of 1911 or the Improvement Bond Act of 1915. In any case, the assessment shall be recorded in the office of the superintendent of streets of the city, county surveyor of the county, or district engineer of the district or public corporation conducting the proceedings in the manner and with like force and effect as provided in the Improvement Act of 1911 and the Improvement Bond Act of 1915, and the assessment therefor shall have the priority, and the proceedings shall be subject to all of the curative clauses and powers of reassessment, provided in those acts. In any case, the official in whose office the original of the assessment is recorded shall give the notice to pay the assessments, as provided in this division.

SEC. 15. Section 11011 is added to the Streets and Highways Code, to read:

11011. "Vehicle Parking District Law of 1943" means the Vehicle Parking District Law of 1943, Part 1 (commencing with Section 31500) of Division 18 of the Streets and Highways Code, as that statute existed on December 31, 1973. For the purposes of this section, references in the Vehicle Parking District Law of 1943 to the Street Opening Act of 1903 mean the Street Opening Act of 1903, Part 1 (commencing with Section 4000) of Division 6 of the Streets and Highways Code, as that statute existed on December 31, 1973.

SEC. 16 Section 31501 of the Streets and Highways Code is repealed.

SEC 17. Section 31502 of the Streets and Highways Code is amended to read:

31502. As used in this part, "parking places" includes parking lots, garages, buildings, and other improvements for the parking of motor vehicles.

SEC. 18. Section 31503 of the Streets and Highways Code is repealed.

SEC. 19. Section 31503 is added to the Streets and Highways Code, to read:

31503. As used in this part, "legislative body" means:

(a) When used with reference to a county, the board of supervisors.

(b) When used with reference to a city, the body which by law constitutes the legislative department of the government of the city.

SEC. 20. Section 31504 of the Streets and Highways Code is amended to read:

31504. As used in this part, unless the context otherwise requires, "city" includes city, county, and city and county.

SEC. 21. Section 31505 of the Streets and Highways Code is repealed.

SEC. 22. Section 31505 is added to the Streets and Highways Code, to read:

31505. As used in this part, "treasurer" means the county treasurer when used with reference to a county and the city treasurer when used with reference to a city. "Treasurer" also includes any person or officer who has charge and makes payments of the funds of such county or city, respectively.

SEC. 23. Section 31506 of the Streets and Highways Code is repealed.

SEC. 24. Section 31506 is added to the Streets and Highways Code, to read:

31506. A city may:

(a) Acquire, by condemnation, purchase, gift, lease, or any other means, property necessary or convenient for use as parking places, including any property necessary or convenient for the opening, widening, straightening, or extending of streets or alleys necessary or convenient for ingress to or egress from any parking place.

(b) Improve any property by the construction thereon of garages, buildings, or other improvements necessary or convenient for parking purposes.

(c) Improve parking places and any property necessary or convenient for ingress to or egress from parking places.

(d) Administer, maintain, operate, and repair parking places.

(e) Collect fees or charges to pay all or any part of the cost of improving, repairing, maintaining, and operating parking places and of acquiring and improving additional parking places.

(f) Levy taxes to pay all or any part of the cost of improving, repairing, maintaining, and operating parking places and of acquiring and improving additional parking places.

(g) Employ engineers, attorneys, and other persons necessary or convenient for the doing of any act authorized by this part

(h) Do all acts and things necessary or convenient for the accomplishment of the purposes of this part. The enumeration of specific authority in this part does not limit in any way the general authority granted by this subdivision.

SEC. 25. Section 31507 of the Streets and Highways Code is repealed.

SEC. 26. Section 31508 of the Streets and Highways Code is repealed.

SEC. 27. Section 31509 of the Streets and Highways Code is repealed.

SEC. 28. Section 31510 of the Streets and Highways Code is repealed.

SEC. 29. Section 31511 of the Streets and Highways Code is repealed.

SEC. 30. Section 31512 of the Streets and Highways Code is repealed.

SEC. 31. Section 31513 of the Streets and Highways Code is repealed.

SEC. 32. Section 31514 of the Streets and Highways Code is repealed.

SEC. 33. Section 31515 of the Streets and Highways Code is repealed.

SEC. 34. Section 31517.5 of the Streets and Highways Code is repealed.

SEC. 35. Section 31519 is added to the Streets and Highways Code, to read:

31519. The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 may be used by a city for the purposes of this part.

SEC. 36. Chapter 2 (commencing with Section 31530) of Part 1 of Division 18 of the Streets and Highways Code is repealed.

SEC. 37. Chapter 2.1 (commencing with Section 31580) of Part 1 of Division 18 of the Streets and Highways Code is repealed.

SEC. 38. Chapter 2.1 (commencing with Section 31580) is added to Part 1 of Division 18 of the Streets and Highways Code, to read:

CHAPTER 2.1. USE OF CITY LANDS AS PARKING PLACES

31580. As used in this chapter, "city lands" means lands owned by the city and which are either being used for the purpose of public offstreet parking or are not needed by the city for any other purpose and are available for such use.

31581. The legislative body, at any time, may declare and agree that city lands shall be held, used, and treated in all respects the same as parking places acquired with the proceeds of collections of paid assessments and bonds issued pursuant to Section 31519. The city shall, in the resolution of intention, describe the city lands to be so held, used, and treated and shall state the amount of compensation, if any, to be paid the city therefor and the manner in which such compensation is to be paid.

31582. The legislative body may increase, decrease, eliminate, change, or otherwise modify the lands to be so held, used, and treated, the improvements to be made or constructed thereon, or the

compensation to be paid the city for such city lands, in the same manner and by the same procedure as is provided for increasing, decreasing, changing, or otherwise modifying the acquisitions and improvements to be made under this part.

SEC. 39. Chapter 3 (commencing with Section 31590) of Part 1 of Division 18 of the Streets and Highways Code is repealed.

SEC. 40. Chapter 4 (commencing with Section 31620) of Part 1 of Division 18 of the Streets and Highways Code is repealed.

SEC. 41. Chapter 5 (commencing with Section 31670) of Part 1 of Division 18 of the Streets and Highways Code is repealed.

SEC. 42. Chapter 6 (commencing with Section 31700) of Part 1 of Division 18 of the Streets and Highways Code is repealed.

SEC. 43. Chapter 7 (commencing with Section 31730) of Part 1 of Division 18 of the Streets and Highways Code is repealed.

SEC. 44. Section 31781 of the Streets and Highways Code is amended to read:

31781. The board may fix, regulate, and collect rentals, fees, or charges for the parking of vehicles in parking places under its control, and may provide different rates for different classes of customers or users.

SEC. 45. Section 31782 of the Streets and Highways Code is amended to read:

31782. The providing of adequate public parking places in cities may require the use of assessment districts as authorized by Section 31519. Such districts will be created and will be successful only if so operated as to serve adequately the property within the district. It is the intent of this part that the owners of real property in an assessment district created pursuant to Section 31519 to provide parking places to solve the parking problems of the district may receive preferential rates, charges, or rentals for themselves, their tenants, and the classes of persons who call upon or do business with them, all to the end that the property which bears the burden and provides a solution for the parking problem shall receive a special benefit.

SEC. 46 Section 31791 of the Streets and Highways Code is amended to read.

31791. To expedite the conduct of proceedings and the making of any acquisition or improvement authorized by this part, the legislative body may, at any time prior to the appointment of a board of parking place commissioners, enter into a contract or lease with any owner or tenant of property in the proposed assessment district under which the owner or tenant, for a specified rental or other consideration and for a specified period not exceeding 20 years, reserves a reasonable proportion or number of parking spaces in a parking place of the district for the use of the owner or tenant of such property, the employees of the owner or tenant performing services on the property, and the customers of, or other classes of persons designated by, the owner or tenant and entering the property as invitees or otherwise. After the appointment of a board of parking

place commissioners, the board may make such contracts or leases.

SEC. 47. Section 31792 of the Streets and Highways Code is amended to read:

31792. After the appointment of the board of parking place commissioners, any improvement of any parking place under its charge shall be made by the board.

SEC. 47.5. Section 31850 of the Streets and Highways Code is amended to read:

31850. The legislative body may sell or lease any property acquired for parking places which is not needed for that public use.

SEC. 48. Section 31853.5 of the Streets and Highways Code is repealed.

SEC. 48.5. Section 31855 of the Streets and Highways Code is amended to read:

31855. When a certified copy of the resolution of the board is filed with the legislative body, it may proceed to acquire or lease the property pursuant to the resolution.

SEC. 49. Section 31861 of the Streets and Highways Code is amended to read.

31861. Whenever the board of commissioners determines by resolution that additional parking places should be acquired and improved by assessment upon land in the district, a certified copy of the resolution shall be filed with the legislative body. The legislative body may thereafter proceed to acquire the additional parking places and provide for their improvement by a special assessment upon the land in the district as authorized by Section 31519.

SEC. 50. Section 31862 of the Streets and Highways Code is repealed.

SEC. 51. Section 31863 of the Streets and Highways Code is repealed.

SEC. 52. Section 31864 of the Streets and Highways Code is repealed.

SEC. 52.5. Section 31865 of the Streets and Highways Code is amended to read:

31865. As an alternative method of administration, upon request made to the legislative body by the owners of 50 percent of the assessed value of taxable land in each vehicle parking district created in the city, as shown by the last equalized county assessment roll, the parking places acquired and constructed for the use or benefit of the districts shall be managed, operated, and controlled by a commission appointed to have charge of all parking places in the city acquired pursuant to this part.

SEC. 53 Section 31867 of the Streets and Highways Code is repealed.

SEC. 54. Section 31910 of the Streets and Highways Code is amended to read.

31910. Substitution proceedings may be taken in the manner provided in this chapter if the legislative body determines that such substitution proceedings are necessary or desirable because of a

change in circumstances.

SEC. 55. Section 31915 of the Streets and Highways Code is amended to read:

31915. (a) Notice of hearing shall be by publication, posting, and mailing of the resolution proposing to order the making of a substitution.

(b) The resolution shall be published once a week for two successive weeks in a newspaper published in the city. The first publication shall be not less than 30 days prior to the date fixed for the hearing of protests. In cities where no newspaper is published, copies of the resolution shall be posted in three public places in the district at least 30 days before the date of hearing.

(c) Copies of the resolution headed "Notice of Parking District Substitution Proceedings" in letters at least one-half inch in height shall be posted upon all open streets within the proposed district. Notices shall be not more than 300 feet apart and shall be posted at least 30 days prior to the hearing.

(d) A copy of the resolution shall be mailed, postage prepaid, by the clerk of the legislative body to each person to whom land in the district is assessed as shown on the last equalized county assessment roll, at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the district, whose name and address and a designation of the land in which he is interested is on file in the office of the clerk.

SEC. 56. Section 31932 of the Streets and Highways Code is repealed

SEC. 57. Section 35276 of the Streets and Highways Code is amended to read:

35276. No action, proceeding or defense to correct, set aside, cancel, avoid, annul or otherwise attack any proceedings under this part up to and including the adoption of the ordinance declaring the district formed shall be maintained by any person unless such action, proceeding or defense is commenced or made within 30 days after the adoption of such ordinance. No action, proceeding or defense to correct, set aside, cancel, avoid, annul or otherwise attack any proceedings under this part taken subsequent to the adoption of said ordinance, including but not limited to proceedings taken and determinations made pursuant to Sections 35402 and 35402.3, shall be maintained by any person unless such action, proceeding or defense is commenced or made within 30 days after the taking of such proceedings.

SEC. 58. Section 35400 of the Streets and Highways Code is repealed.

SEC. 59. Section 35401.5 of the Streets and Highways Code is repealed.

SEC. 60. Section 35402 of the Streets and Highways Code is amended to read:

35402. The legislative body may by ordinance, resolution, or

indenture provide for the issuance of bonds of the district in an amount not exceeding the amount estimated to be necessary to make the proposed acquisitions and improvements, to pay the incidental expenses in connection therewith and the proceedings therefor and to establish a reserve fund for the payment of the principal of and interest on the bonds, and for working capital and interest during the period of construction and for a period of not to exceed six (6) months thereafter, less any amount to be contributed by the city for such purposes.

SEC. 61. Section 35402.1 of the Streets and Highways Code is repealed.

SEC. 62. Section 35402.3 of the Streets and Highways Code is amended to read:

35402.3. If at any time, either before or after issuing bonds, the legislative body so determines, it may at one time or from time to time add to, eliminate, change or otherwise modify any of the proposed acquisitions and improvements after notice and hearing in the same manner as provided in Sections 35270 to 35272, inclusive, but no such addition, elimination, change or modification shall be made unless following such hearing the legislative body shall determine that all of the territory within the district as originally formed or as changed pursuant to Section 35402.4, as the case may be, will be benefited by the acquisitions and improvements remaining after such addition, elimination, change or modification. Any such addition, elimination, change or modification shall be effected by an ordinance amending the ordinance declaring the district formed and describing the acquisitions and improvements to be made. No such addition, elimination, change or modification shall be made in violation of the provisions of any ordinance, resolution or indenture providing for bonds already issued.

SEC. 63. Section 35450 of the Streets and Highways Code is amended to read:

35450. Unless otherwise provided, the definitions contained in Part 1 (commencing with Section 5000) of Division 7 (the Improvement Act of 1911), govern the construction of this chapter, unless from the context of this chapter it clearly appears that a different meaning is intended.

SEC. 64. Section 35469 of the Streets and Highways Code is amended to read:

35469. The assessment shall be made, notice given, hearing held, and the assessment confirmed and recorded substantially in the manner provided in Chapter 16 (commencing with Section 5360) of Part 3 of Division 7 (the Improvement Act of 1911), and the provisions of that chapter relating to the method of making or spreading the assessment, the giving of notice, the making and waiving of objections, appeals or protests, the holding of the hearing, the finality and conclusiveness of the decisions and determinations of the legislative body, and the confirmation and recordation of the assessment are adopted as the procedure to be followed pursuant to

this chapter. Except as provided by this chapter, all of the powers and authority granted in Chapter 16 (commencing with Section 5360) of Part 3 of Division 7 (the Improvement Act of 1911) are applicable to any assessment to be levied pursuant to this chapter.

SEC. 65. Section 35469 5 of the Streets and Highways Code is amended to read:

35469.5. The notice published pursuant to Section 5362 and the notices mailed pursuant to Section 5363 shall also contain a statement that the legislative body has declared its intention to take proceedings under this chapter for the levy of an assessment to provide funds necessary for the redemption of the outstanding bonds and shall state the maximum interest rate on and term of bonds to be issued to represent unpaid assessments. The notice shall also state that any person who has any objection to such proceedings for the levy of such assessment may file a written protest not later than the hour set for the hearing as stated in said notice.

SEC. 66. Section 31502 of the Water Code is amended to read:

31502. The Municipal Improvement Act of 1913 is also applicable to districts.

SEC. 67. Section 36455.1 of the Water Code is amended to read:

36455.1. The work or improvement shall be done and the cost thereof assessed and collected in accordance with the procedures of the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), or the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code).

SEC. 68. Section 56100 of the Water Code is amended to read:

56100. The Improvement Act of 1911 and the Improvement Bond Act of 1915 are applicable to county drainage districts formed under this part. After approving and adopting the engineer's report as provided in Chapter 5 (commencing with Section 56050) of this part, the district board may order the work contained in the said report to be done in whole or in part pursuant to the provisions of the Improvement Act of 1911 or the Improvement Bond Act of 1915 and the costs thereof assessed upon the real property benefited, all in the manner provided by the Improvement Act of 1911 or the Improvement Bond Act of 1915.

SEC. 69. Section 56104 of the Water Code is amended to read:

56104. Notwithstanding any other provision contained in the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 to the contrary, in the event the district board shall order the work contained in the report prepared by the district engineer pursuant to Chapter 5 (commencing with Section 56050) of this part to be done in whole or in part pursuant to the provisions of the Improvement Act of 1911 or the Improvement Bond Act of 1915, the provisions of the said Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not be applicable to such work

if the district board so declared by resolution duly adopted by four-fifths vote after a finding that said work is necessary for the public welfare, which finding shall not be made by the district board if, prior to the conclusion of the hearing on said report as provided in Chapter 5, the owners of more than 20 percent of the total assessed value of the taxable property within the district file written protests against the doing of said work.

SEC. 70. Section 74900 of the Water Code is amended to read:

74900. A district, in the construction of any work to be done or improvement made by it or within an improvement district formed pursuant to Part 7 (commencing with Section 75000) of this division and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done, may use the Improvement Act of 1911, the Municipal Improvement Act of 1913, or the Improvement Bond Act of 1915. These acts are hereafter referred to in this chapter as the "improvement acts."

SEC. 71. (a) Notwithstanding the amendments made and the repeals effectuated by this act, any proceeding commenced or completed prior to the operative date of this act by any public entity acting under or pursuant to any of the provisions amended or repealed by this act shall remain unaffected by such amendment or repeal and, with respect to any such pending proceeding, any such public entity shall continue to have and may exercise any of the powers authorized or provided for in such provisions prior to their amendment or repeal by this act. For the purposes of this subdivision, "commenced" means:

(1) With respect to a proceeding under the Park and Playground Act of 1909, the date of the passage of the ordinance of intention referred to in Section 38011 of the Government Code.

(2) With respect to a proceeding under the Sewer Right of Way Law of 1921, the date of the passage of the ordinance of intention referred to in Section 39041 of the Government Code.

(3) With respect to a proceeding under the Street Opening Act of 1903, the date of passage of the ordinance of intention referred to in Section 4121 of the Streets and Highways Code

(4) With respect to a proceeding under the Street Opening Bond Act of 1911, the date of passage of the resolution referred to in Section 4531 of the Streets and Highways Code declaring that bonds shall be issued.

(5) With respect to a proceeding under the Improvement Act of 1911 under Part 4 (commencing with Section 6000) of Division 7 of the Streets and Highways Code, the date of the passage of the resolution of intention referred to in Section 6021 of the Streets and Highways Code.

(6) With respect to a proceeding under the Vehicle Parking District Law of 1943, the date of the passage of the ordinance of intention referred to in Section 31538 of the Streets and Highways Code.

(7) With respect to the Parking District Law of 1951, the date of the passage of the resolution of intention referred to in Section 35258 of the Streets and Highways Code.

(b) No amendment or repeal made by this act shall be applicable to or affect in any way any bonds or refunding bonds issued or authorized to be issued prior to the operative date of this act under any of the provisions amended or repealed by this act or any assessment or reassessment levied or authorized or required to be levied under such provisions, and for all purposes (except that no new proceedings can be begun under such repealed provisions after the operative date of this act) all of the authority, power, and jurisdiction conferred by any such provisions and all of the provisions of any statute containing such provisions are retained in full force and effect until all bonds or refunding bonds issued under any such statute have been fully paid and discharged.

SEC. 72. This act shall become operative on January 1, 1976.

CHAPTER 427

An act to amend Sections 6509 and 6531 of the Streets and Highways Code, relating to streets and highways.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 6509 of the Streets and Highways Code is amended to read.

6509. If such payment is not made, the sale shall be made as advertised, and the lot or parcel described in the bond shall be sold to the purchaser who shall take the least amount of the lot or parcel and pay all of the sums specified in the notice of sale. In the event there are no bidders, a certificate of sale shall be issued to the bond owner upon surrender of the bond, including all unpaid principal and interest coupons, to the treasurer and payment to the treasurer of any expenses of publication paid or incurred by the treasurer, the fee required by Section 6507 for the issuance of a certificate of sale, the fee of the recorder for recording such certificate, and, if incurred, and if no deposit was made pursuant to Section 6500, the cost of an abstract of title or title search of the real property sold under foreclosure

SEC 2. Section 6531 of the Streets and Highways Code is amended to read:

6531. Redemption can be made only by the payment to the treasurer of the following, together with interest at the rate of 1 percent a month from the date of sale:

(a) The purchase money and costs.

(b) The moneys paid for taxes, street improvement assessments, or other taxes or statutory liens or to redeem the property from any sale in the collection or enforcement of any of the liens.

(c) The fee of the recorder for recording the certificate of sale and for filing the notice of pendency of sale or foreclosure pursuant to Part 3 (commencing with Section 3120) of Division 4.5.

(d) If incurred, the cost of an abstract of title or title search of the real property sold under foreclosure.

CHAPTER 428

An act to amend Sections 12814, 12816, 13100, and 14900 of the Vehicle Code, relating to drivers' licenses, and making an appropriation therefor.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 12814 of the Vehicle Code is amended to read:

12814. (a) Application for renewal of a license shall be made at an office of the Department of Motor Vehicles by the person to whom the license was issued. The department may in its discretion require an examination of the applicant as upon an original application, or an examination deemed by the department to be appropriate considering the licensee's record of convictions and accidents, or an examination deemed by the department to be appropriate in relation to evidence of a condition which may affect the ability of the applicant to safely operate a motor vehicle. The age of a licensee, by itself, shall not constitute evidence of a condition requiring an examination of the driving ability. If the department finds any such evidence, the department shall disclose the evidence to the applicant or licensee. In the event such person is absent from the state at the time the license expires, the Director of Motor Vehicles may extend the license for a period of one year from the expiration date of the license

(b) Renewal of a driver's license shall be under terms and conditions prescribed by the department and, at the discretion of the director, licenses may be extended for not to exceed one year when the number of renewal applications to be processed in a year will exceed the number of applications in the previous year or the next subsequent year by more than 10 percent.

(c) The department may adopt and administer such regulations as shall be deemed necessary for the public safety in the implementation of a program of selective testing of applicants, and, with reference to this section, the department may waive tests for

purposes of evaluation of selective testing procedures.

(d) The department shall report to the Legislature on or before August 1st, annually, describing the number of licenses extended during the preceding fiscal year pursuant to subdivision (b) and the reason for such action. Such report shall also include the regulations adopted pursuant to subdivision (c), the categories of test waivers granted, the purposes for which waivers were granted, and the result of the evaluation made during the preceding fiscal year of the selective testing program

SEC. 2. Section 12816 of the Vehicle Code is amended to read:

12816. (a) Every original driver's license issued after January 1, 1975, shall expire on the fourth birthday of the applicant following the date of the application for the license.

(b) Renewal of a driver's license shall be made for a term which shall expire on the fourth birthday of the applicant following the expiration of the license renewed, if application for renewal is made within six months prior to the expiration of the license to be renewed, or within 90 days after expiration of such license. If renewal is not applied for within 90 days after expiration of the license, the application and fee shall be considered the same as an application for an original license.

(c) The department may accept application for a renewal of a driver's license made more than six months prior to the date of expiration. Such renewal shall be made for a term which shall expire on the fourth birthday of the applicant following the date of the application for the renewal license.

(d) The department may accept an application for a license of a higher class made more than six months before the expiration of the license previously issued, provided the previously issued license is surrendered for cancellation in accordance with Section 13100 The driver's license issued from such application shall expire on the fourth birthday of the applicant following the date of the application.

SEC 3. Section 13100 of the Vehicle Code is amended to read.

13100. When used in reference to a driver's license, "cancellation" means that a driver's license certificate is terminated without prejudice and must be surrendered. Any person whose license has been canceled may immediately apply for a license. Cancellation of license may be made only when specifically authorized in this code, when application is made for a license to operate vehicles of a higher class, or when a license has been issued through error or voluntarily surrendered to the department

SEC 4. Section 14900 of the Vehicle Code is amended to read:

14900 (a) Upon application for an original driver's license, for the renewal of a driver's license or for a license to operate a higher class of vehicle, there shall be paid the department a fee of three dollars and twenty-five cents ($3.25). The payment of the fee shall entitle the person paying same to make application for a driver's license and to three examinations within a period of six months or during the period of an instruction permit issued from such

application as provided in Section 12509.

The term "driver's license" as used in this section includes all licenses of every kind issued under Division 6 (commencing with Section 12500).

(b) Any person who, by reason of physical disabilities, is unable to move about as a pedestrian shall be exempt from the fee provided in this section, but only in the event the license issued to such a person restricts such person to the operation of a self-propelled wheelchair or invalid tricycle.

CHAPTER 429

An act to amend Section 428.60 of the Code of Civil Procedure, relating to pleadings.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 428.60 of the Code of Civil Procedure is amended to read:

428.60. A cross-complaint shall be served on each of the parties in an action in the following manner:

(1) If a party has not appeared in the action, a summons upon the cross-complaint shall be issued and served upon him in the same manner as upon commencement of an original action.

(2) If a party has appeared in the action, the cross-complaint shall be served upon his attorney, or upon the party if he has appeared without an attorney, in the manner provided for service of summons or in the manner provided by Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of this code.

CHAPTER 430

An act to amend Section 1167.3 of the Code of Civil Procedure, relating to summary proceeding.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 1167.3 of the Code of Civil Procedure is amended to read:

1167.3. In any action under this chapter, unless otherwise ordered by the court for good cause shown, the time allowed the

defendant to answer the complaint, answer the complaint, if amended, or amend the answer under subdivision (2), (3), (5) or (6) of Section 586 shall not exceed five days.

CHAPTER 431

An act to amend Section 9075 of the Elections Code, relating to elections.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 9075 of the Elections Code is amended to read:

9075. The state convention shall meet at 10 o'clock of the morning of the first Saturday in August next following the date upon which the direct primary election is held. The chairman of the state central committee shall notify the Secretary of State and all delegates as defined in Article 1 (commencing with Section 9010) of this chapter of the meeting place selected by him no later than the first day of July immediately preceding the holding of the convention.

CHAPTER 432

An act to amend Section 11483 of the Education Code, relating to community colleges.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 11483 of the Education Code is amended to read.

11483. If 50 percent or more of the enrollment in a police or fire training course at a community college consists of students who are residents of community college districts other than the district offering the course, all such students enrolled shall be deemed to be resident students of the district for such courses for the purposes of this article

CHAPTER 433

An act to amend Sections 7076, 7110 and 7144 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 7076 of the Business and Professions Code is amended to read:

7076. A partnership license shall terminate upon the death of a partner or upon the disassociation of a partner for any reason whatsoever. However the remaining partner or partners shall be entitled to continue in business under such license for a reasonable length of time to be determined by rules of the board, provided application for permission is made to the registrar within 30 days after death or disassociation of the partner, and such application is approved by the registrar.

In the case of the disassociation of a partner, the provisions of this section shall not apply except to those contracts which have been entered into by the partnership, or to such business on which performance has been commenced by the partnership, before such disassociation.

In case of the death of a person licensed as an individual, a member of the immediate family of the deceased licensee shall be entitled to continue the business under the same license for a reasonable length of time to be determined by rules of the board, provided application for permission is made to the registrar within 30 days after the death of the licensee and such application is approved by the registrar.

A license so extended under Sections 7068.2 and 7076 is subject to all other provisions of this chapter.

SEC. 2. Section 7110 of the Business and Professions Code is amended to read:

7110. Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of the minimum painting standards adopted pursuant to Section 37040 of the Health and Safety Code, or of Sections 8505 or 8556 of this code, or of Sections 1689.5 to 1689.7, inclusive, Sections 1689.10 to 1689.13, inclusive, and Sections 1725 to 1736, inclusive, of the Civil Code, or of the safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state, or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells constitutes a cause for disciplinary action.

SEC. 3. Section 7144 of the Business and Professions Code is amended to read.

7144. A revoked license shall be considered as having expired as of the date of revocation and shall not be renewed. To reinstate a

revoked license a licensee may apply for reinstatement of the license only if he pays all of the fees and meets all of the qualifications and requirements set forth in this chapter for obtaining an original license.

CHAPTER 434

An act to amend Sections 7053 and 7071.8 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 7053 of the Business and Professions Code is amended to read:

7053. Except as provided in Article 10 (commencing with Section 7150), this chapter does not apply to any person who engages in the activities herein regulated, as an employee with wages as his sole compensation.

SEC. 2. Section 7071.8 of the Business and Professions Code is amended to read:

7071.8. If application for a license, or for restoration of a license, is made by

(1) Any person whose license has been suspended or revoked as a result of disciplinary action for violation of this chapter,

(2) Any person who was an officer, director, member, partner or qualifying individual for a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said licensee's license and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter,

(3) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person has had his license suspended or revoked as a result of disciplinary action for violation of this chapter, or

(4) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person was a member, officer, director, partner or qualifying person of a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said license, and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter, the board shall require as a condition precedent to the issuance, reissuance or restoration of a license to such applicant, or removal of suspension, that such applicant file or have on file a contractor's bond or cash deposit in a sum to be fixed by the registrar based upon the

seriousness of the violation, but which sum shall not be less than three times nor more than 10 times that amount required by Section 7071.6.

Such bond shall remain on file or in lieu thereof cash deposit be posted with the registrar for a period of at least two years and for such additional time as the registrar may determine.

Each applicant or licensee shall be required to file only one contractor's bond of the type described in this section.

Nothing contained in this section shall apply to a person or firm whose license has been suspended or revoked for a failure to comply with Section 7083.

CHAPTER 435

An act to amend Section 7067.5 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 7067.5 of the Business and Professions Code is amended to read:

7067.5. Every applicant for an original license, or for the reactivation of an inactive license, or for the reissuance or reinstatement of a revoked license shall possess and every such applicant, other than one applying under Section 7029 unless required by the registrar, shall evidence financial solvency. The registrar may deny the application of any applicant who fails to comply with this section. For purposes of this section financial solvency shall mean that the applicant's net worth shall exceed one thousand dollars ($1,000).

The applicant shall provide answers to questions contained in a standard form of questionnaire as required by the registrar relative to his financial ability and condition and signed by the applicant under penalty of perjury.

In any case in which further financial information would assist the registrar in an investigation, the registrar may require any licensee or applicant under investigation pursuant to this chapter to provide such additional financial information as the registrar may deem necessary.

The financial information required by the registrar shall be confidential and not a public record, but, where relevant, shall be admissible as evidence in any administrative hearing or judicial action or proceeding.

The registrar may destroy any financial information which has been on file for a period of at least three years.

CHAPTER 436

An act to amend Sections 12392, 12411, and 12414.19 of the Insurance Code, relating to title insurance.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 12392 of the Insurance Code is amended to read:

12392. If a domestic incorporated title insurer is authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depositary, agent or trustee, or to do a general trust business, and if such insurer has a capital paid in of not less than seven hundred thousand dollars ($700,000) it may also do business as a trust company, and maintain a trust department as well as a title insurance department, on compliance with the conditions set forth in this article. Notwithstanding the above minimum paid-in capital requirements, a title insurer which was operating under a certificate of authority which was in effect on July 1, 1971, and which title insurer on such date had a paid-in capital of less than seven hundred thousand dollars ($700,000), may engage in the activities permitted by this section upon compliance with the following paid-in capital requirements: (a) four hundred fifty thousand dollars ($450,000) until July 1, 1974; (b) thereafter and until July 1, 1975, five hundred thousand dollars ($500,000); (c) thereafter and until July 1, 1976, six hundred thousand dollars ($600,000); and (d) after July 1, 1976, seven hundred thousand dollars ($700,000).

SEC. 2. Section 12411 of the Insurance Code is amended to read:

12411. The commissioner may after a hearing suspend or revoke the certificate of authority of any title insurer or the license of any underwritten title company licensed pursuant to the provisions of Section 12389, which, after 10 days' written notice from the commissioner requiring it to comply with the provisions of this article willfully fails to do so.

SEC. 3. Section 12414.19 of the Insurance Code is amended to read:

12414.19. Any finding, determination, rule, ruling, or order made by the commissioner under Article 5.5 (commencing with Section 12401), Article 5.7 (commencing with Section 12402), Article 6.7 (commencing with Section 12414.13), and Article 6.9 (commencing with Section 12414.20) of this chapter shall be subject to review by the courts of the state and proceedings on review shall be in accordance with the provisions of the Code of Civil Procedure. In such proceedings on review, the court is authorized and directed to exercise its independent judgment on the evidence and unless the weight of the evidence supports the findings, determination, rule, ruling, or order of the commissioner, the same shall be annulled

Notwithstanding any other provision of law to the contrary, a petition for review of any such finding, determination, rule or order, may be filed at any time before the effective date thereof. No such finding, determination, rule, or order shall become effective before the expiration of 20 days after notice and a copy thereof are mailed or delivered to the person or entity affected, and any finding, determination, rule, or order of the commissioner so submitted for review shall not become effective for a further period of 15 days after the petition for review is filed with the court. The court may stay the effectiveness thereof for a longer period.

CHAPTER 437

An act to amend Section 4508 of, and to repeal Section 4356 of, the Civil Code, relating to husband and wife.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 4356 of the Civil Code is repealed.

SEC. 2. Section 4508 of the Civil Code is amended to read:

4508. (a) If from the evidence at the hearing the court finds that there are irreconcilable differences, which have caused the irremediable breakdown of the marriage, it shall order the dissolution of the marriage or a legal separation. If it appears that there is a reasonable possibility of reconciliation, the court shall continue the proceeding for a period not to exceed 30 days. During the period of the continuance, the court may make any order for the support and maintenance of the parties, the custody, support, maintenance, and education of the minor children of the marriage, attorney fees, and for the preservation of the property of the parties. At any time after the termination of such 30-day period, either party may move for the dissolution of the marriage or a legal separation, and the court may enter its judgment decreeing such dissolution or separation.

(b) The court may not render a judgment decreeing the legal separation of the parties without the consent of both parties unless one party has not made a general appearance and the petition is one for legal separation. A judgment decreeing the legal separation of the parties shall not bar a subsequent judgment decreeing the dissolution of the marriage rendered pursuant to a petition for dissolution filed by either party

CHAPTER 438

An act to amend Section 13991 of the Health and Safety Code, relating to fire protection.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 13991 of the Health and Safety Code is amended to read:

13991. The district board may on its own motion, or upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, in each case within the territory proposed to be formed into a zone or to be annexed to, or detached from, a zone, based on assessed valuation, in a specific area, the district board shall, by resolution, initiate proceedings for the creation of a special fire protection zone in the district or for the annexation of territory to, or the detachment of territory from, an established special fire protection zone in the district, for any one or more of the following purposes:

(a) Paying for the installation of capital improvements such as fire mains, fireplugs, or any other similar improvement, which is of sole benefit to the territory in a zone.

(b) Paying for water and related costs or specific charges to the district which are of sole benefit to the territory in a zone.

(c) Purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to a zone out of its general district tax.

(d) Payment by the taxpayers of a zone which has been annexed to a city of the costs of fire protection services provided by the Division of Forestry, pursuant to contract with the city, for grass-, brush-, and forest-covered lands in such zone.

CHAPTER 439

An act to amend Sections 20751, 20752, 20754, 20755, 20756, 20757, 20758, 21283, 21285, 21286, 21288, 21289, 21290, and 21290.5 of, and to repeal Section 21291 of, the Food and Agricultural Code, relating to cattle protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 20751 of the Food and Agricultural Code is amended to read:

20751. The fee for each application for recording a brand is ten dollars ($10).

SEC. 2. Section 20752 of the Food and Agricultural Code is amended to read:

20752. The fee entitles the applicant to the recordation of one brand and one duplicate brand registration certificate. The fee for each additional duplicate is five dollars ($5).

SEC. 3. Section 20754 of the Food and Agricultural Code is amended to read:

20754. Except as otherwise provided in Section 20755, the owner of a brand shall, on or before January 30th of each year after its recordation, pay to the bureau an annual renewal fee of ten dollars ($10) for the right to continue to use the brand.

SEC. 4. Section 20755 of the Food and Agricultural Code is amended to read:

20755. The owner of a recorded brand may, on or before January 30th of any year, pay in advance to the bureau a sum which is a multiple of ten dollars ($10). The payment entitles him to use the brand for any number of years, but not to exceed 10 years, at the rate of ten dollars ($10) per year from and after January 1st of such year. If such advance payment is made, annual renewals for each of the years within the period for which advance payment has been made are not required.

SEC. 5. Section 20756 of the Food and Agricultural Code is amended to read:

20756. If the right to use a brand is suspended for failure to pay the renewal fee, it may be reinstated within the calendar year in which the suspension occurs upon the payment of a reinstatement fee of twenty dollars ($20).

SEC. 6. Section 20757 of the Food and Agricultural Code is amended to read:

20757. (a) Except as provided in subdivision (b), the fee for rerecording a forfeited or canceled brand shall be twenty-five dollars ($25). This amount shall accompany the application to rerecord.

(b) When a twenty-five dollar ($25) penalty has been paid pursuant to Section 20222, within 30 days of the date the application to rerecord is received by the director, the fee to rerecord shall be ten dollars ($10).

SEC. 7. Section 20758 of the Food and Agricultural Code is amended to read:

20758. The fee for recording the transfer of a brand, including a new certificate, is ten dollars ($10).

SEC. 8. Section 21283 of the Food and Agricultural Code is amended to read:

21283. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is twenty-one cents ($0.21) for each animal which is inspected.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 9. Section 21283 of the Food and Agricultural Code is amended to read:

21283. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is eighteen cents ($0.18) for each animal which is inspected.

This section shall become operative on January 1, 1976.

SEC. 10. Section 21285 of the Food and Agricultural Code is amended to read:

21285. The fee is twenty-one cents ($0.21) for the inspection before sale of each animal at a public salesyard which is posted by the Secretary of Agriculture of the United States or at a public salesyard if the animal originated in another state and it was shipped to this state, consigned to such public stockyard or public salesyard.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 11. Section 21285 of the Food and Agricultural Code is amended to read:

21285. The fee is eighteen cents ($0.18) for the inspection before sale of each animal at a public salesyard which is posted by the Secretary of Agriculture of the United States or at a public salesyard if the animal originated in another state and it was shipped to this state, consigned to such public stockyard or public salesyard.

This section shall become operative on January 1, 1976.

SEC. 12. Section 21286 of the Food and Agricultural Code is amended to read:

21286. The fee is twenty-one cents ($0.21) for the inspection of each animal which originated in another state and was shipped to this state for slaughter, if such animal is unloaded in an enclosure which is used exclusively by the slaughterer that is located within one mile of the slaughterhouse and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 13. Section 21286 of the Food and Agricultural Code is amended to read:

21286. The fee is eighteen cents ($0.18) for the inspection of each animal which originated in another state and was shipped to this state for slaughter, if such animal is unloaded in an enclosure which is used exclusively by the slaughterer that is located within one mile of the slaughterhouse and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

This section shall become operative on January 1, 1976.

SEC. 14. Section 21288 of the Food and Agricultural Code is amended to read:

21288 The fee for the inspection of cattle, other than suckling calves which are accompanying their mothers, is eighteen cents ($0.18) if the cattle are transported for purposes other than sale or

slaughter and no change of ownership is involved. The fee which is prescribed by this section applies to pasture cattle which are transported out of a modified point-of-origin area or out of this state.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 15. Section 21288 of the Food and Agricultural Code is amended to read:

21288. The fee for the inspection of cattle, other than suckling calves which are accompanying their mothers, is fifteen cents ($0.15) if the cattle are transported for purposes other than sale or slaughter and no change of ownership is involved. The fee which is prescribed by this section applies to pasture cattle which are transported out of a point-of-origin area or out of this state.

This section shall become operative on January 1, 1976.

SEC. 16. Section 21289 of the Food and Agricultural Code is amended to read:

21289. The fee for the inspection of cattle is twenty-five cents ($0.25) for each animal which originated in any county or geographical area where a full point-of-origin inspection is maintained pursuant to Article 4 (commencing with Section 21141) of this chapter. A fee shall not be charged for any suckling calves which are accompanying their mothers if they are not shipped for sale or slaughter and no change of ownership is involved.

SEC. 17. Section 21290 of the Food and Agricultural Code is amended to read:

21290. Any person that receives cattle from any cattle sale market, either public or private, including any public stockyard where sales of cattle are held, may, upon request and upon payment of a fee of twenty-one cents ($0.21) per head before accepting delivery of any cattle from such market or stockyard, have a reinspection of such cattle.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 18. Section 21290.5 of the Food and Agricultural Code is amended to read:

21290.5. Any person that receives cattle from any cattle sale market, either public or private, including any public stockyard, where sales of cattle are held, may, upon request and upon payment of a fee of eighteen cents ($0.18) per head before accepting delivery of any cattle from such market or stockyard, have a reinspection of such cattle.

This section shall become operative on January 1, 1976.

SEC. 19. Section 21291 of the Food and Agricultural Code, as amended by Section 63 of Chapter 939 of the Statutes of 1973, is repealed.

SEC. 20. Section 21291 of the Food and Agricultural Code, as added by Section 64 of Chapter 939 of the Statutes of 1973, is repealed.

SEC. 21. This act is an urgency statute necessary for the

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

In order to meet the expenses for the next fiscal year from the increased fees provided for by this act, it is necessary that the provisions of this act become effective immediately.

CHAPTER 440

An act to amend Section 2808.1 of the Streets and Highways Code, relating to special assessments.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 2808.1 of the Streets and Highways Code is amended to read:

2808.1. None of the provisions of this division shall apply to proceedings heretofore or hereafter commenced for the construction or acquisition, or the construction and acquisition, of water improvements, including the acquisition of pipeline rights-of-way and easements necessary in connection with such improvement, when such proceedings have been recommended by the health officer of the City of Glendora as necessary as a health measure, if such recommendation is given in writing and spread upon the minutes of the City Council of the City of Glendora, and such necessity is found to exist by resolution adopted by the affirmative vote of four-fifths of the members thereof. None of the provisions of this division shall apply to proceedings heretofore or hereafter commenced for the construction or acquisition, or the construction and acquisition, of water improvements, including the acquisition of pipeline rights-of-way and easements necessary in connection with such improvement, when such proceedings have been recommended by the chief of the fire department of the City of Glendora, as necessary as a fire protection measure, if such recommendation is given in writing and spread upon the minutes of the City Council of the City of Glendora, and such necessity is found to exist by resolution adopted by the affirmative vote of four-fifths of the members thereof. The findings and determinations made by the City Council of the City of Glendora pursuant to this section shall be final and conclusive upon all persons in the absence of actual fraud.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

CHAPTER 441

An act to amend Section 25210.4 of the Government Code, relating to county service areas.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 25210.4 of the Government Code is amended to read:

25210.4. A county service area may be established under this chapter to provide any one or more of the following types of extended service within such area:

(a) Extended police protection.

(b) Structural fire protection.

(c) Local park, recreation or parkway facilities and services.

(d) Any other governmental services, hereinafter referred to as miscellaneous extended services, which the county is authorized by law to perform and which the county does not also perform to the same extent on a countywide basis both within and without cities, if:

(1) The board of supervisors determines that such services should be provided on an extended basis within a county service area; or

(2) Such services are specified in a request or a petition for the initiation of proceedings for the formation of a county service area or in a request or a petition for the initiation of proceedings for the furnishing of additional types of services within a county service area.

(e) Extended library facilities and services.

(f) Television translator station facilities and services, if:

(1) The number of translators to be erected by the service area will not exceed six.

(2) The number of television channels provided by the service area will not exceed six.

At the time of the adoption of the resolution of intention to establish a county service area the board of supervisors shall specify the type or types of services which are proposed to be provided within the area pursuant to this chapter.

CHAPTER 442

An act to add Section 12206.1 to Chapter 3 of Division 3 of the Financial Code, relating to check sellers and cashiers.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 12206.1 is added to the Financial Code, to read:

12206.1. An applicant or a licensee required to file a bond with the commissioner under Section 12206 may, in lieu of and subject to the same conditions as the bond required by Section 12206, deposit with the commissioner a cash bond in the sum of ten thousand dollars ($10,000), evidence of deposit of said sum in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, or investment certificates or share accounts in the amount of ten thousand dollars ($10,000), issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

Such deposits, certificates, or accounts shall be assigned to and accepted and maintained by the commissioner upon such terms as the commissioner may prescribe and until released by the commissioner, and shall not be deemed an asset of the applicant or licensee for the purpose of complying with Section 12205.

CHAPTER 443

An act to add Section 15805 to, and to amend Section 16251 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 15805 is added to the Revenue and Taxation Code, to read:

15805. In any case in which it is claimed that a deficiency has been determined in an erroneous amount, any person who is liable for the tax may, within three years after the determination was made, bring an action against the state in the superior court having jurisdiction to have the tax modified in whole or in part.

SEC. 2. Section 16251 of the Revenue and Taxation Code is amended to read:

16251. Within four years from the last date prescribed for filing the return or within one year from the date the tax was paid, or within 90 days after a determination under Section 16221.5 is issued, whichever is later, any person who has paid the tax may bring an action against the state in the superior court having jurisdiction to have the tax refunded, in whole or in part.

CHAPTER 444

An act to amend Section 14672 of the Revenue and Taxation Code, relating to inheritance tax.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 14672 of the Revenue and Taxation Code is amended to read:

14672. (a) Every order, decree, or judgment fixing tax or declaring that no tax is due and payable, made or rendered pursuant to this part, has the force and effect of a judgment in a civil action.

(b) Whenever any order, decree, or judgment described in subdivision (a) is erroneous due to the mistake, inadvertence, or excusable neglect of the Controller or an interested party or his representative, the court which made the order or decree or entered the judgment may, upon the petition of the Controller or an interested party and after notice to the other party, modify the order, decree, or judgment to fix the tax in the correct amount, if the petition is filed within the following time periods:

(1) If the order, decree, or judgment was made or entered in a probate proceeding, the petition shall be filed before a period of six months has elapsed since the order, decree, or judgment was made or entered or prior to the entry of the decree of final distribution, whichever occurs later, but in no event shall the petition be filed after a period of three years has elapsed since the order, decree, or judgment was made or entered.

(2) In any other case, the petition shall be filed within three years after the order, decree, or judgment was made or entered.

(c) No modification of an order, decree, or judgment pursuant to subdivision (b) which results in an increase in the tax due and payable under this part shall be enforceable as a lien against a purchaser or encumbrancer for value without knowledge of the facts resulting in the increase.

CHAPTER 445

An act to amend Section 15681 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 15681 of the Revenue and Taxation Code is amended to read:

15681. If no gift return is filed pursuant to this part or the regulations of the Controller, or if a return does not show all transfers made in the period for which the return is filed, a penalty equal to 5 percent of the tax on the transfers not returned is added to the tax.

CHAPTER 446

An act to amend Sections 16501, 16505, and 16511 of, and to repeal Sections 16503, 16504, and 16507 of, the Education Code, relating to school supplies and equipment.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 16501 of the Education Code is amended to read:

16501. The county board of education shall on or before the first day of February of each year establish rules and regulations under which any school district in the county shall, except as provided in Section 16505, purchase standard school supplies and equipment through the county superintendent of schools, or when so directed by him, through a county purchasing agent.

When the county superintendent of schools purchases standard school supplies without directing their purchase through the county purchasing agent or other county, city, or school district agent or agency, he shall make such purchase from the lowest responsible bidder who shall give such security as the county superintendent of schools requires, or else reject all bids. For the purpose of securing bids, the county superintendent of schools shall publish at least once a week for two weeks in a newspaper of general circulation published in the county, a notice calling for bids stating where the list and specifications of standard school supplies and equipment to be furnished may be obtained and the time when, and the place were bids will be opened.

The county board of education shall list as standard school supplies and equipment such supplies and equipment as can be advantageously purchased in quantity. The list of standard school supplies shall be accompanied by a table of specifications giving the minimum grade, quality, substance, or other standard required for the purchase of each item listed.

The cost of advertising for bids and the cost of preparation of a table of specifications shall be paid from the county general fund.

SEC. 2. Section 16503 of the Education Code is repealed.

SEC. 3. Section 16504 of the Education Code is repealed

SEC. 4. Section 16505 of the Education Code is amended to read.

16505. (a) Except as provided in subdivision (b), the governing board of any school district may purchase any necessary school supplies and equipment, including standard school supplies and equipment listed by the county board of education, in the manner provided in this chapter, or the governing board of any school district may purchase such supplies and equipment directly from the vendor. Such direct purchase may be as a single district or two or more districts acting as a cooperative

(b) An elementary school district having an average daily attendance of less than 2,500 during the preceding fiscal year may purchase standard school supplies and equipment directly from a vendor only by means of a purchasing cooperative representing a total average daily attendance in excess of 2,500 and then only if the county superintendent of schools has on file a document certifying the school district's membership in such a cooperative.

SEC. 5. Section 16507 of the Education Code is repealed.

SEC. 6. Section 16511 of the Education Code is amended to read:

16511. The superintendent of schools of each county may transfer at the beginning of any school year from the funds of the school districts of the county which elect to purchase equipment and supplies in accordance with Section 16501, to the school supply revolving fund, which fund is continued in existence, a sum not to exceed 10 percent of the amount to be received during the school year by each district from the State School Fund.

CHAPTER 447

An act to amend Sections 986 and 1011 of the Insurance Code, relating to insurers.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1 Section 986 of the Insurance Code is amended to read:

986. A life insurer issuing policies on a reserve basis is insolvent whenever its assets are exceeded by the total of the following: (1) the amount necessary to provide for its liabilities; (2) the amount of paid-in capital, as defined in Section 36, required by the provisions of Sections 10510, 10511, and 10512; (3) the amount necessary to provide for reinsurance of all its outstanding risks at the following rates:

(a) In the case of contracts issued in a foreign country, upon the lives of residents thereof, by a domestic insurer authorized to and doing business in that foreign country, the rates shall be in

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accordance with the standard of mortality approved by the commissioner, as provided by law.

(b) In the case of group insurance, at the rates required by law for valuation thereof.

(c) In the case of all other outstanding risks written prior to January 1, 1892, at the rates based upon the American Experience Table of Mortality with interest at the rate of 4½ percent per annum.

(d) In the case of all its other outstanding risks written from and after December 31, 1891, up to and including December 31, 1907, at rates based upon the Combined Experience or Actuaries' Table of Mortality with interest at the rate of 4 percent per annum.

(e) In the case of all its other outstanding risks written from and after December 31, 1907, and prior to the operative date as to such risks of Article 3a (commencing with Section 10159.1), Chapter 1, Part 2, Division 2, at rates based upon the American Experience Table of Mortality with interest at the rate of 3½ percent per annum, and, where applicable, in accordance with Section 10486.9.

(f) In the case of contracts of disability insurance, as defined in Section 106, according to the standards provided in Section 997.

(g) In the case of all other risks, according to the standards provided in Article 3a (commencing with Section 10489.1), Chapter 5, Part 2, Division 2.

SEC. 2. Section 1011 of the Insurance Code is amended to read:

1011. The superior court of the county in which is located the principal office of such person in this state shall, upon the filing by the commissioner of the verified application showing any of the following conditions hereinafter enumerated to exist, issue its order vesting title to all of the assets of such person, wheresoever situated, in the commissioner or his successor in office, in his official capacity as such, and direct the commissioner forthwith to take possession of all of its books, records, property, real and personal, and assets, and to conduct, as conservator, the business of said person, or so much thereof as to the commissioner may seem appropriate, and enjoining said person and its officers, directors, agents, servants, and employees from the transaction of its business or disposition of its property until the further order of said court:

(a) That such person has refused to submit its books, papers, accounts, or affairs to the reasonable inspection of the commissioner or his deputy or examiner.

(b) That such person has neglected or refused to observe an order of the commissioner to make good within the time prescribed by law any deficiency in its capital if it is a stock corporation, or in its reserve if it is a mutual insurer.

(c) That such person, without first obtaining the consent in writing of the commissioner, has transferred, or attempted to transfer, substantially its entire property or business or, without such consent, has entered into any transaction the effect of which is to merge, consolidate, or reinsure substantially its entire property or business in or with the property or business of any other person.

(d) That such person is found, after an examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or creditors, or to the public.

(e) That such person has violated its charter or any law of the state.

(f) That any officer of such person refuses to be examined under oath, touching its affairs.

(g) That any officer or attorney in fact of such person has embezzled, sequestered, or wrongfully diverted any of the assets of such person.

(h) That a domestic insurer does not comply with the requirements for the issuance to it of a certificate of authority, or that its certificate of authority has been revoked; or

(i) That the last report of examination of any person to whom the provisions of this article apply shows such person to be insolvent within the meaning of Article 13 (commencing with Section 980), Chapter 1, Part 2, Division 1; or if a reciprocal or interinsurance exchange, within the applicable provisions of Section 1370.2, 1370.4, 1371, or 1372; or if a life insurer, within the applicable provisions of Sections 10510 and 10511.

CHAPTER 448

An act to amend Section 14970 of, and to add Sections 14974, 14975, and 14976 to, the Government Code, relating to emergency repairs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 14970 of the Government Code is amended to read·

14970. In times of extraordinary stress and of disaster, resulting from storms, floods, fire, or other calamitous events the director may declare the existence of an emergency and designate the location, nature, cause, area, and extent of the emergency if in his opinion:

(a) The emergency is a matter of general public and state concern; and

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

SEC. 2. Section 14974 is added to the Government Code, to read:

14974. Any work to be done as provided for in this chapter may be accomplished by day labor, negotiated contract, contract made

upon informal bids or a combination thereof without the necessity of complying with the State Contract Act or any part thereof.

SEC. 3. Section 14975 is added to the Government Code, to read:

14975. Notwithstanding the provisions of Section 3247 of the Civil Code, the contractor under any contract made under this chapter need not provide a payment bond before the commencement of the work but must provide a payment bond as otherwise required by law prior to payment under the contract.

SEC. 4. Section 14976 is added to the Government Code, to read:

14976. Notwithstanding any provisions to the contrary contained in Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code, the director need not determine the prevailing wage rates before the work under any such contract is commenced. However, such contract shall contain a provision that the contractor shall pay prevailing wages for the crafts or trades so utilized which wage rates shall be ascertained as of the date of such contract by the director as soon thereafter as is reasonably possible.

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

The provisions of this act relate to emergency repairs resulting from calamitous events and thus it is essential that the provisions take effect as soon as possible.

CHAPTER 449

An act to amend Section 22553.5 of the Public Utilities Code, relating to airport districts.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 22553.5 of the Public Utilities Code is amended to read:

22553.5. (a) The board of directors may, from time to time, cause to be sold or leased property of the district which in its opinion is not needed for the district's affairs.

(b) Such sales, at the discretion of the board of directors, may be on time, provided at least 20 percent of the total consideration be paid in cash at the time of the transaction and the remainder thereto be paid within 10 years and evidenced by a promissory note payable to the order of the district bearing interest at the rate of at least 5 percent per annum secured by a first mortgage, first deed of trust, or other prior encumbrance upon the property being sold.

(c) Property may be leased for any purpose and to any party

whenever the board of directors finds that such lease does not interfere with use of such property for the purposes of the district or with the operations of the district. All rents and other consideration received by the district shall be paid into its general fund for the use of the district.

CHAPTER 450

An act to add Section 13520.5 to the Education Code, relating to public schools.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 13520.5 is added to the Education Code, to read:

13520.5. Service on a commission on professional competence pursuant to Section 13413, in the employing school district or in some other district, by a person employed by a district in a position requiring certification qualifications shall not be considered time off job with respect to Section 13520. Neither the amount paid to a substitute required to be hired to replace such a person serving on a commission on professional competence pursuant to Section 13414 in the employing school district or in some other district nor the amount which would have been paid to a substitute had a substitute been employed, shall be deducted from the person's salary pursuant to Section 13520.05.

CHAPTER 451

An act to amend Sections 31204, 31216, 31240.5, 31243, 31263, and 31295.5 of, and to add Section 31241.5 to, the Education Code, and to amend the Budget Bill for the 1974–75 fiscal year (enacted as the Budget Act of 1974) by amending Section 19.6 thereof, relating to scholarships making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 31204 of the Education Code is amended to read:

31204. There shall be available for the fiscal year 1972–73

scholarships in an amount equal to 3 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1973–74 such scholarships in an amount equal to 3.5 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1974–75 and for each fiscal year thereafter such scholarships in an amount equal to 4.25 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

Funds for scholarships and grants from the federal government shall not be considered to be in lieu of state scholarships or grants unless the commission determines that all or a portion of a federal scholarship or grant when combined with a state scholarship or grant exceeds the student's financial need as determined by the commission. In such instances the commission may reduce a state scholarship or grant so that total scholarship or grant assistance will not exceed the student's need.

SEC. 2. Section 31216 of the Education Code is amended to read:

31216. The commission from time to time shall adopt such rules and regulations as it may determine, not in conflict with this chapter (commencing with Section 31201), as may be necessary or appropriate for effectuating the provisions of this chapter (commencing with Section 31201). The commission shall not award a scholarship to any applicant whose record in the competitive examination does not meet the standards set, even though scholarships may remain unawarded.

SEC. 3. Section 31240.5 of the Education Code is amended to read:

31240.5. There is hereby created a state competitive graduate fellowship program with fellowships to be provided by the state and used by award winners for graduate study in colleges and universities located in California and accredited by the Western Association of Schools and Colleges. As used in this section "graduate study" shall mean that phase of education coming after the completion of the baccalaureate degree and leading toward a recognized graduate or professional degree. Awards shall be granted to students with academic ability and financial need. The financial status of the applicant's parents shall be taken into consideration in determining the applicant's financial need. In determining the financial need of an applicant, the commission shall also expect each student to make

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a self-help contribution toward college costs through loans or employment or a combination of loans and employment

SEC. 4. Section 31241.5 is added to the Education Code, to read:

31241.5. The Legislature finds and declares that because of financial, home, and community environmental conditions, numerous students with unusual ability and substantial potential for success in graduate school are unable to pursue a graduate education and attain their full educational potential. It is further recognized that to combat effectively the forces which prevent these students from pursuing a graduate education, financial assistance is required. To further this purpose, the state graduate fellowship program shall provide financial assistance to unusually able persons, and the commission, in selecting unusually able persons, shall give consideration to students who are disadvantaged as defined by the commission. The graduate fellowship advisory committee created pursuant to Section 31242 shall present to the commission a comprehensive plan of selection of graduate fellowship winners which shall give consideration to unusual ability and achievement and shall recognize special problems of selecting students with unusual ability and achievement with substantial potential for success in graduate school who may come from a disadvantaged background.

SEC. 5. Section 31243 of the Education Code is amended to read:

31243. Awards shall be for one academic year of graduate study, and may be renewed for up to three additional years if necessary for the student's degree objective if he is making normal progress toward a degree as determined by the commission. Awards of graduate fellowships shall be made upon a competitive basis. The commission may use experimental methods and subjective judgments, as well as conventional methods, in making its determination as to who qualifies as award recipients The commission may take into account such factors as the following:

(a) Grades at the undergraduate level in the subject field in which the student wishes to do graduate work.

(b) Grades in the total undergraduate program

(c) Aptitude for graduate work in the subject field, insofar as it is measurable.

(d) General aptitude for graduate study, insofar as it is measurable.

(e) Critical manpower needs in fields eligible for fellowships for graduate study.

SEC. 6. Section 31263 of the Education Code is amended to read:

31263. There shall be available up to 1,000 grants in each of the fiscal years 1969–70, 1970–71, 1971–72, and up to 2,000 grants in each of the fiscal years 1972–73 and 1973–74, and up to 3,100 grants in 1974–75 and each fiscal year thereafter and the recipients of such grants shall be eligible for renewal of their awards until they have completed an A.B degree or its equivalent in conformance with the terms prescribed by the State Scholarship and Loan Commission,

which terms shall not be in conflict with this chapter. Such grants may be awarded to eligible students who attend public community colleges for vocational purposes terminating with a two-year course of study or the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951) of Division 19.

College opportunity grants may be utilized at summer quarters or terms. In the aggregate the total amount a student would receive in a four-year period may not be increased as a result of accelerating his progress to a degree by attending summer quarters or terms.

SEC. 7. Section 31295.5 of the Education Code is amended to read:

31295.5. There shall be available 700 new grants in each of the fiscal years of, 1974–75, 1975–76, and 1976–77 and the recipients of such grants shall be eligible for renewal of their grants until they have completed their occupational or technical training in conformance with terms prescribed by the commission. In no case shall such grants exceed two calendar years, nor be awarded for a course of training of less than six weeks' duration.

A grant shall be deemed vacated if the recipient does not begin the course of training within six months after the grant is awarded.

SEC. 8. Section 19.6 of the Budget Act of 1974 (Chapter ____, Statutes of 1974) is amended to read:

Sec. 19.6. (a) Since the State Scholarship and Loan Commission must announce in the spring of 1975 those individuals to whom state scholarship awards will be granted for the following fall semester of 1975 and, since the Budget Act of 1975 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur scholarship obligations for the maximum number of awards authorized by Section 31204 of the Education Code in an amount not to exceed thirty-seven million three hundred fifty-nine thousand five hundred fifty dollars ($37,359,550) during the 1974–75 fiscal year for awards to be in effect during the 1975–76 fiscal year.

(b) Since the State Scholarship and Loan Commission must announce in the spring of 1975 those individuals to whom graduate fellowship awards will be granted for the following fall semester of 1975 and, since the Budget Act of 1975 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur graduate fellowship obligations for the awards authorized by Section 31247 of the Education Code in an amount not to exceed two million dollars ($2,000,000) during the 1974–75 fiscal year for awards to be in effect during the 1975–76 fiscal year.

(c) Since the State Scholarship and Loan Commission must announce in the spring of 1975 those individuals to whom college opportunity grants will be granted for the following fall semester of 1975 and, since the Budget Act of 1975 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur college opportunity grant obligations for the maximum number of awards authorized by Section 31263 of the Education Code in an amount not to exceed eight million nine

hundred sixty-seven thousand dollars ($8,967,000) during the 1974–75 fiscal year for awards to be in effect during the 1975–76 fiscal year.

(d) Since the State Scholarship and Loan Commission must announce in the spring of 1975 those individuals to whom occupational training grants will be granted for the following fall semester of 1975 and, since the Budget Act of 1975 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur occupational training grant obligations for the maximum number of awards authorized by Section 31295.5 of the Education Code in an amount not to exceed eight hundred seventy-six thousand dollars ($876,000) during the 1974–75 fiscal year for awards to be in effect during the 1975–76 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships, graduate fellowships, college opportunity grants, or occupational training grants, the recipients of which have already been notified of their award. It is necessary that the State Scholarship and Loan Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the awards and grants may have sufficient time to plan for entering or returning to school the following fall.

SEC. 9. There is hereby appropriated from the General Fund to the State Scholarship and Loan Commission the sum of one million sixty-one thousand six hundred thirty-six dollars ($1,061,636) to be expended for purposes of this act as follows:

(a) Sixty-one thousand six hundred thirty-six dollars ($61,636) for fiscal year 1974–75 according to the following schedule:

(1) College opportunity grants $788,700
(2) Occupational education and training grants 169,600
(3) Administration 61,636
(4) Federal grants ..... —958,300

(b) One million dollars ($1,000,000) for fiscal year 1975–76 for awards for graduate fellowships in 1975–76 above the 1974–75 level.

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

In order to utilize federal student financial aid funds authorized by current federal law and in order that the State Scholarship and Loan Commission may have authorization for additional student financial aid, at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 452

An act to amend Section 231 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 231 of the Revenue and Taxation Code is amended to read:

231. (a) Property which is owned by a nonprofit corporation and leased to, and used exclusively by, government for its interest and benefit shall be exempt from taxation within the meaning of "charitable purposes" in Section 1c of Article XIII of the Constitution of California if:

(1) All of the provisions of Section 214 are complied with, except subdivision (6). For purposes of subdivision (6) of Section 214, irrevocable dedication to charitable purpose shall be deemed to exist if the lease provides that the property shall be transferred in fee to the entity of government leasing the same upon the sooner of either the liquidation, dissolution or abandonment of the owner or at the time the last rental payment is made under the provisions of the lease.

(2) All of the provisions of Section 254.5 relating to owners are complied with, commencing during calendar year 1969.

(3) All of the provisions of Section 214.01 are complied with by March 15, 1970.

(b) As used in this section "property" means:

(1) Any building or structure of a kind or nature which is uniquely of a governmental character and includes, but is not limited to, the following:

(A) City halls.

(B) Courthouses.

(C) Administration buildings.

(D) Police stations, jails or detention facilities.

(E) Fire stations.

(F) Parks or playgrounds.

(G) Hospitals.

(2) Any other property required for the use and occupation of the buildings and leased to government.

(3) Any possessory interest of the nonprofit corporation in property and in the land upon which the property was constructed and so much of the surrounding land that is required for the use and occupation of the property.

(4) Any building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation

of the building when such building and equipment is being constructed for the sole purpose of being leased to government to lessen its burden.

"Uniquely of a governmental character" means the property, except hospitals, is not intended to produce income or revenue in the form of rents or admission, user or service fees, or charges.

(c) As used in this section "property" does not include any possessory interest of any person or organization not exempt from taxation.

(d) As used in this section "nonprofit corporation" means a community chest, fund, foundation or corporation, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual and such nonprofit corporation is organized and operated for the sole purpose of leasing property to government and to lessen the burden of government and, in fact, only leases property to government. Such nonprofit corporation shall qualify as an exempt organization under Section 23701(f) of this code or Section 501(c)(4) of the Internal Revenue Code of 1954. This subdivision is not intended to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(4) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under this section. Nonprofit corporations meeting the tests of this subdivision are deemed to be organized and operated for charitable purposes.

(e) As used in this section "government" means the State of California, a city, city and county, county, and a hospital district.

(f) The exemption provided for in this section shall be deemed to be within the "welfare exemption" for purposes of Section 251.

(g) For leases first entered into by and between government and nonprofit corporation on or after January 1, 1969, all requirements of this section shall be met for the property and the nonprofit corporation to qualify for the exemption provided by this section.

(h) For leases first entered into by and between government and nonprofit corporation on or before December 31, 1968, all requirements of this section shall be met except that the last unnumbered paragraph of subdivision (b) shall not apply and for the purposes of subdivision (b)(1) the list of real property qualifying for this exemption includes community recreation buildings or facilities, golf courses, airports, water, sewer and drainage facilities, music centers and their related facilities, and public parking incidental to and in connection with one of the buildings or structures set forth in this section.

(i) Property exempt under this section shall be located within the boundaries of the entity of government leasing the same

(j) Where the construction has commenced on or after January 1, 1969, improvements shall be advertised and put to competitive bid to qualify for the exemption provided by this section

SEC. 2. Section 1 of this act shall apply to exemptions for the 1973–74 fiscal year and fiscal years thereafter. Any hospital described

in Section 1 for which a claim for exemption for the 1973–74 fiscal year is not timely filed may have an exemption filed on its behalf for such year under Article 2.5 (commencing with Section 270) of Chapter 1 of Part 2 of Division 1 of the Revenue and Taxation Code.

SEC. 3. The Legislature finds that prior to January 1, 1973, state law authorized hospitals to be exempt from property taxation and that this act is necessitated as a result of a local agency voluntarily selecting a financing method which caused the hospital property to be subject to property tax and that such action should not result in a fiscal burden on the state. Therefore, notwithstanding Section 2229 of the Revenue and Taxation Code, no obligation is created by reason of Section 1 or 2 of this act for the reimbursement of local agencies for any loss of property tax revenues.

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

Some leased hospitals have inadvertently been excluded from the provisions of Section 231 of the Revenue and Taxation Code and otherwise qualified organizations have failed to file the required affidavit in support of the welfare exemption which is applicable to their property and, as a consequence, are now confronted with obligations which, if met, will substantially injure their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, it will fulfill the public policy of the state expressed through such exemption and thereby benefit the people generally.

CHAPTER 453

An act to amend Sections 27491 and 27491.4 of the Government Code, and to add Sections 218, 462, and 10253 to the Health and Safety Code, relating to deaths, and making an appropriation therefor.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected

self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, he shall personally sign the certificate of death.

SEC. 2. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent, deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome, death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

SEC. 3. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and

determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

The coroner shall have discretion to determine the extent of inquiry to be made into any death falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

SEC. 4. Section 27491 of the Government Code is amended to read:

27491 It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature, deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to

afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

The coroner shall have discretion to determine the extent of inquiry to be made into any death falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

SEC. 5. Section 27491.4 of the Government Code is amended to read:

27491.4. For purposes of inquiry the coroner shall, within 24 hours or as soon as feasible thereafter, where the suspected cause of death is sudden infant death syndrome unless the infant's physician of record certifies sudden infant death syndrome as the cause of death and a parent objects to an autopsy, and, in all other cases, the coroner may, in his discretion, take possession of the body, which shall include the authority to exhume such body, order it removed to a convenient place, and make or cause to be made a post mortem examination or autopsy thereon, and make or cause to be made an analysis of the stomach, stomach contents, blood, organs, fluids, or tissues of the body. The detailed medical findings resulting from an inspection of the body or autopsy by an examining physician shall be either reduced to writing or permanently preserved on recording discs or other similar recording media, shall include all positive and negative findings pertinent to establishing the cause of death in accordance with medicolegal practice and this, along with the written opinions and conclusions of the examining physician, shall be included in the coroner's record of the death. He shall have the right to retain only such tissues of the body removed at the time of the autopsy as may, in his opinion, be necessary or advisable to the inquiry into the case, or for the verification of his findings. No person may be present during the performance of a coroner's autopsy without the express consent of the coroner.

SEC. 6. Section 218 is added to the Health and Safety Code, to read:

218. The state department shall keep each county health officer advised of the most current knowledge relating to the nature and causes of sudden infant death syndrome. Annually, on or before April 1 of each year, the state department shall submit a report to the Legislature specifying the number of autopsies and post mortem examinations performed pursuant to Section 27491.4 of the Government Code during the prior year, where the suspected cause of death was sudden infant death syndrome. Such report shall also

specify the number of such cases in which the cause of death was determined by the coroner to be sudden infant death syndrome.

SEC. 7. Section 462 is added to the Health and Safety Code, to read:

462. Upon being informed by the coroner pursuant to Section 10253 of any case in which sudden infant death syndrome is the provisional cause of death, the county health officer or his designated agent, after consultation with the infant's physician of record, shall immediately contact the person or persons who had custody and control of the infant and explain to such persons the nature and causes of sudden infant death syndrome to the extent that current knowledge permits.

The county health officer shall perform the duties required by this section throughout the county, including such portion of the county which is within any city.

SEC. 8. Section 10253 is added to the Health and Safety Code, to read:

10253. In any case involving an infant under the age of one year where the gross autopsy results in a provisional diagnosis of sudden infant death syndrome, the coroner shall, within 24 hours of the gross autopsy, notify the county health officer.

SEC. 9. (a) The sum of seventeen thousand five hundred fifty dollars ($17,550) is hereby appropriated from the General Fund to the State Controller for payments to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse them for costs incurred pursuant to this act. This appropriation shall be available until June 30, 1976.

Each local agency desiring reimbursement for such costs shall submit to the State Controller, within 45 days after January 1, 1975, a claim for reimbursement based upon its estimate of the units of work to be performed during the 1974–75 fiscal year and a reasonable amount for nonrecurring administrative and other exceptional expenses for said fiscal year. For the 1975–76 fiscal year, each local agency shall submit its claim to the State Controller by October 31 and shall include a certification of the actual number of units of work performed during the 1974–75 fiscal year and an estimate of the number of units of work to be performed during the 1975–76 fiscal year.

Computation of amounts claimed for units of work shall be on the basis of a unit cost in the amount of thirteen dollars ($13) per contact with the custodian of a sudden infant death syndrome victim, which shall be the unit of work. The State Controller shall pay each claimant as reimbursement for units of work an amount determined by multiplying such unit cost of work by the number of units of work estimated or certified as having been performed by the claimant. Any payment, adjustment, or audit of claims by the State Controller shall be on the basis of units of work, rounded to the nearest whole unit, and at the unit costs specified herein rather than actual costs.

The State Controller may reduce any claim which he determines

is excessive or unreasonable and may audit the records of any local agency to verify the actual units of work performed. The State Controller shall make any adjustments necessary to correct for underpayments or overpayments which occurred in the 1974–75 fiscal year. Claims for reimbursement shall be prepared in the form, and payments made at the time, specified by the State Controller. No claim or amendment to a claim shall be accepted by the State Controller after the time prescribed herein for filing of claims. In the event that the amount appropriated for reimbursement purposes pursuant to this act is not sufficient to pay all claims filed timely, the State Controller shall pay such claims on a pro rata basis and notify the Director of Finance of the deficiency.

SEC. 10. It is the intent of the Legislature that if this bill and Senate Bill No. 1733 or Senate Bill No. 2233, or both, are chaptered and become effective on or before January 1, 1975, each of the bills amend Section 27491 of the Government Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(1) If this bill and Senate Bill No. 1733 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 27491 of the Government Code, but Senate Bill No. 2233 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 1733, the amendments proposed by both bills shall be given effect and incorporated in Section 27491 in the form set forth in Section 2 of this act. Therefore, if this bill and Senate Bill No. 1733 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 27491, this bill is chaptered after Senate Bill No. 1733, and Senate Bill No. 2233 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall be operative and Sections 1, 3 and 4 of this act shall not become operative.

(2) If this bill and Senate Bill No. 2233 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 27491 of the Government Code, but Senate Bill No. 1733 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 2233, the amendments proposed by both bills shall be given effect and incorporated in Section 27491 in the form set forth in Section 3 of this act. Therefore, if this bill and Senate Bill No 2233 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 27491, this bill is chaptered after Senate Bill No. 2233, and Senate Bill No. 1733 is not chaptered or as chaptered does not amend that section, Section 3 shall be operative and Sections 1, 2 and 4 of this act shall not become operative.

(3) If this bill and Senate Bill No. 1733 and Senate Bill No 2233 are all chaptered and become effective on or before January 1, 1975, all three bills amend Section 27491 of the Government Code, and this bill is chaptered after Senate Bill No. 1733 and Senate Bill No. 2233, the amendments proposed by all three bills shall be given effect and

incorporated in Section 27491 in the form set forth in Section 4 of this act. Therefore, if this bill and Senate Bill No. 1733 and Senate Bill No. 2233 are all chaptered and become effective on or before January 1, 1975, all three bills amend Section 27491 of the Government Code, and this bill is chaptered after Senate Bill No. 1733 and Senate Bill No. 2233, Section 4 of this act shall be operative and Sections 1, 2 and 3 of this act shall not become operative.

CHAPTER 454

An act to amend Sections 6555 and 18603 of the Elections Code, and to add Section 16100.6 to the Government Code, relating to filing fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 6555 of the Elections Code is amended to read:

6555. (a) Notwithstanding any other provision of this article, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

(1) For the office of California State Assembly, 1,500 signatures.

(2) For the office of California State Senate and the United States House of Representatives, 3,000 signatures.

(3) For candidates running for statewide office, 10,000 signatures.

(4) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he seeks nomination, whichever is less.

(5) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he seeks nomination is less than 2,000, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 20 percent of the total of registered voters in the district in which he seeks nomination, whichever is less.

(6) Notwithstanding any other provision of this section, a candidate seeking the nomination of a qualified party with whom he is registered, the registered voters of which who were eligible to vote at the last statewide election constituted less than 5 percent of all registered voters eligible to vote at the last statewide election, may submit a petition containing signatures of 10 percent of the registered voters of that party in the district in which he seeks

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nomination, or 150 signatures, whichever is less.

(b) Each clerk shall furnish to each candidate, upon request, and without charge therefore, forms for securing signatures. Such forms shall be made available commencing 30 days before the first day for circulating nomination papers. The substitution of signatures for fees shall be subject to the following provisions:

(1) Any voter registered as affiliated with the same political party as a candidate for whom he is eligible to vote may sign the petition of that candidate, and any registered voter may sign the petition of a candidate, other than a candidate seeking the nomination of his party, for whom he is eligible to vote regardless of political party.

(2) No voter shall at the time of signing a petition have his name signed to any other petition for any other candidate for the same office, or, in case there are more than one place to be filled in the same office, signed to more petitions for candidates for that office than there are places to be filled.

(3) A candidate may submit the appropriate number of signatures to cover all or any pro rata portion of the filing fee.

(4) Upon receipt of signatures, the clerk shall issue nomination papers provisionally, subject to checking the validity of the signatures against the affidavits of registration on file in his office. In the event that upon checking, the number of valid signatures falls below the number required, the clerk shall notify the candidate of the fact and shall accept any necessary signatures at any time prior to the close of the period for circulating nomination papers.

(5) Each candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures. The clerk shall not be required to determine the validity of a greater number of signatures than that required by this section.

SEC. 2. Section 18603 of the Elections Code is amended to read:

18603. No name written upon a ballot in any state, county, city, city and county, or district election shall be counted for an office or nomination unless a declaration has been filed pursuant to Sections 18601 and 18602 declaring a write-in candidacy for that particular person for that particular office or nomination.

SEC. 3. Section 16100.6 is added to the Government Code, to read:

16100.6. Out of the amount appropriated to the Controller by Section 16100, the Controller shall pay each year to each local government on claims submitted 45 days after the effective date of the addition of this section to the code and on September 1 of each year thereafter the actual increased cost to such local government caused by the provisions of Section 6555 of the Elections Code. The Controller may reduce any claim which appears to be excessive or unreasonable and shall adjust the payment for the current fiscal year for any underpayment or overpayment in a prior fiscal year. The Controller may audit the records of any local public agency to verify actual cost.

SEC. 4. This act is not intended to decrease the number of

signatures required for a candidate's nomination papers, and any such signatures shall be in addition to, and different from, the signatures filed in lieu of a filing fee.

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

In order to comply with current judicial decisions invalidating certain filing fee requirements, it is necessary that this act take effect immediately.

CHAPTER 455

An act to amend Sections 24362.3 and 39261 of, to add Section 24360.10 to, and to repeal Article 10.5 (commencing with Section 24361) of Chapter 2.5 of Division 20 of, the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 24360.10 is added to the Health and Safety Code, to read:

24360.10. Every person who violates any provision of this article, or any order, rule, or regulation of the board, is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

SEC. 2. Article 10.5 (commencing with Section 24361) of Chapter 2.5 of Division 20 of the Health and Safety Code is repealed.

SEC. 3. Section 24362.3 of the Health and Safety Code is amended to read:

24362.3. Whenever the board finds that the air in the district is so polluted as to cause discomfort or property damage at intervals to a substantial number of inhabitants of the district, the board may make and enforce such general orders, rules, and regulations as will reduce the amount of air contaminants released within the district; but no order, rule, or regulation of the board shall specify the design of equipment, type of construction, or particular method to be used in reducing the release of air contaminants from railroad locomotives.

SEC. 4. Section 39261 of the Health and Safety Code is amended to read:

39261. Any person who intentionally or negligently violates Section 24242, 24243, 24360, 39077, 39077.1, or 39430, or any rule or regulation of any air pollution control district or the State Air

Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars ($500) for each day in which such violation occurs.

SEC. 5. In enacting this act, the Legislature hereby determines and finds that any duties, obligations, or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government, or a significant increase in level of service of an existing mandated program, and no additional economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, no appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it.

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

In order that the Bay Area Air Pollution Control District may have, as early as possible, an effective deterrent against those persons who intentionally or negligently violate rules and regulations of the district adopted to reduce air pollution within the district, it is necessary that this act take effect immediately.

CHAPTER 456

An act to add and repeal Section 997 to the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 997 is added to the Revenue and Taxation Code, to read:

997. (a) The cash value of records of persons engaged in a business or profession for purposes of this division is the cash value only of the tangible material upon which, or in which, such records are recorded, maintained or stored. Such cash value shall be determined without inclusion of or consideration of the intangible value of the information or data so recorded, maintained or stored, nor the intangible right to utilize such information or data.

(b) As used in this section "records" includes all written documents and photographic reproductions thereof, recorded data, research notes, calculations, and indices maintained or utilized by

persons engaged in a business or profession.

(c) Nothing in this section shall prohibit a determination of full cash value for (1) books, (2) old newspapers on microfilm, (3) computer programs and storage media for such programs taxable pursuant to Section 995, (4) records which are held for sale in the ordinary course of business, or (5) records which are purchased from a person who held such records in an inventory of goods for sale in the ordinary course of business. Records sold only when a business is sold shall not be considered as "held for sale in the ordinary course of business."

(d) Nothing in this section shall prohibit the consideration of research and development, engineering or similar costs in the valuation of tangible property, other than records.

SEC. 2. (a) The State Board of Equalization shall compute the reduction in assessed values of local agencies assessing property of a type classified in Section 1 of this act which would have occurred if Section 1 had been in effect with respect to assessments for the 1973–74 fiscal year and shall certify such amounts to the Controller and Director of Finance on or before September 30, 1974.

(b) County auditors of counties which assessed property of a type classified in Section 1 of this act for the 1973–74 fiscal year shall on or before October 31st of each fiscal year report to the Controller the property tax rate which would have applied to the type of property classified by Section 1 of this act.

(c) The Controller shall multiply the reduction in assessed value for each agency as certified pursuant to subdivision (a) by the tax rate reported for each agency pursuant to subdivision (b) and shall report the total amount of such claims to the Legislature annually on or before November 15th or, if the Legislature is not then in session, on the first legislative day thereafter, in order that the Legislature may appropriate funds for subventions for the loss of revenue resulting from the classification of property by Section 1 of this act.

SEC. 3. Section 1 of this act shall be operative with respect to assessments for the 1974–75 fiscal year to the 1978–79 fiscal year, inclusive, and as of such date is repealed, unless a later enacted statute, which is chaptered before March 1, 1979, deletes or extends such date.

SEC. 4. The Legislative Analyst shall report to the Legislature on or before October 15, 1977, on the economic effect of this act, including the type of records which have been classified pursuant to this act.

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

In order that the classification of property in this act may be effective for the 1974–75 fiscal year, it is necessary that this act take effect immediately.

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CHAPTER 457

An act to amend Sections 227 and 2274 of, and to add Section 2209 to, of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 227 of the Revenue and Taxation Code is amended to read:

227. A documented vessel, as defined in Section 130, shall be assessed at 1 percent of its full cash value only if the vessel is engaged or employed exclusively:

(a) In the taking and possession of fish or other living resource of the sea for commercial purposes; or

(b) In instruction or research studies as an oceanographic research vessel.

SEC. 2. Section 2209 is added to the Revenue and Taxation Code, to read:

2209. "Executive regulations" means all mandates having the force of law which directly impose new costs on local agencies by requiring or mandating new programs or increased levels of service of an existing program and which are promulgated by the executive branch of state government. However, this shall not include mandates issued by the State Water Resources Control Board or regional water quality control boards pursuant to the Porter-Cologne Water Quality Control Act.

It is the intent of the Legislature in enacting this section that the State Water Resources Control Board and regional water quality control boards will not adopt enforcement orders against publicly owned dischargers which mandate major waste water treatment facility construction costs unless federal financial assistance and state financial assistance pursuant to the Clean Water Bond Act of 1970 and 1974, is simultaneously made available.

"Major" means either a new treatment facility or an addition to an existing facility, the cost of which is in excess of 20 percent of the cost of replacing the facility.

SEC. 3. Section 2274 of the Revenue and Taxation Code, as added by Chapter 358 of the Statutes of 1973, is amended to read:

2274. (a) In the event of an emergency which constitutes a danger to the public health, safety or welfare, or of a general disaster, which requires a local agency to incur additional costs which cannot be met under the maximum property tax rates provided by this chapter (commencing with Section 2201), a local agency may levy, or have levied on its behalf, an additional rate which will produce 1 percent of the amount produced by its maximum property tax rate. Such a rate shall be authorized by a two-thirds vote of the governing

body and shall be levied for one year only.

In the event that the property tax rate has been set when an additional rate is authorized pursuant to this subdivision, such additional rate may be levied in the next following fiscal year.

(b) If the additional rate authorized by subdivision (a) is not sufficient to meet the costs incurred as a result of the emergency or general disaster, a local agency may, by resolution, request the Controller to authorize an additional amount of ad valorem property taxation in excess of that authorized pursuant to subdivision (a).

The local agency shall, upon request of the Controller, provide the Controller with such facts and evidence as will enable him to authorize an additional amount pursuant to the provisions of this subdivision.

Upon receipt of the resolution requesting the authorization of an additional amount, the Controller shall hold a public hearing within the jurisdiction of the local agency or as near thereto as is practicable. At the conclusion of the hearing he shall authorize an additional amount if he makes the following findings: (1) An emergency or general disaster does exist the costs of which cannot be met under the agency's maximum property tax rate and under the additional tax rate provided in subdivision (a). (2) Such costs are the responsibility of the local agency and cannot be met from revenue sources other than the property tax. (3) Such costs are not within the immediate control of the local agency but are due rather to general economic, environmental, or social conditions, or any of them, or acts of God. Environmental conditions shall include orders of the State Water Resources Control Board or regional water quality control boards. (4) The emergency or general disaster endangers public health, safety or welfare.

The additional amount authorized pursuant to this subdivision may be raised during a single fiscal year or, at the discretion of the local agency, a portion of such amount may be raised in each of several fiscal years.

In any fiscal year a local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter which will be sufficient to produce the amount authorized pursuant to this subdivision, or the portion thereof which the local agency has determined will be raised in such fiscal year.

SEC. 4. It is the purpose of Section 1 of this act to conform Section 227 of the Revenue and Taxation Code to the meaning given such section by the California Supreme Court in Haman v. County of Humboldt (1973), 8 Cal. 3d 922.

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CHAPTER 458

An act to amend Sections 15005.5 and 15005.6 of, and to add Section 15005.7 to, the Education Code, relating to school sites, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 15005.5 of the Education Code is amended to read:

15005.5. Notwithstanding the provisions of Section 15005, immediately after receiving notice of a proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Department of Education shall notify the Department of Aeronautics, in writing, of the proposed acquisition. The Department of Aeronautics shall make an investigation and report to the Department of Education within 25 days after receipt of the notice. As part of such investigation the Department of Aeronautics shall give notice thereof to the owner and operator of such airport who shall be afforded the opportunity to comment upon the proposed school site.

Notwithstanding the provisions of Section 15005, if the report of the State Department of Education required by that section does not favor the acquisition of the property for a school site, or an addition to a present school site, the governing body shall not acquire title to the property until 30 days after the department's report is received and until the department's report has been read at a public hearing duly called after 10 days' notice by publication in a newspaper of general circulation within the school district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

SEC. 2. Section 15005.6 of the Education Code is amended to read:

15005.6. If, with respect to a proposed site located within two miles of an operative airport runway, the report of the Department of Education submitted to a school district governing board under Section 15005 or Section 15005.5 does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Department of Aeronautics, no state agency or officer shall grant, apportion, or allow to such school district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for school site acquisition or school building construction, or for expansion of existing sites and buildings, and no funds of the school district or of the county in which the district lies shall be expended for such purposes; provided that the provisions of this section shall not be applicable to sites acquired

prior to January 1, 1966, nor to any additions or extensions to such sites.

If the recommendation of the Department of Aeronautics is unfavorable, such recommendation shall not be overruled without the express approval of the Department of Education and the State Allocation Board.

SEC. 3. Section 15005.7 is added to the Education Code, to read:

15005.7. No action undertaken by the Department of Education or by any other state agency or by any political subdivision pursuant to this chapter, or in compliance with this chapter, shall be construed to affect any rights arising under the provisions of Section 14 of Article I of the California Constitution.

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

In order to prevent the further encroachment of residential developments upon established airports, to develop compatible land use near airports in an orderly and logical fashion, and to establish controls upon the siting of new schools near airports at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 459

An act to add Section 27263.5 to the Education Code, and to add Section 13909.5 to the Health and Safety Code, relating to use of federal funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 27263.5 is added to the Education Code, to read:

27263.5. The county board of supervisors of any county may in its discretion allocate and appropriate any funds received by the county under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) for the purpose of establishing, maintaining, and purchasing property for the county free library.

SEC. 2. Section 13909.5 is added to the Health and Safety Code, to read:

13909.5. The county board of supervisors of any county may in its discretion allocate and appropriate any funds received by the county under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) o the district for expenditure for any purpose for which the district is authorized to expend funds.

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

Despite the fact that libraries and fire protection are considered "priority expenditures" under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512), funds received under that act are considered general funds, which cannot be spent for the support of the county free library and fire protection districts except for limited purposes. Unless this bill goes into effect immediately, it will be necessary to restrict funds which otherwise would be available for libraries and fire protection, creating needless hardship.

CHAPTER 460

An act to amend Sections 981.2 and 981.3 of the Military and Veterans Code, relating to veterans benefits, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 981.2 of the Military and Veterans Code is amended to read:

981.2. The department, insofar as the funds permit, may provide an allowance of one hundred dollars ($100) for each month the student is in satisfactory and actual full-time attendance at an educational institution, and pursuing a course of study leading to a bachelor of arts or bachelor of science degree, or to a recognized degree, license, certificate, or diploma.

For purposes of this section the term "full-time attendance" shall be defined in the same manner as it is defined by the educational institution attended by the student. For purposes of this section, "educational institution" shall be defined as any school or college of the collegiate level accredited by the Western Association of Schools and Colleges, including a community college, and shall include a vocational school or any other school approved by the State Department of Education for the purpose of receipt by a student of educational benefits afforded by the Veterans Administration.

SEC. 2. Section 981.3 of the Military and Veterans Code is amended to read:

981.3. The amount expended on account of any one veteran under the provisions of this article shall not exceed one thousand two hundred dollars ($1,200). Eligibility for benefits conferred under this article shall not be granted if either the student has not exhausted his

rights to educational benefits afforded by the Veterans Administration, or four years have elapsed from termination of educational benefits afforded by the Veterans Administration.

SEC. 3. The Department of Veterans Affairs shall make an annual report, no later than January 31, to the chairman of both the Assembly and the Senate fiscal committee for the purpose of including in the Budget Act of the coming fiscal year an appropriation for the purposes of this act. Such report shall include the number of veteran participants and the cost for the previous school year, the estimated cost for the coming school year and any other information which the committees may require.

SEC. 4. There is hereby appropriated to the Department of Veterans Affairs from the General Fund the sum of two million five hundred thousand dollars ($2,500,000) for expenditure for the purposes of this act during the period from September 15, 1974, to September 14, 1975.

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

A great number of veterans returning from Vietnam will be eligible to receive California veterans' benefits. The returning veterans are in immediate need of these increased benefits. To insure the need is adequately met, this act must go into immediate effect.

CHAPTER 461

An act to amend Section 11200 of the Government Code, relating to state departments, and making an appropriation therefor.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 11200 of the Government Code is amended to read:

11200. The Governor, upon recommendation of the director of the following state departments, may appoint not to exceed two chief deputies for the Directors of the Departments of Finance, Transportation, Benefit Payments, and General Services, and not to exceed one chief deputy for the Directors of the Departments of Employment Development, Food and Agriculture, Insurance, Motor Vehicles, Consumer Affairs, Water Resources, and Parks and Recreation.

The deputies provided for in this section shall be in addition to those authorized by any other law.

SEC. 2. There is hereby appropriated from the General Fund to the Department of Parks and Recreation the sum of forty thousand dollars ($40,000) for the purposes of this act.

CHAPTER 462

An act to add Section 21351.3 to the Vehicle Code, relating to traffic signs.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 21351.3 is added to the Vehicle Code, to read:

21351.3. Local authorities in their respective jurisdictions may place and maintain, or cause to be placed and maintained, speed limit, speed advisory, and mileage signs, or suitable plates affixed to or near existing signs, which indicate speeds and distances both in common standards of measures, as specified in Section 12302 of the Business and Professions Code, and in measures of the metric system authorized by Congress.

CHAPTER 463

An act to amend Section 2205 of the Revenue and Taxation Code, relating to property tax limitations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 2205 of the Revenue and Taxation Code is amended to read:

2205. "Costs mandated by the courts" means any increased costs incurred by a local agency in order to comply with a final court order issued after January 1, 1973 or with a final court order issued prior to July 1, 1972, if the costs incurred by a local agency as a result thereof are not incurred until after June 30, 1973. "Costs mandated by the courts" do not include (i) costs incurred as a result of a judgment in an eminent domain or condemnation proceeding, or (ii) costs incurred in order to comply with a final court order mandating the specific performance, or awarding damages as a result of nonperformance, of any contract or agreement entered into after

January 1, 1973.

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

In order that fiscal hardships imposed on local government by judgments rendered before July 1, 1972, be alleviated immediately, it is necessary that this act take effect immediately.

CHAPTER 464

An act to amend Section 27149 of, and to repeal Section 27149 of, the Streets and Highways Code, and to repeal Section 3 of Chapter 1735 of the Statutes of 1971, relating to bridge and highway districts.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 27149 of the Streets and Highways Code, as amended by Section 1 of Chapter 1735 of the Statutes of 1971, is amended to read:

27149. Each member of the board shall receive the sum of fifty dollars ($50) for attending each meeting of the board and each committee meeting on different days, but no member shall receive such compensation in excess of three thousand six hundred dollars ($3,600) in any one year, except the president who shall not receive such compensation in excess of five thousand dollars ($5,000) in any one year. Each member of the board shall receive a sum equal to the necessary traveling expenses incurred by him in the performance of his duties.

SEC. 2. Section 27149, as added by Section 2 of Chapter 1735 of the Statutes of 1971, is repealed.

SEC. 3. Section 3 of Chapter 1735 of the Statutes of 1971 is repealed.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local agency which desired legislative authority to carry out the program specified in this act.

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CHAPTER 465

An act to add Section 2800.5 to, to add Article 3.5 (commencing with Section 2855) to Chapter 8 of Division 3 of, and to repeal Sections 2853, 2854, and 2855 of, the Health and Safety Code, relating to mosquitoes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 2853 of the Health and Safety Code is repealed.

SEC. 2. Section 2854 of the Health and Safety Code is repealed.

SEC. 3. Section 2855 of the Health and Safety Code is repealed.

SEC. 4 Section 2800.5 is added to the Health and Safety Code, to read:

2800.5. As used in this chapter, "nuisance" means any breeding place for mosquitoes upon any land which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition. The presence of mosquito larvae or pupae in any place shall constitute prima facie evidence that such place is a breeding place for mosquitoes.

SEC. 5. Article 3.5 (commencing with Section 2855) is added to Chapter 8 of Division 3 of the Health and Safety Code, to read:

Article 3.5. District Powers

2855. The district board may:

(a) Purchase supplies and other personal property.

(b) Employ necessary labor.

(c) Acquire by purchase, condemnation, or otherwise, in the name of the district, any lands, rights-of-way, easements, or other real property necessary for the district.

(d) Sell or lease any lands, rights-of-way, easements, material, or other property, real or personal, acquired by the district.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this chapter or of powers incident thereto.

(f) Sue and be sued.

(g) Enter upon any property in the district for the purpose of inspection and control work, and for the same purposes may enter upon property adjacent to the district which is or is susceptible of being a breeding place from which infestation may spread into the district.

(h) Do everything necessary to carry out the powers conferred by this chapter and carry out the objects of the formation of the district.

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2855.3. Every sale of real property made pursuant to subdivision (d) of Section 2855 shall be made at such place within the district as the district board shall specify, and such real property shall be sold to the highest bidder at public auction, after notice of sale is published once a week for two successive weeks in a newspaper of general circulation published in the district or county. If a newspaper of general circulation is not printed and published within such district or county, public notice of the sale shall be given for at least two weeks by notices posted in three public places in the district.

2855.7. The district board may borrow money in any fiscal year, which shall not exceed the anticipated revenue of that fiscal year and which shall be repaid in the same fiscal year. Such money shall be borrowed upon such other terms as the board shall fix; provided, that interest shall not exceed 6 percent, computed annually or semiannually.

The district board may also issue warrants payable upon a future date in the same fiscal year as issued, which shall be evidentiary of the obligation to repay the money so borrowed and interest thereon, and for that purpose such warrant may bear such interest as is fixed by the terms of the agreement to repay.

2856. Any nuisance may be abated in any action or proceeding by any remedy provided by this article or any other law.

2857. Whenever a nuisance exists upon any property either in the district or in territory not in the district but so situated with respect to the district that mosquitoes from such territory migrate into, or otherwise encroach upon, the district, the district board may notify in writing the owner or party in possession, or the agent of either, of the existence of the nuisance. The contents of the written notice shall conform to the requirements of Section 2858.

2858. The notice required by Section 2857 shall include all of the following:

(a) State the finding of the district that a public nuisance exists on the property and the location of such nuisance on such property.

(b) Direct the owner or party in possession to abate the nuisance within a specified time by destroying the mosquitoes which are present.

(c) Direct the owner or party in possession to perform, within a specified time, any work necessary to prevent the recurrence of breeding or prolification in the places specified in the notice.

(d) Inform the owner or party in possession that failure to comply with the requirements of subdivision (b) of this section shall subject the owner or party in possession to civil penalties of not more than five hundred dollars ($500) per day for each day the nuisance continues after the time specified for the abatement of the nuisance in the notice.

(e) Inform the owner or party in possession that before complying with the requirements of the notice, the owner or party in possession may appear at a hearing before the district board at a time and place stated in the notice.

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Such notice shall be served upon the owner of record, and the person having charge or possession, if other than the owner of record, of the property upon which the nuisance exists, and may be served by any person authorized by the district board in the same manner as a summons in a civil action.

2860. If the property is owned by a person who is not a resident of the district, and is not in charge or possession of any person, and there is no tenant or agent of the owner upon whom service can be made, who can after diligent search be found; or if the owner of record of the property cannot after diligent search be found, the notice may be served by posting a copy in a conspicuous place upon the property for a period of 10 days, and by mailing a copy to the owner of record addressed to his address as given on the last completed assessment roll of the county in which the property is situated, or, in the absence of an address on the roll, to his last known address.

2861. Before complying with the requirements of the notice, the owner or party in possession may appear at a hearing before the board at a time and place fixed by the board and stated in the notice. At the hearing the district board shall determine whether the initial finding as set forth in the notice is correct and shall permit the owner or party in possession to present testimony in his behalf. If, after hearing all the facts, the board makes a determination that a nuisance exists on the property, the board shall order compliance with the requirements of the notice or with alternate instructions issued by the board.

Any failure to comply with any such order of the board issued pursuant to this section shall subject the owner or party in possession, if other than the owner of record, to civil penalties of not to exceed five hundred dollars ($500) per day for each day such order is not complied with.

2861.5. Any judicial review of administrative procedure provided for in this chapter shall be pursuant to Section 1094.5 of the Code of Civil Procedure.

2861.7. Any recurrence of the nuisance within 30 days of the time specified for abatement of the nuisance may be deemed to be a continuation of the original nuisance.

2862. If the nuisance is not abated within the time specified in the notice or an order following the hearing, the district board may abate the nuisance by destroying the mosquitoes, or the evidence of any such mosquitoes, and by taking appropriate measures to prevent the recurrence of further breeding.

2863. When any nuisance is found to exist on any property subject to the control of any state or local agency, the district shall notify the state or local agency of the existence of the nuisance. The provisions of Sections 2858, 2860, 2861, 2861.5, and 2862, shall govern the contents of the notice and the manner of serving it, the right of the state or local agency to a hearing before the board, the hearing before the board, and the power of the district to abate the nuisance

if it is not abated by the state or local agency. If the state or local agency determines that the order to prevent recurrence of the breeding specified in the notice to abate the nuisance is excessive or inappropriate for the intended use of the land, or if the state or local agency determines that a nuisance, as specified in Section 2800.5, does not exist, such agency may appeal the decision of the board to the Director of Health within 10 days subsequent to the hearing. The director shall decide the matters on appeal and convey his decision to the agency and district within 30 days of the receipt of the appeal. The decision of the director shall be final and conclusive If the control of the nuisance is performed by the district, the cost for such control is a charge against, and shall be paid from, the maintenance fund or from other funds for the support of the state or local agency.

Any state or local agency and a district may enter into contractual agreements to provide control of nuisances. The authority which is granted by this paragraph is in addition to any other authority which a state or local agency and a district may have to enter into contractual agreements for such purpose.

As used in this section, the term "state agency" has the meaning prescribed by Section 11000 of the Government Code and the term "local agency" means a city, county, city and county, district, or other public corporation.

2864. Upon the failure of the property owner to pay the cost of the district abatement when due, then the cost of abatement of a nuisance upon each parcel of land constitutes a special assessment against that parcel. After the assessment is made and confirmed, it is a lien on the parcel.

2864.7. After confirmation of the report, a copy may be given to the county assessor and tax collector, who, upon receipt of such report, shall add the amount of the assessment to the next regular tax bill levied against the parcel for district purposes.

2865. If the county assessor and the tax collector assess property and collect taxes for the district, a certified copy of the report shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

2865.5. The county auditor shall enter each assessment on the county tax roll opposite the parcel of land.

2866. The amount of the assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not

result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

2867. The lien provisions of this article do not apply to the property of any county, city, district, or other public corporation. However, the governing body of the county, city, district, or other public corporation shall repay to a district the amount expended by the district upon any of its property under this article upon presentation by the district board of a verified claim or bill.

2868. Any amounts collected by a county on account of an assessment authorized by this article, other than the amounts requested to be paid into the county general fund pursuant to Section 29304 of the Government Code, shall be paid to the district.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this act nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed by local government by this act are minor in nature and will not cause any financial burden on local government

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

Chemicals are rapidly becoming ineffective to control mosquitoes and it is therefore necessary for districts to increase the amount of work necessary to reduce or eliminate the sources or breeding grounds of mosquitoes. In order that such work may be accomplished without delay for the protection of public health and safety, it is imperative that this act become effective immediately.

CHAPTER 466

An act to amend Section 1752.8 of the Welfare and Institutions Code, relating to Youth Authority, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 1752.8 of the Welfare and Institutions Code is amended to read:

1752.8. The Director of the Youth Authority may deposit any funds of wards committed to the authority in his possession in trust with the Treasurer pursuant to Section 16305.3 of the Government Code or in trust in bank or savings and loan accounts bearing interest at rates up to the maximum permitted by law, and for the purpose of deposit only may mingle the funds of any ward with the funds of other wards.

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Such funds together with the interest paid thereon may be paid over to the ward upon his request, and shall be paid over to the ward upon his discharge from the Youth Authority.

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

At the present time there is no statutory authority for the Director of the Youth Authority to deposit the funds of 18-, 19- or 20-year-old Youth Authority wards in interest-bearing accounts. Therefore, these wards are being denied the opportunity to benefit financially from their resources. This act is necessary to relieve such condition by enabling the Director of the Youth Authority to deposit and invest ward funds in interest-bearing bank accounts.

CHAPTER 467

An act to add Section 16485 to the Public Utilities Code, relating to public utility districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 16485 is added to the Public Utilities Code, to read:

16485. (a) A public utility district which acquires, constructs, owns, operates, controls or uses works for supplying its inhabitants with electricity, may fix and collect charges in the manner provided in Article 3 (commencing with Section 16461) and Article 8 (commencing with Section 16641), Chapter 4, Division 7 of the Public Utilities Code, for an electricity standby or immediate availability charge on all lands within its boundaries to which electricity is made available for any purpose by the district, whether the electricity is actually used or not.

(b) The board of directors of the districts which fixes such a charge may exempt certain classes of users from such a charge and may establish schedules varying the charges in different months and in different localities within a public utility district depending upon factors such as the uses to which the electricity is put, the cost of transmitting the electricity to the user, the degree of availability or quantity of use of such electricity. The board may not, however, fix an annual charge in excess of twenty dollars ($20) per acre or in excess of ten dollars ($10) for a parcel of less than one acre.

(c) Any funds derived from the charges levied pursuant to this

section may be used by the district for all purposes which a public utility district is authorized to expend funds insofar as these purposes relate to the acquisition, construction, operation, control, or use of works for supplying its inhabitants with electricity.

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

In order that urgently required funds for capital and operational expenditures may become available to public utility districts, it is necessary for this act to take effect immediately.

CHAPTER 468

An act relating to local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Notwithstanding the provisions of Sections 54902 and 54903 of the Government Code, any formation of a county service area which is completed on January 15, 1974, shall be effective for assessment and taxation purposes for the 1974–75 fiscal year if the required statement and map or plat are filed on or before February 28, 1974.

SEC. 2. Notwithstanding the provisions of Sections 35561.4, 54902 and 54903 of the Government Code, the exclusion of territory from a city pursuant to the procedures specified in Article 2 (commencing with Section 35550) of Chapter 2, Part 2, Division 2, Title 4 of the Government Code, shall be effective for assessment and taxation purposes for the 1974–75 fiscal year and thereafter if the documents required by Sections 34080 and 35561.4 of the Government Code, and the statement and map or plat required by Section 54900 of such code are filed on or before February 1, 1974.

SEC. 3. Any local agency electing to file documents pursuant to the provisions of Section 1 of this act shall reimburse any local government for the costs incurred by such local government by reason of the provisions of this act.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act and such entities are required to

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reimburse any other affected local agencies for their costs in performing any required acts.

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

In order to continue uninterrupted services of refuse and garbage collection in the Truckee Basin and, in order for the detachment of a small parcel of uninhabited territory from the City of San Bernardino to be effective for tax and assessment purposes for the 1974–75 fiscal year, it is necessary for this act to take effect immediately.

CHAPTER 469

An act to amend Sections 2504 and 4051.2 of, and to add Section 4051a to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 2504 of the Elections code, as amended by Chapter 68, of the Statutes of 1974, is amended to read:

2504. Three regular election dates shall be established each even-numbered year and two election dates established in each odd-numbered year as follows:

(1) One on the first Tuesday after the first Monday in March of both the even- and odd-numbered years.

(2) One on the first Tuesday after the first Monday in June in each even-numbered year.

(3) One on the first Tuesday after the first Monday in November of both the even- and odd-numbered years.

Elections held in June and November in each even-numbered year shall be statewide elections, and these dates shall be considered statewide election dates. Notwithstanding any other provision of law, all state, county, municipal, district, and school district elections shall be held on the established election date nearest to the date on which they would be held in the absence of this election. If the election is held on a statewide election date it shall be consolidated with the statewide election. The procedural requirements prescribed for any such election shall be construed as if the provisions of this section were specifically set forth in the provisions relating to that election.

This section shall not apply to any election called by the Governor, elections held in chartered cities in which the charter provisions are inconsistent with the provisions of this section, school governing

board elections consolidated pursuant to Section 1111.6 of the Education Code, school district governing board elections initiated by petition pursuant to Section 1162 of the Education Code, or county, municipal, district, and school district initiative, referendum, recall elections, or elections held pursuant to Section 22032 of the Elections Code.

SEC. 2. Section 4051a is added to the Elections Code, to read:

4051a. Each separate section shall have attached an affidavit made by a voter of the city which shall state according to the best information and belief of the affiant, the following:

(a) That each signature appearing on each section of the petition is the genuine signature of the person whose name it purports to be; and

(b) That each signer of the petition or section thereof, was, at the time of placing such signature on the petition, a registered qualified voter of the city; and

(c) That the affiant personally observed each signer placing thereon his signature, the date thereof and his residence address, by street and number, or, if no street or number exists, then a designation of such place of residence which will enable its location to be easily ascertained.

SEC. 3. Section 4051.2 of the Elections Code is amended to read:

4051.2. (a) After the petition has been filed, as herein provided, the clerk shall examine the same to determine.

(1) Whether each signature appearing thereon is the genuine signature of the person whose name the same purports to be; and

(2) Whether, as of the date of the filing of the petition, based upon an examination of the records of voters registration, that each person who placed his signature on said petition was, in fact, a registered qualified voter of the city as of the date of such filing; and

(3) Whether each signature bears, in immediate proximity thereto, a date, a street address and a precinct name or number as hereinabove described.

(b) If any signature appearing on the petition is undated or bears a date which is prior or subsequent to the time during which signatures may be placed upon such petition, or appears to be a duplicate signature, the clerk shall disregard such signature. If any signature does not bear in close proximity thereto, a residence address and precinct designation as hereinabove defined, such signature shall be disregarded. If it appears that a date and address following any signature was placed there by a person other than the signer, such signature shall be disregarded.

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

In order to provide for a method of voting which tends to achieve optimum voter participation at local, special, and consolidated elections in local entities having no more than 300 registered voters

residing therein, it is essential that this act take effect immediately.

CHAPTER 470

An act to amend Sections 20020, 20021.5, and 20102.1 of the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 20020 of the Government Code is amended to read:

20020. "Local policeman" means any officer or employee of a police department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service even though such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as patrolmen or equal or higher rank irrespective of the duties to which they are assigned.

"Local policeman" does not include persons employed to perform identification or communication duties, other than males in such employment on the effective date of the amendments to this section at the 1972 Regular Session who elect within 90 days thereafter to be local safety members. A contracting agency may elect at any time prior to April 1, 1975, by amendment to its contract to include as "local policeman" all persons who were employed to perform identification or communication duties on August 4, 1972, and who elect within 60 days of the effective date of such contract amendment to be local safety members. Such election shall apply to the person's past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on such effective date. This paragraph shall not apply to persons employed and qualified as patrolmen or equal or higher rank.

SEC. 2. Section 20021.5 of the Government Code is amended to read:

20021.5. "County peace officer" means the sheriff and any officer or employee of a sheriff's office of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law

enforcement service even when such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as deputy sheriffs or equal or higher rank irrespective of the duties to which they are assigned. Any other provision in this part of the Government Code to the contrary notwithstanding, "county peace officers" shall also include and mean any inspector, investigator, detective, or person with a comparable title, in any district attorney's office of a contracting agency whose principal duties are to investigate crime and criminal cases and who receives compensation for such service.

"County peace officer" does not include persons employed to perform identification or communication duties other than males in such employment on the effective date of the amendments to this section at the 1972 Regular Session who elect within 90 days thereafter to be local safety members. A contracting agency may elect at any time prior to April 1, 1975, by amendment to its contract to include as "county peace officer" all persons who were employed to perform identification or communication duties on August 4, 1972, and who elect within 60 days of the effective date of such contract amendment to be local safety members. Such election shall apply to the person's past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on such effective date. This paragraph shall not apply to persons employed and qualified as deputy sheriffs or equal or higher rank.

SEC. 3. Section 20102.1 of the Government Code is amended to read:

20102.1. Notwithstanding any other provision of this part, any member of the system who has retired shall be entitled to vote and be elected to the board under paragraphs (1) through (4) of subdivision (d) of Section 20100 for terms beginning on or before January 16, 1975, and under paragraphs (1) and (5) of subdivision (d) for terms beginning after January 16, 1975, in the same manner as he was entitled to vote and be elected to office at the date of his retirement. Ballots shall be distributed to such retired persons and canvassed as provided for in Section 20102. Any person elected to the board under paragraphs (2), (3) and (4) of subdivision (d) of Section 20100 to a term beginning after January 16, 1975, prior to his retirement shall be entitled to hold such office until the end of his term.

SEC. 4. Sections 1 and 2 of this act shall become operative on the first of the month following the month in which it is effective.

SEC. 5. Section 3 of this act shall become operative on January 1, 1975.

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

All employees in local law enforcement agencies employed to perform identification and communication duties were not extended equal retirement benefits under Chapter 560 of the Statutes of 1972 which became effective on August 4, 1972. It is essential to the morale of these public employees and the effective performance of local law enforcement functions that the status of the employees be clarified immediately.

CHAPTER 471

An act to add Sections 31452.6 and 31452.65 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 31452 6 is added to the Government Code, to read:

31452.6. The board shall comply with and give effect to a revocable written authorization signed by a retired member or beneficiary of a retired member entitled to a retirement allowance or benefit under this chapter, authorizing the treasurer to forward a member's retirement allowance warrant or a beneficiary's benefit warrant to a specified banking institution for deposit to the member's or beneficiary's specified account. A power of attorney, on a form prescribed by the board, shall be filed with the treasurer and a copy with the banking institution and thereafter on the first day of July of each year, if required by the board, a new power of attorney shall be executed and filed.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution, make the provision of this section applicable in such county.

SEC. 2. Section 31452.65 is added to the Government Code, to read:

31452 65. Upon receipt of proof, satisfactory to the board, that a warrant drawn in payment of a retirement allowance or in payment of any other account due from the retirement system has been lost or destroyed, the treasurer upon request of the board of retirement shall as provided by Section 31590 issue a duplicate warrant bearing the same date as the original in payment of the same amount, without requiring a bond from the payee, and the treasurer shall pay the duplicate in lieu of the original warrant and any losses heretofore or hereinafter incurred by reason of the issuance of duplicate warrants shall be a charge against the account from which the payment is derived.

This section shall not be operative in any county until such time

as the board of supervisors shall, by resolution, make the provisions of this section applicable in such county.

CHAPTER 472

An act to amend Section 35541.7 of the Health and Safety Code, relating to housing.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 35541.7 of the Health and Safety Code is amended to read:

35541.7. The County of San Mateo need not demolish the temporary housing project located in its jurisdiction commonly known as the "Midway Village" until January 1, 1976.

The Legislature finds and declares that Midway Village, located in the County of San Mateo has been rehabilitated and the dwellings are reasonably safe and sanitary places in which to live.

The Legislature further finds and declares that the provisions of this section are intended to aid in relieving a present critical shortage of low-rental housing in the County of San Mateo for members of low-income military families, and any current removal of Midway Village would place an extreme hardship on these people due to the resultant relocation from these temporary housing projects.

The Legislature further finds that the Housing Authority of the County of San Mateo has made diligent efforts to secure replacement housing through the United States Department of Housing and Urban Development (HUD) for the tenants of Midway Village, and because of a nationwide moratorium on federally assisted housing programs, the financing of replacement housing has not been possible until now. The Housing Authority of the County of San Mateo has now received authority to proceed with construction of replacement housing from HUD. An extension of the time for demolition of the temporary housing is necessary to allow a minimum hardship in relocating families into the replacement dwelling units

This section shall not be construed to relieve any governmental agency of any existing duty under present housing programs.

CHAPTER 473

An act to amend Section 77.5 of the Streets and Highways Code, relating to highway realty.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 77.5 of the Streets and Highways Code is amended to read:

77.5. Notwithstanding any other provision of law, the Governor of the State of California is authorized to accept any retrocession of legislative jurisdiction offered by the United States of America over real property upon which an easement for a right-of-way or any other interest for highway purposes has been granted by the federal government to the State of California.

The execution and delivery of acceptance of retrocession of legislative jurisdiction by the Governor of California shall be recorded in the office of the county recorder where the land is located and in the office of the State Lands Commission. The State Lands Commission shall maintain a permanent public record of such acceptances as part of the index relating to jurisdiction of the United States of lands in the State of California required by Section 127 of the Government Code.

CHAPTER 474

An act to amend Sections 32110.1, 32110.2, and 32110.4 of, to add Section 32110.45 to, and to repeal and add Section 32110.3 of, the Education Code, relating to continuous school programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 32110.1 of the Education Code is amended to read:

32110.1. Whenever the governing board of any school district, pursuant to Section 32110, determines to operate one or more schools of the district on a continuous school program in such a manner as to require any pupil to enroll in a continuous school program, it shall publish, not later than November 1st of the school year preceding the commencement of such a program, its intention to operate a continuous school program in such a manner as to require any pupil to enroll in a continuous school program in a newspaper of general

circulation within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient.

SEC. 2. Section 32110.2 of the Education Code is amended to read:

32110.2. If after notice of intention to establish and operate a continuous school program in such a manner as to require any pupil to enroll in a continuous school program has been given, a petition signed by 25 percent of the electors of the district may be presented to the county superintendent of schools requesting that the school district not establish such a program. Such petition shall be presented no later than December 10th of the year in which the notice is given.

The county superintendent of schools shall examine the petition and, if he finds it to be sufficient and signed as required by law, order a ballot proposition, as provided by Section 32110.4, to be placed upon the ballot of the appropriate election as provided in Section 32110 3.

The governing board of the school district may request that an election be called and conducted irrespective of whether or not a petition is presented.

SEC. 3. Section 32110.3 of the Education Code is repealed

SEC. 4. Section 32110.3 is added to the Education Code, to read:

32110.3. An election ordered or requested to be held pursuant to Section 32110.2 may be consolidated with the next districtwide election held 80 or more days after the order or request for an election is made or the county superintendent of schools may order a special election to be held at least 80 days after the election is ordered or requested.

SEC. 5. Section 32110.4 of the Education Code is amended to read:

32110.4. (a) The ballot proposition used in an election called pursuant to Section 32110.3 shall contain the words "For the continuous school program of the (name of district) District to be operated in such a manner as to require any pupil to enroll in a continuous school program" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice.

(b) If a majority of those voting for the ballot proposition, as provided by subdivision (a), at the election vote "yes" then the school district shall be permitted to commence the continuous school program so designated on the ballot and to continue operating any such program in the district until all such programs are terminated.

(c) If a majority of those voting for the ballot proposition, as provided by subdivision (a), at the election vote "no" then the school district shall not be permitted to commence the continuous school

program so designated on the ballot.

SEC. 6. Section 32110.45 is added to the Education Code, to read:

32110.45. If a continuous school program operated in such a manner as to require any pupil to enroll in the program is terminated by the governing board or prohibited pursuant to subdivision (c) of Section 32110.4, the governing board shall not determine to operate one or more schools of the district on a continuous school program in such a manner as to require any pupil to enroll in a continuous school program for at least two years following termination or election.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit this act to become operative in time to be complied with during the 1974–75 school year for programs to begin in the 1975–76 school year, it is necessary that this act take effect immediately.

CHAPTER 475

An act to add Chapter 16 (commencing with Section 19961) to Division 14 of the Education Code, to provide for the preparation, issuance and sale of state bonds to create a fund to provide aid to school districts of the state; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; appropriating money for the purpose of carrying out this chapter; and providing for the submission of the measure to the people at the 1974 general election, and declaring the urgency thereof, to take effect immediately

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Chapter 16 (commencing with Section 19961) is added to Division 14 of the Education Code, to read:

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CHAPTER 16. STATE SCHOOL BUILDING AID AND EARTHQUAKE RECONSTRUCTION AND REPLACEMENT BOND LAW OF 1974

19961. This act may be cited as the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974.

19961.1. The State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) is adopted for the purpose of the issuance, sale and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter. All references in this chapter to "herein" shall be deemed to refer both to this chapter and such law.

19961.2. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means the State School Building Finance Committee created by Section 19510.

(b) "Board" means the State Allocation Board.

(c) "Fund" means the State School Building Aid Fund.

19961.3. For the purpose of creating a fund to provide aid to school districts of the state in accordance with the provisions of the State School Building Aid Law of 1952, and of all acts amendatory thereof and supplementary thereto, and to provide funds to repay any money advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of one hundred fifty million dollars ($150,000,000) in the manner provided herein, but not in excess thereof.

19961.4. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

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

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable,

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except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available

19961.5. All money deposited in the fund under Section 19611 of this code and pursuant to the provisions of Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, shall be available only for transfer to the General Fund, as provided in Section 19961.4. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

19961.6. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable

(b) Such sum as is necessary to carry out the provisions of Section 19961.7, which sum is appropriated without regard to fiscal years.

19961 7. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund to be allocated by the board in accordance with this chapter. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

19961.8. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, and Article 9 (commencing with Section 19700.51) of Chapter 10, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. Fifty million dollars ($50,000,000) shall be available for apportionment on December 5, 1974, and five million dollars ($5,000,000) shall become available for apportionment on the fifth day of each month thereafter until a total of one hundred fifty million dollars ($150,000,000) has become available for apportionment. Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall not be

necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

19961.9. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day-year basis.

19961.10. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

19961.11. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 19961.4 to pay principal and interest on bonds.

19961.12. With respect to the proceeds of bonds authorized by this chapter, all the provisions of Sections 19551 to 19689, inclusive, shall apply except:

(a) Any reference in Sections 19551 to 19689, inclusive, to "Section 16.5, Article XVI of the Constitution of this state" shall be deemed a reference to this chapter

(b) Any reference in Sections 19551 to 19689, inclusive, to "Section 19704" shall be deemed a reference to Section 19961.4.

19961.13. Out of the first money realized from the sale of bonds under this act, there shall be repaid any moneys advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act.

19961.14. Notwithstanding any provisions in this chapter to the contrary, of the moneys made available by this chapter, not to exceed the sum of fifty million dollars ($50,000,000) or such amount thereof that the board may determine necessary therefor, shall be available under the provisions of Article 9 (commencing with Section 19700.51) of Chapter 10 for the purpose of rehabilitating, reconstructing, or replacing school facilities which are unsafe by virtue of not being in compliance with Article 5 (commencing with Section 15501) of Chapter 2 of Division 11 or for the purpose of repairing actual damage to school facilities caused by an earthquake after March 1, 1974, and for which there are no other state or federal funds available for such restoration. These funds shall be made available to eligible school districts when the fiscal and other requirements prescribed by Article 9 (commencing with Section 19700.51) of Chapter 10 are complied with.

SEC. 2. Section 1 of this act shall take effect upon the adoption by the people of the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974, as set forth in Section 1 of this act. Sections 2 to 6 of this act contain provisions relating to and necessary for the submission of the State School

Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. The State School Building Aid and Earthquake Reconstruction Replacement Bond Law of 1974, as set forth in Section 1 of this act, shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November 1974, and shall appear as the first proposition on the ballot.

SEC. 4. All ballots at said election shall have printed thereon in boldface type and in a square thereof, the words: "The State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974," and in the same square under said words the following in eight-point type: "Provides for a bond issue of one hundred fifty million dollars ($150,000,000) to provide capital outlay for construction or improvement of public schools." Opposite the words "The State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974. Provides for a bond issue of one hundred fifty million dollars ($150,000,000) to provide capital outlay for construction or improvement of public schools," there shall be left spaces marked "Yes" and "No" in which the voters may place an "X" in the manner required by law to indicate whether they vote for or against said act Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 5. The votes cast for or against the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

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

In order that bonds to provide urgently needed funds for the rehabilitation and replacement of structurally inadequate school buildings may be voted upon by the electors of this state at the November 1974 general election, it is necessary that this act take immediate effect

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CHAPTER 476

An act to add and repeal Section 15835 of the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 15835 is added to the Education Code, to read:

15835. The governing board of any school district having an average daily attendance of not less than 6,000 nor more than 8,000, which has not established a security patrol pursuant to this article, may contract with any private patrol operator licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code to aid in the security of the school district's real and personal property; provided however, that notwithstanding any other provision of law to the contrary, no employee of any such private patrol operator shall carry any firearm at any time while performing duties in any school building or on the grounds of any school pursuant to such a contract. Expenditures in any one fiscal year for such service shall not exceed four thousand dollars ($4,000).

For purposes of this section there shall not be included in the average daily attendance of an elementary school district, the attendance of pupils attending the seventh and eighth grades of a junior high school maintained by a high school district.

This section shall remain in effect only until July 1, 1976, and as of that date is repealed.

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

Vandalism has recently increased in number and frequency of occurrences, as well as in the severity of damage inflicted, at the public schools of smaller school districts which do not have security patrols. In order that the needed protection authorized by this act for such school district property may be provided at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 477

An act to amend Section 9002 of the Fish and Game Code, relating to traps.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 9002 of the Fish and Game Code is amended to read:

9002. Lobster traps may be used to take spiny lobsters in Districts 18, 19, 20A, and those portions of District 20 lying on the southerly side of Santa Catalina Island between Southeast Rock and China Point.

During the season specified for the taking of spiny lobster, all traps used south of Point Conception to take lobster or crabs shall be deemed lobster traps subject to the provisions of this section.

Lobster traps shall be emptied not less than every 96 hours and no trap shall be abandoned in the ocean.

Wire traps shall be built of rectangular mesh with inside mesh measurement not less than two inches by four inches, the four-inch measurement to be parallel to the floor of the trap.

Traps built of lath or other material shall have along the full length of two sides openings to allow escape of lobsters. Such openings shall be clearly accessible to the lobsters and of a spacing of not less than two inches, and such spacing shall be located parallel to, and not more than two inches above, the floor of the trap.

Lobster traps may be used to take spiny lobsters, rock crabs, and sheephead only, and any other species taken in such traps shall be released. Such traps may be used only during the season prescribed for spiny lobsters. Spiny lobsters taken in the manner commonly known as skin diving or by use of self-contained underwater breathing apparatus may not be sold.

Lobster traps shall be marked with buoys, and such buoys may be distinctively marked or painted by the fisherman, and may include the use of the fisherman's lobster permit number. The marking or painting of a buoy under this section shall be reported to the department.

Any trap without such buoys is a public nuisance.

It is unlawful to willfully disturb, move, or injure a lobster trap belonging to another person.

CHAPTER 478

An act to add Section 34311.1 to, to amend Sections 34310, 34311, 35007, 35117, 35120, 35121.5, and 35122 of, and to repeal Sections 35121 and 35121.1 of, the Government Code, relating to cities.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974]

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

SECTION 1. The Legislature finds and declares that the purpose of this act is to codify the 1972 decision of the California Supreme Court in Curtis v. Los Angeles County Board of Supervisors and therefore is not a change in existing law.

SEC. 2. Section 34310 of the Government Code is amended to read:

34310. At its next regular meeting after the deposit of the amount fixed by the board to defray publication costs, the board shall fix a time for a hearing and direct its clerk to cause a notice of hearing on the petition to be published pursuant to Section 6066 before the hearing, in a newspaper of general circulation printed and published in the county.

The notice of hearing on the petition shall state:

(a) That a petition for incorporation of an unincorporated portion of the county as a city has been filed and may be inspected in the office of the clerk of the board of supervisors;

(b) The name of the proposed city;

(c) The names of the proponents stated in the notice of intention to circulate the petition;

(d) The time and place for a hearing on the petition;

(e) That written requests for exclusion filed pursuant to Section 34311.1, and all persons wishing to be heard on the matter of the size and shape and establishment of the boundaries of the proposed city, will be heard and considered, and

(f) Accurately describe the proposed boundaries.

SEC. 3. Section 34311 of the Government Code is amended to read:

34311. The board shall hold a hearing at the time fixed, and may adjourn the hearing from time to time, for periods not to exceed two months in all.

SEC. 4. Section 34311.1 is added to the Government Code, to read:

34311.1. At any time prior to the final hearing on the petition any owner of real property within the territory proposed to be incorporated may make a written request, filed with the clerk of the board of supervisors, for exclusion of such property from the proposed incorporation. Such a request shall contain sufficient information to identify the property for which the exclusion is sought.

SEC. 5. Section 35007 of the Government Code is amended to read:

35007. The legislative body shall have power, by resolution, to terminate annexation proceedings at any time prior to the date set for the hearing.

SEC. 6. Section 35117 of the Government Code is amended to read:

35117. The resolution shall describe specifically the boundaries of the territory proposed to be annexed and designate the territory by some appropriate name by which it may be referred to upon the ballots used at the election. It shall contain a notice of the day, hour, and place for hearing by the legislative body on the proposed annexation. The resolution shall state that written requests for exclusion of property from the proposed annexation shall be presented, pursuant to Section 35120, at any time prior to the hearing and shall state further that any interested person may appear at the hearing.

SEC. 7. Section 35120 of the Government Code is amended to read:

35120. At any time not later than the hour set for final hearing on the proposed annexation, any owner of real property within the territory may make a written request, filed with the legislative body, for exclusion of his property from the proposed annexation. Such a request shall contain sufficient information to identify the property for which the exclusion is sought.

SEC. 8. Section 35121 of the Government Code is repealed.

SEC. 9. Section 35121.1 of the Government Code is repealed.

SEC. 10. Section 35121.5 of the Government Code is amended to read:

35121.5. The city legislative body may make such changes in the boundaries of the territory proposed to be annexed as it finds proper, but it shall not include any territory outside of the boundaries described in the petition nor shall it diminish the land area of the territory proposed to be annexed by more than 5 percent.

SEC. 11. Section 35122 of the Government Code is amended to read:

35122. Upon final determination of the boundaries of the territory proposed to be annexed, the city legislative body shall call a special election without delay and submit to the electors residing in the territory the question whether it shall be annexed to and incorporated within the city. Such election shall be held on the next established election date not less than 74 days after the termination of the hearing on the proposed annexation.

If it finds that the value of the territory proposed to be annexed equals one-half, or more, of that within the city, as shown by the last equalized assessment rolls, or that the number of qualified electors of the territory equals one-half, or more, of the number of qualified electors within the city, as shown by the county registration of voters, then the city legislative body shall also call a special election and

submit to the electors residing in the city the same question at the same time as that submitted to the electors residing within the territory proposed to be annexed.

The city legislative body, as an alternative to the foregoing, may by its resolution thereupon terminate the proceedings without the necessity of calling such election. If proceedings are terminated hereunder, no further proceedings shall be taken for the annexation pursuant to this article of any of such territory by the city for one year.

SEC. 12. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because this act consists of technical changes to statutes enacted prior to January 1, 1973.

CHAPTER 479

An act to repeal Sections 35401 and 35417 of, and to add Section 35401 to, the Vehicle Code, relating to vehicles.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

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

SECTION 1. Section 35401 of the Vehicle Code is repealed.

SEC. 2. Section 35401 is added to the Vehicle Code, to read:

35401. (a) Except as provided in subdivision (b), no combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 65 feet.

(b) The following combinations of vehicles coupled together, including any attachments thereto, shall not exceed a total length of 60 feet:

(1) A truck tractor and semitrailer.

(2) A truck tractor, auxiliary dolly and semitrailer.

(3) A motortruck and semitrailer, if the pivot point of the semitrailer connection is less than two feet to the rear of the center of the rearmost axle of the motortruck, or the distance from the pivot point to the center of the rearmost axle of the semitrailer exceeds 34 feet.

(c) Any city or county may, by ordinance, prohibit a combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

The Legislature in enacting this section does not intend to reduce, and this section shall not be construed to reduce, any maximum total length of any combination of vehicles permitted under the statutes

as they existed on January 1, 1974.

SEC. 3. Section 35417 of the Vehicle Code is repealed.

CHAPTER 480

An act to add Section 21025.6 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

SECTION 1. Section 21025.6 is added to the Government Code, to read:

21025.6. Notwithstanding any other provision of this article, the retirement of a member who has been offered enrollment in a rehabilitation program provided by the employer, or appointing power if he is a state member, shall not become effective until:

(a) The employer or appointing power determines that the rehabilitation program is ineffective and cancels his enrollment in such program, or

(b) The member requests release from the rehabilitation program

unless the member rejects the offer of enrollment in such rehabilitation program within 30 days after notice by the Public Employees' Retirement System of his eligibility for disability retirement.

If a member pursuant to such program enters a position in state service, he shall be retired thereafter for disability only in accordance with provisions of this part other than this section if he becomes incapacitated for performance of duty in that position. Such disability shall be deemed to be industrial if the disability resulting in enrollment in the program was industrial.

CHAPTER 481

An act to amend Section 31664.65 of, and to add Section 31874.3 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

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

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SECTION 1. Section 31664.65 of the Government Code is amended to read:

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

(a) A retirement allowance calculated pursuant to Section 31664 for time during which he was employed principally in active law enforcement or active fire suppression as described in Section 31470.2 or Section 31470.4 by a county, or by a district or court organized or existing within such county, or was a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, plus a retirement allowance calculated under either (b) or (c) of this section, whichever is applicable.

(b) A retirement allowance calculated pursuant to Section 31664 for all prior county service with such county, and for any public service credit for which the member has elected to receive pursuant to Section 31641.1 or 31641.5.

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

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

This subdivision shall apply to any member to whom subdivision (b) is not applicable.

The provisions of this section shall be applicable irrespective of whether a member is, at the time of retirement, a safety member or a general member.

The provisions of this section shall supersede the provisions of Section 31664.6.

SEC. 2. Section 31874.3 is added to the Government Code, to read:

31874.3. Whenever the percentage of annual increase in the cost of living as of January 1 of each year as shown by the Bureau of Labor Statistics Consumers Price Index exceeds 3 percent, the board of retirement may provide that all or part of such excess over either 2 percent or 3 percent shall be applied to the retirement allowances, optional death allowances or annual death allowances increased in Section 31870 or 31870.1. The board shall determine the amount of

such excess to be applied and such amount shall not exceed an amount that can be paid from earnings of the retirement fund which are in excess of the total interest credited to contributions and reserves plus 1 percent of the total assets of the retirement fund.

Such supplemental increases in excess of the 3-percent increases applied to the retirement allowances, optional death allowances or annual death allowances increased in Section 31870 or 31870.1 shall not become a part of the retirement allowances, optional death allowances or annual death allowances to be increased by subsequent increases under Section 31870 or 31870.1.

This section shall be operative in any county that has elected by a majority vote of the board of supervisors to make either Section 31870 or 31870.1 applicable in such county.

CHAPTER 482

An act to amend Sections 22818 and 22847 of the Education Code, relating to student residency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 22818 of the Education Code is amended to read:

22818. "Residence determination date" is a date or day established by the governing boards for each semester, quarter, or term to determine a student's residence.

SEC. 2. Section 22847 of the Education Code is amended to read:

22847. In determining the place of residence the following rules are to be observed:

(a) There can only be one residence.

(b) A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.

(c) A residence cannot be lost until another is gained.

(d) The residence can be changed only by the union of act and intent.

(e) A man or woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.

(f) The residence of the parent with whom an unmarried minor child maintains his place of abode is the residence of the unmarried minor child. When the minor lives with neither parent his residence is that of the parent with whom he maintained his last place of abode, provided the minor may establish his residence when both parents are deceased and a legal guardian has not been appointed.

(g) The residence of an unmarried minor who has a parent living cannot be changed by his own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the changes made in residency determination by this act may be implemented in an orderly manner at the earliest possible time, it is essential that this act take effect on or before the commencement of the 1974–75 school year.

CHAPTER 483

An act to amend Sections 39052 and 39251 of, and to repeal Section 39009.3 of, the Health and Safety Code, and to repeal Section 14808.1 of the Government Code, relating to the purchase of low-emission vehicles.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14808.1 of the Government Code is repealed.

SEC. 2. Section 39009.3 of the Health and Safety Code is repealed.

SEC 3. Section 39052 of the Health and Safety Code is amended to read:

39052. The board shall·

(a) Conduct studies and evaluate the effects of air pollution upon human, plant, and animal life and the factors responsible for air pollution. The board may call upon the state department, Department of Agriculture, the University of California, and such other state agencies it may deem necessary.

(b) Encourage a cooperative state effort in combating air pollution.

(c) Inventory sources of air pollution within the basins of the state and determine the kinds and quantity of air pollutants. The board shall use, to the fullest extent, the data of local agencies in fulfilling this purpose.

(d) Monitor air pollutants in cooperation with other agencies to fulfill the purpose of this division.

(e) Coordinate and collect research data on air pollution.

(f) Review rules and regulations of local or regional authorities filed with it pursuant to Sections 39314 and 39461 to assure that reasonable provision is made to control emissions from nonvehicular sources and to achieve the air quality standards established by the board. If the board finds, pursuant to Section 39054 that any rule or

regulation of a local or regional authority submitted to it will not achieve applicable air quality standards, it may repeal such rule or regulation and promulgate a rule or regulation which it finds would achieve such standards. Such rule or regulation shall have the same force and effect as a rule or regulation adopted by the local or regional authority, and shall be enforced by the local or regional authority.

(g) Adopt formal procedures after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned.

(h) Adopt formal procedures, after consultation with the state department for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreement on vehicle air pollution matters with which both agencies are concerned.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following:

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter 4 of this part. The board shall base its test procedures on driving patterns typical in the urban areas of California, and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures. The board may revise any test procedures which it has adopted when the development and improvement of testing techniques and testing instruments warrants such revision in the judgment of the board. If the board revises such test procedures, it may establish revised emission standards for new motor vehicles which standards shall be applicable when such revised test procedures are used in testing vehicles. The revised standards may be expressed in terms and numerical values other than the terms and numerical values prescribed by, but shall not be less stringent than the standards prescribed by, Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(*l*) Adopt regulations specifying the manner in which used motor

vehicles shall be accredited based upon their emissions.

(m) Adopt, by regulation, emission standards and test procedures applicable to motor vehicles manufactured for sale in this state. Such regulations shall provide for the testing of vehicles on factory assembly lines or in such other manner as the board determines best suited to carry out the purposes of this part. The standards established by the board may deviate from the standards established as a condition of approval as the board determines is necessary to implement this section. The test procedures shall be adopted after consideration of the recommendations of the technical advisory panel to the Assembly Transportation and Commerce Committee of April 14, 1968. Any manufacturer or distributor failing to comply with the standards or test procedures established under this subdivision shall be subject to a civil penalty of fifty dollars ($50) for each vehicle which does not comply with the regulations and which is first sold in this state. The payment of such penalties shall be a condition to the further sale of motor vehicles in this state.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) The board shall adopt test procedures to establish that motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel are in compliance with Section 39110 giving consideration to relative reactivity and air-fuel correction factor of the fuel being tested.

SEC. 4. Section 39251 of the Health and Safety Code is amended to read:

39251. As used in this chapter, "low-emission motor vehicle" shall mean a self-propelling vehicle which does not have exhaust emissions of more than .3 gram per mile of hydrocarbons, 3 grams per mile of carbon monoxide, and .5 gram per mile of oxides of nitrogen.

CHAPTER 484

An act to amend Section 968 of the Education Code, relating to school district governing boards.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 968 of the Education Code is amended to read:

968. Each member of the governing board of a school district may be allowed for travel necessary to attend annual, regular monthly, and special meetings of the governing board the rate of mileage determined by the governing board. Mileage shall not be allowed to any member to attend any meeting except for travel required in excess of 10 miles. Orders for travel allowances shall be drawn upon the funds of the district and signed by a majority of the governing board exclusive of the payee.

CHAPTER 485

An act to amend Section 206.7 of the Civil Code, relating to parent and child.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 206.7 of the Civil Code is amended to read:

206.7. In the event that the parent of a person seeking to maintain an action pursuant to Section 206.5 is an applicant for or recipient of aid under Chapter 3 (commencing with Section 12000), Chapter 5 (commencing with Section 13000), or Chapter 6 (commencing with Section 13500) of Part 3 of, or Part 5 (commencing with Section 17000) of, Division 9 of the Welfare and Institutions Code, the person seeking to maintain the action shall first make application to the board of supervisors of the county responsible for granting such aid for an order freeing him from responsibility for the support of his parent. At the time of making such application, the person shall produce proof, either by a person who was in a position to know the facts, other than the parent against whom relief is sought, or by documentary or other reliable evidence, that while he was a minor under 18 years of age, he was abandoned by the parent for a period of two or more years and that during such period the parent was physically and mentally able to support him. If the board denies his request or fails to act upon such request within 30 days, such person shall be entitled to file an action pursuant to Section 206.5. In the event such an action is filed, such person shall serve a copy of the petition on the clerk of the board at least 10 days prior to the hearing.

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CHAPTER 486

An act to amend Section 38200 of the Health and Safety Code, to add Section 20009.3 to the Government Code and to amend Sections 4120, 5328, 5751.3, and 5765 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 38200 of the Health and Safety Code is amended to read:

38200. There is in the Health and Welfare Agency the State Developmental Disabilities Planning and Advisory Council.

The council shall consist of 15 voting members. Six members shall represent consumers of services for persons with developmental disabilities of whom one member shall be the parent of a mentally retarded child who is not in a state hospital and one member shall be the parent of a mentally retarded child who is a patient in a state hospital.

Five members shall be representatives of local agencies, nongovernmental organizations, and groups concerned with services for persons with developmental disabilities.

The Governor shall appoint the following seven members of the council: the six representatives of consumers of services for persons with developmental disabilities and one representative of a local agency or nongovernmental organization serving the retarded. The Senate Rules Committee and the Speaker of the Assembly shall each appoint two representatives of local agencies or nongovernmental organizations serving the retarded.

The State Director of Health, the Director of Benefit Payments, the Superintendent of Public Instruction, and the Director of the Department of Rehabilitation shall serve as members of the council.

Of the first members appointed by the Governor, three shall hold office for three years, two shall hold office for two years, and two shall hold office for one year; thereafter, each appointment by the Governor shall be for a term of three years. The members appointed by the Senate Rules Committee and by the Speaker of the Assembly each shall hold office for three years.

SEC. 1.5. Section 20009.3 is added to the Government Code, to read:

20009.3. "Public agency" also includes a public or private nonprofit corporation formed for the primary purpose of operating a regional center for the developmentally disabled in accordance with Section 38101 of the Health and Safety Code.

SEC. 1.6. Section 4120 of the Welfare and Institutions Code is amended to read:

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4120. Except as otherwise provided in this section in determining residence for purposes of being entitled to hospitalization in this state and for purposes of returning patients to the states of their residence, an adult person who has lived continuously in this state for a period of one year and who has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state shall be deemed to be a resident of this state. Except as otherwise provided in this section a minor is entitled to hospitalization in this state if the parent or guardian having custody of the minor has lived continuously in this state for a period of one year and has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state. Such parent or guardian shall be deemed a resident of this state for the purposes of this section, and such minor shall be eligible for hospitalization in this state as a mentally disordered person. The eligibility of such minor for hospitalization in this state ceases when such parent or guardian ceases to be a resident of this state and such minor shall be transferred to the state of residence of the parent or guardian in accordance with the applicable provisions of this code. Time spent in a public institution for the care of the mentally disordered or mentally retarded or on leave of absence therefrom shall not be counted in determining the matter of residence in this or another state.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States.

For the purposes of this section state residency and not a one-year period of state residency shall be required for an adult mentally retarded person and the parent or guardian of a mentally retarded minor.

SEC. 2. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000), to either voluntary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or his guardian or conservator must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical responsibility for the patient's care.

(b) When the patient, with the approval of the physician in charge of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which

has been given to him in confidence by members of a patient's family;

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a minor, ward, or conservatee, and his parent, guardian, or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(e) For research, provided that the Director of Health designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must sign an oath of confidentiality as follows:

_____

Date

As a condition of doing research concerning persons who have received services from _____ (fill in the facility, agency or person), I, _____, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

_____

Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Rules Committee or the Assembly Rules Committee for the purposes of legislative investigation authorized by such committee.

(i) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed

(j) To the attorney for the patient in any and all proceedings upon presentation of a release of information signed by the patient, except that when the patient is unable to sign such release, the staff of the facility, upon satisfying itself of the identity of said attorney, and of the fact that the attorney does represent the interests of the patient, may release all information and records relating to the patient except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in

confidence by members of a patient's family.

The amendment of subdivision (d) of this section enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

This section shall become operative on the same date as Reorganization Plan No 1 of 1970 becomes operative.

SEC. 3. Section 5751.3 of the Welfare and Institutions Code is amended to read:

5751.3. No regulations shall be adopted by the Director of Health which prohibit a psychiatrist, psychologist or clinical social worker from employment in a local mental health program in any professional, administrative, or technical positions in mental health services.

SEC. 4. Section 5765 of the Welfare and Institutions Code is amended to read:

5765. The state five-year mental health plan shall be submitted to the Advisory Health Council for review and recommendations as to conformance with California's comprehensive statewide health plan. The state five-year mental health plan shall be submitted on an annual basis or as often as there are amendments or changes thereto.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that changes made by this act may become operative at the earliest possible time it is necessary that this act take immediate effect.

CHAPTER 487

An act to amend Section 2361 of the Fish and Game Code, relating to salmon.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1 Section 2361 of the Fish and Game Code is amended to read:

2361. It is unlawful to import into this state for commercial purposes any king salmon less than 26 inches in length or silver salmon less than 25 inches in length, measured from the tip of the snout to the extreme tip of the tail, except that during the period Section 8210.5 or 8210.6 is in effect the size limit on silver salmon is 22 inches. In the event of a finding by the director that there has been substantial harm to the silver salmon resource pursuant to Section 3 of Chapter 26 of the Statutes of 1973, it shall be unlawful to import

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into this state for commercial purposes any silver salmon less than 25 inches in length, measured from the tip of the snout to the extreme tip of the tail.

CHAPTER 488

An act to amend Section 31011 of the Corporations Code, relating to franchises.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 31011 of the Corporations Code is amended to read:

31011. "Franchise fee" means any fee or charge that a franchisee or subfranchisor is required to pay or agrees to pay for the right to enter into a business under a franchise agreement, including, but not limited to, any such payment for such goods and services.

However, the following shall not be considered the payment of a franchise fee:

(a) The purchase or agreement to purchase goods at a bona fide wholesale price if no obligation is imposed upon the purchaser to purchase or pay for a quantity of such goods in excess of that which a reasonable businessman normally would purchase by way of a starting inventory or supply or to maintain a going inventory or supply.

(b) The payment of a reasonable service charge to the issuer of a credit card by an establishment accepting or honoring such credit card.

(c) Amounts paid to a trading stamp company licensed under Chapter 3 (commencing with Section 17750) of Part 3 of Division 7 of the Business and Professions Code by a person issuing trading stamps in connection with the retail sale of merchandise or service.

CHAPTER 489

An act to amend Sections 301, 310, 1206, and 1403 of, and to add Sections 461 5, 706, and 728.5 to, the Public Utilities Code, relating to codification of various provisions to be omitted from the California Constitution in its revision, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 301 of the Public Utilities Code is amended to read:

301. The membership of the Public Utilities Commission, and the qualifications and tenure of the members of the commission are as provided in Section 1 of Article XII of the Constitution of this state.

SEC. 2. Section 310 of the Public Utilities Code is amended to read:

310. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. Any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner or commissioners designated for the purpose by the commission. The evidence in any investigation, inquiry, or hearing may be taken by the commissioner or commissioners to whom such investigation, inquiry, or hearing has been assigned or, in his or their behalf, by an examiner designated for that purpose. Every finding, opinion, and order made by the commissioner or commissioners so designated, pursuant to such investigation, inquiry, or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the finding, opinion, and order of the commission.

SEC. 3. Section 461.5 is added to the Public Utilities Code, to read:

461.5. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates.

Upon application to the commission such company may, in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of persons or property and the commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The commission may authorize the issuance of excursion and commutation tickets at special rates.

Nothing contained in this section shall be construed to prevent the commission from ordering and compelling any railroad or other

transportation company to make reparation to any shipper on account of the rates charged to such shipper being excessive or discriminatory, provided no discrimination will result from such reparation.

SEC. 4. Section 706 is added to the Public Utilities Code, to read:

706. Every railroad corporation may connect at the state line with railroads of other states. Every railroad corporation may intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

SEC. 5. Section 728 5 is added to the Public Utilities Code, to read:

728.5 The commission may establish rates or charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates established by the commission than the rates, fares and charges which are specified in such tariff. The commission may examine books, records and papers of all railroad and other transportation companies; may hear and determine complaints against railroad and other transportation companies; and may issue subpoenas and all necessary process and send for persons and papers. The commission and each of the commissioners may administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record. The commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

SEC. 6. Section 1206 of the Public Utilities Code is amended to read:

1206. The commission may fix the just compensation to be paid for property or any interest in or to property to be taken or damaged in the separation of grades at any crossing specified in Section 1202, or for property or any interest in or to property to be taken or damaged in the construction, alteration, or relocation, under the order or with the approval of the commission, of elevated tracks or subways for any railroad or street railroad over or under any public road, street, highway, or private right-of-way, or of any public road, street, or highway over or under the tracks of any railroad corporation or street railroad corporation, and upon the payment of the compensation so fixed may make a final order of condemnation.

SEC. 7. Section 1403 of the Public Utilities Code is amended to read:

1403 Any political subdivision may, at any time, file with the commission either a petition of the first class, setting forth the intention of the political subdivision to acquire under eminent domain proceedings, or otherwise, the lands, property, and rights of any character whatsoever of any public utility or a petition of the

second class, setting forth the intention of the political subdivision to initiate such proceedings as may be required under the law governing the political subdivision for the purpose of submitting to the voters of the political subdivision a proposition to acquire under eminent domain proceedings, or otherwise, the lands, property, and rights of any character whatsoever of any public utility.

SEC 8 This act shall become operative only if Assembly Constitutional Amendment No. 36 of the 1973–74 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 36.

SEC 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are·

In order for this act to become operative in the event Assembly Constitutional Amendment No. 36 is adopted by the people at the general election on November 5, 1974, it is necessary that it go into immediate effect.

CHAPTER 490

An act to add Section 65302.4 to the Government Code, relating to planning, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 65302.4 is added to the Government Code, to read:

65302.4. Notwithstanding any other provision of law, every city incorporated after September 1, 1973, and before December 31, 1973, shall adopt a general plan, including all the mandatory elements thereof, no later than June 30, 1975. Each such city shall adopt and submit to the Secretary of the Resources Agency an interim open-space plan by August 31, 1974, and shall prepare and adopt an open-space zoning ordinance consistent with the open-space plan by June 30, 1975. Each such city's zoning ordinances shall be consistent with the general plan of such city by December 31, 1975. The planning agency of each such city shall make its initial report to the Council on Intergovernmental Relations pursuant to Sections 34217 and 65307 on or before October 1, 1975; and each such city shall not suffer any detriment, disability, or penalty by reason of failure to take the actions provided in this section prior to the times set forth herein.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within

the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are.

The provisions of law prescribing dates certain by which specified actions relating to planning and zoning must be taken by local agencies, provide no exceptions for newly incorporated cities. The date of their incorporation renders such prescribed dates impossible to meet or to meet in an orderly manner consistent with the intent of such laws, thereby subjecting such newly incorporated cities to potential loss of revenues, potential litigation, or other detriments. It is, therefore, necessary that this act take effect immediately.

CHAPTER 491

An act to add Section 31558.1 to the Government Code, relating to retirement.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 31558.1 is added to the Government Code, to read:

31558.1. Notwithstanding any of the provisions of Section 31558 to the contrary, each person over 35 years of age who, prior to July 1, 1969, was employed in a position, the principal duties of which consist of active law enforcement as defined in Section 31469.3 or active fire suppression as defined in Section 31470.4, who has continuously since his employment made the salary contributions required of a safety member, and who has continuously since his employment been employed in a position which would make such person eligible to become a safety member if he had not been over the age of 35 years at the time of his employment, shall become a safety member as of the first day of the calendar month following his original entrance into the service regardless of age.

A member who meets the requirements of the preceding paragraph of this section except that he has not made the contributions required of a safety member, may receive credit for such service, as a safety member, when he has contributed, with interest to the date paid, the difference between contributions made and those which would have been required if he had been a safety member. Such additional contributions are to be made prior to retirement and notice of election to receive credit for service, as a safety member, pursuant to this section, shall be made to the retirement board prior to April 1, 1975.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance, make the provisions of the section applicable in such county.

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CHAPTER 492

An act to repeal Section 20939 of the Education Code, relating to Yuba Community College District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 20939 of the Education Code is repealed.

SEC 2 Section 1 of this act shall become operative July 1, 1974.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the repeal of taxing authorization contained in Section 20939 of the Education Code will be effective for the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 493

An act to add Section 31639.5 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 31639.5 is added to the Government Code, to read:

31639.5. The normal rate of contribution shall be such as will provide an average annuity at age 50 equal to one two-hundredth of the final compensation of safety members according to the table adopted by the board of supervisors for each year's service rendered after entering the system.

This section shall become operative in any county on the first day of the calendar month after the board of supervisors adopts a resolution making it operative in the county.

CHAPTER 494

An act to amend Section 2100 of the Education Code, relating to community colleges and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2100 of the Education Code is amended to read:

2100. An agreement to the annexation of a high school or unified district, or any portion of such district or districts, to a contiguous community college district may include, as a term or condition for such annexation, the collection of a sum of money upon annexation, from within the area of the annexed district or portion of a district, for capital outlay purposes; and such condition shall be considered an inherent part of the annexation agreement and shall not be construed as a separate proposition. For purposes of raising this sum, the maximum tax rate for community college purposes within any district or portion of any district which has been annexed to a contiguous community college district pursuant to Chapter 3 (commencing with Section 2091) of Division 5 is hereby increased by such amount as will produce within 10 fiscal years the sum included in any annexation agreement between the two districts. Any funds collected from such an increase shall be deposited to the credit of the community college district for expenditure for purposes authorized by law.

In addition to the words to be contained on the ballot pursuant to Section 2098, the ballot used in the election shall contain a statement that the maximum tax rate within the annexed districts or portions of districts will be increased by a specified amount as will produce the sum included in the annexation agreement.

The increase provided by this section shall not exceed twenty cents ($0.20) for each one hundred dollars ($100) of the assessed value of the property within the high school or unified district, or portion thereof, and the increase shall be in addition to any other school district tax authorized by law to be levied.

The increase provided by this section shall remain in effect until the 10th consecutive fiscal year following the effective date of the annexation, or until such time as the sums agreed to in the annexation agreement referred to herein have been collected by the community college district, from within the annexed school district, or portion thereof, whichever period occurs first.

This section shall not apply whenever Section 2099 applies.

SEC. 2. Notwithstanding any other provision of law, if the territory of the Garden Grove Unified School District is annexed to the Coast Community College District, a tax shall be levied and

collected within the territory of the Garden Grove Unified School District for the support of the Coast Community College District. Such tax shall be levied at the rate of up to twenty cents ($0.20) per one hundred dollars ($100) of assessed valuation for the five fiscal years following the annexation. Such tax shall not be included in the computation of any revenue limit. The proceeds of such tax shall be used to finance tuition transfer and assure the continuance of quality education during the transition period.

SEC. 3. The Legislature has determined that losses, if any, which may arise in school district tax revenues attributable to the homeowners' property tax exemption from any tax rate established for any school district to include the rate authorized by Section 2100 of the Education Code as amended by this act, or Section 2 of this act, to the extent that such tax rate will exceed the maximum rate which would otherwise be applicable to the district, are difficult to ascertain and should, consequently, be separately computed and reimbursed by the state pursuant to statutes and appropriations to be enacted in the event it is determined that any such tax revenue losses have been sustained by any school district.

The provisions of Chapter 1 (commencing with Section 16100) and Chapter 1.5 (commencing with Section 16110) of Part 1 of Division 4 of Title 2 of the Government Code and any other provisions of law which appropriate funds for, and provide for disbursements to, city and county officers to reimburse school districts for the tax revenue loss attributable to the homeowners' property tax exemption shall be inoperative with respect to any such loss arising in connection with that portion of any school district tax rate which exceeds the maximum tax rate which would otherwise be applicable to a school district because of the provisions of this act.

SEC. 4. This act shall not become operative unless the territory of the Garden Grove Unified School District is annexed to the Coast Community College District pursuant to a vote of the people as prescribed by the Education Code.

SEC. 5. The Legislature finds and declares that in order to carry out its policy that populated areas be included in a community college district, it is necessary to make special provisions for tax rates in the case of the territory of the Garden Grove Unified School District, because of a unique situation in that district. Therefore, a general law within the meaning of Section 16 of Article IV of the California Constitution cannot be made applicable

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are:

In order that the electors of the affected territory may consider the effect of the proposed annexation against the background of the tax rate adjustments permitted by this act, it is necessary that this act take effect immediately

0 2965 62 8 260 998

CHAPTER 495

An act to amend Sections 6903, 17301, and 17303.5 of the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6903 of the Education Code is amended to read:

6903. The education of mentally retarded pupils who do not come within the provisions of Section 6902, who are six or more, and less than 18 years of age and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive. The education of such mentally retarded pupils who are three or more and less than six years of age may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive.

Any such pupil who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

Notwithstanding other provisions of this section any such pupil who is participating regularly in an approved occupational training program in the manner set forth in Sections 6931 and 6932 may be permitted by the governing board of the district or county superintendent of schools, as the case may be, maintaining such training program to continue thereon until his 21st birthday.

The reference to "21st birthday" in this section is not affected by Chapter 1748 of the Statutes of 1971.

SEC. 2. Section 17301 of the Education Code is amended to read.

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to that portion of the State School Fund restricted for elementary and high school purposes, hereinafter called Section A of the State School Fund such sums, in addition to the sums accruing from other sources, as shall provide in Section A of the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, as certified by the Superintendent of Public Instruction, of one hundred eighty dollars ($180).

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to Section A of the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from Section A of the State School Fund for the purposes set forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, two hundred thirteen dollars and ninety-six cents ($213.96) for the fiscal year 1974–75 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, as certified by the Superintendent of Public Instruction, less the amount, if any, by which seventy-nine cents ($0.79) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all elementary, high, and unified school districts and to all county superintendents of schools in the state exceeds twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

(c) In addition to the amounts authorized to be transferred to Section A of the State School Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to Section A of the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from Section A of the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 and 17303.5, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to Section A of the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5

(d) He shall also transfer to Section A of the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 (commencing with Section 17300), 2 (commencing with Section 17351), and 3 (commencing with Section 17401) of this chapter, in Sections 11256 and 17251, and

in Chapter 3 (commencing with Section 17601) of this division.

(e) Commencing with the 1974–75 fiscal year, the unit amounts under subdivisions (a) and (b) of this section shall be considered to be increased or decreased, as the case may be, by an amount equal to the percentage increase or decrease of the statewide ratio of assessed valuation per unit of kindergarten through grade 12 statewide average daily attendance, excluding defined adults, using in such ratios the data for the preceding year compared with the second preceding year.

The Superintendent of Public Instruction shall adjust the foundation program levels as follows:

For the 1974–75 fiscal year, each elementary and high school foundation program shall be increased by sixty dollars ($60) except that if the percentage increase of the statewide ratio of assessed valuation per unit average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) is less than seven, the sixty dollars ($60) shall be reduced proportionately, but to no less than fifty dollars ($50). The foundation program for defined adults in high school districts shall be increased by twenty-seven dollars ($27).

For the 1975–76 fiscal year, each elementary and high school foundation program shall be increased by sixty-three dollars ($63) except that if the percentage increase of the statewide ratio of assessed valuation per units of average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) is less than seven, the sixty-three dollars ($63) shall be reduced proportionately, but to no less than fifty-three dollars ($53). The foundation program for defined adults in high school districts shall be increased by twenty-nine dollars ($29).

For the 1976–77 fiscal year, each elementary and high school foundation program shall be increased by sixty-six dollars ($66) except that if the percentage increase of the statewide ratio of assessed valuation per units of average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) is less than seven, the sixty-six dollars ($66) shall be reduced proportionately, but to no less than fifty-six dollars ($56). The foundation program for defined adults in high school districts shall be increased by thirty-one dollars ($31).

The Superintendent of Public Instruction shall prepare a report for the Legislature, to be submitted by December 1, 1976, which shall show the most current trends in costs for school districts, equalization of school district expenditures per average daily attendance, equalizations of property taxation for schools, adequacy levels in expenditures per average daily attendance, school enrollment, assessed valuations, assessed valuation per average daily attendance, and general cost changes in the state for the purpose of giving the Legislature information that the Legislature may use to enact new provisions about increases or decreases in the foundation programs for public school support For the 1977–78 fiscal year and fiscal years

thereafter, and if the Legislature does not provide otherwise, the increase in elementary and high school foundation programs shall be 6 percent times an amount which is determined as follows: (1) Multiply the unit elementary school foundation program for unified districts which have an elementary average daily attendance of 901 or more by the elementary foundation program units of average daily attendance of unified districts with 901 or more elementary average daily attendance, plus (2) multiply the unit high school foundation program for unified districts which have a high school average daily attendance of 301 or more, by the average daily attendance of unified districts with 301 or more high school average daily attendance, and (3) divide the result by the sum of the average daily attendance in unified districts with 901 or more elementary average daily attendance plus the average daily attendance in unified districts with 301 or more high school average daily attendance.

The increase in the foundation program for defined adults in high schools shall be 6 percent times the foundation program for defined adults of the prior year.

(f) The amounts transferred pursuant to this section shall include the amounts required to be transferred by Section 16130 of the Government Code, exclusive of the amounts required to be transferred pursuant to Section 16130 of the Government Code for the educational need factor and the Early Childhood Educational Program (Chapter 1147, Statutes of 1972).

SEC. 3. Section 17303.5 of the Education Code is amended to read:

17303.5. The amount transferred to Section A of the State School Fund pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to seventy-nine cents ($0.79) multiplied by the average daily attendance credited during the preceding fiscal year to all elementary, high, and unified school districts and to all county superintendents of schools in the state, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Seven dollars and eighteen cents ($7.18) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Twenty-four dollars and ninety cents ($24.90) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, during the preceding school year, for the purposes of Chapter 8 (commencing with Section 6801), Chapter 8.2 (commencing with Section 6870), Chapter 9 (commencing with Section 6901), of Division 6, and Sections 18060, 18062, and 18104.

(d) Three dollars and forty-four cents ($3.44) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) Two dollars and seventy-three cents ($2.73) multiplied by the average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state for allowances to school districts for the purposes of Section 6426.

(f) One hundred sixty-one dollars and seventeen cents ($161.17) multiplied by the average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state during the preceding school year for basic aid, equalization aid, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance. The amount expended pursuant to this subdivision shall be annually revised to reflect the adjustment prescribed by subdivision (e) of Section 17301.

(g) Thirteen dollars and seventy-five cents ($13.75) multiplied by the average daily attendance during the preceding school year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

SEC. 4. Sections 17301 and 17303.5 of the Education Code, as amended by Sections 2 and 3, respectively, of this act, shall become operative on July 1, 1975.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The pilot program for the special education of severely mentally retarded pupils between the ages of three and five years initiated pursuant to Chapter 1668 of the Statutes of 1971 and continued pursuant to Chapter 29 of the Statutes of 1973 shall cease to be operative on June 30, 1974, long before the effective date of ordinary statutes enacted by the Legislature in 1974. The results of the pilot program indicate that special education programs for such pupils of such ages are effective. This act would authorize such programs on a statewide basis. Therefore, in order that sufficient time may be

available for the proper administrative preparation for commencing at the beginning of the 1974–75 school year the vital special educational programs authorized by this act and in order to provide continuity for the special educational programs conducted by school districts under the terminating pilot program, it is necessary that this act take effect immediately.

CHAPTER 496

An act to add and repeal Section 2279 of the Revenue and Taxation Code, relating to property tax rate limitations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1974. Filed with Secretary of State July 11, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2279 is added to the Revenue and Taxation Code, to read:

2279 (a) A local agency may levy, or have levied on its behalf, an additional rate for the 1974–75 fiscal year to obtain that portion of the costs of purchasing electrical power in the 1974–75 fiscal year to energize street and highway lights in operating condition in the 1973–74 fiscal year not obtained by the maximum rate authorized by Article 4 (commencing with Section 2260) or by any section of this article.

(b) The additional rate authorized by this section is for the purpose of continuing the 1973–74 level of service. This section shall not apply to the costs of installing or maintaining street lights, to charges made for the recovery of street light installation costs, or to the cost of purchasing electric power to energize street or highway lighting not in service in the 1973–74 fiscal year.

(c) Any additional property tax rate levied pursuant to this section shall not be included for purposes of the alternative procedure in Section 2266.

(d) Any property tax levied by, or on behalf of, a local agency pursuant to this section shall be reported to the Controller at the same time and in the same manner as specified in Section 2325.

(e) This section shall remain in effect only until June 30, 1975, and as of such date is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provision of this act may be applicable with respect to the establishment of maximum property tax rates for the

1974–75 fiscal year it is necessary that this act take effect immediately.

CHAPTER 497

An act to amend Sections 1501, 1521, and 1523 of, and to add Section 1513 to, the Health and Safety Code, relating to community care facilities, and making an appropriation therefor.

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

I am deleting the $1,400,000 appropriation contained in Section 5 of Senate Bill No 457

Sufficient funds are already included in the Budget Act of 1974 to fund licensing operations currently budgeted as fee supported

With this deletion, I approve Senate Bill No 457

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 1501 of the Health and Safety Code is amended to read:

1501. (a) The Legislature hereby finds and declares that there is an urgent need to establish a coordinated and comprehensive statewide service system of quality community care for mentally ill, developmentally and physically disabled, and children and adults who require care or services by a facility or organization issued a license or special permit pursuant to this chapter.

(b) Therefore, the Legislature declares it is the intent of the state to develop policies and programs designed to: (1) insure a level of care and services in the community which is equal to or better than that provided by the state hospitals; (2) assure that all people who require them are provided with the appropriate range of social rehabilitative, habilitative and treatment services, including residential and nonresidential programs tailored to their needs; (3) protect the legal and human rights of a person in or receiving services from a community care facility; (4) insure continuity of care between the medical-health elements and the supportive care-rehabilitation elements of California's health systems; (5) insure that facilities providing community care are adequate, safe and sanitary; (6) assure that rehabilitative and treatment services are provided at a reasonable cost; (7) assure that state payments for community care services are based on a flexible rate schedule varying according to type and cost of care and services provided; (8) encourage the utilization of personnel from state hospitals and the development of training programs to improve the quality of staff in community care facilities; and (9) insure the quality of community care facilities by evaluating the care and services provided and

furnishing incentives to upgrade their quality.

SEC. 2. Section 1513 is added to the Health and Safety Code, to read:

1513. No license or permit issued pursuant to the provisions of this chapter shall have any property value for sale or exchange purposes and no person, including any owner, agent, or broker, shall sell or exchange any license or permit for any commercial purpose.

SEC. 2.5. Section 1521 of the Health and Safety Code is amended to read:

1521. Any person desiring a license for a community care facility under the provisions of this chapter which is required by other code provisions or rules or regulations of the state department pursuant to other code provisions to have a medical director, organized medical staff, or resident medical staff or to provide professional nursing services by a registered nurse or supervision of nursing services by a licensed registered nurse, a graduate nurse, a licensed vocational nurse, or a certified psychiatric technician shall comply with the health planning requirements contained in Part 1.5 (commencing with Section 437) of Division 1.

All other community care facilities shall be exempt from the health planning requirements contained in Part 1.5 (commencing with Section 437) of Division 1.

SEC 3. Section 1523 of the Health and Safety Code is amended to read:

1523. The director shall annually prescribe fees for the issuance of licenses and special permits. Each application for a license or special permit submitted to the state department pursuant to this chapter shall be accompanied by a portion of such fee, which shall be determined by the director in an amount not exceeding 25 percent of the total fee required for the issuance of the license or special permit requested. The balance of the fee for the license or special permit shall be paid to the state department at the time the license or special permit is issued. In the event the department declines to issue a license or special permit, the applicant shall not be required to remit the balance of the fee, but the portion of the fee submitted with the application shall be retained by the state department and shall not be refunded to the applicant. To the degree possible, the fees required by this section shall be established to produce sufficient revenue to recover the costs of licensure or special permit approval less reimbursements from federal or other sources. The director shall adopt by regulation procedures for reduction or waiver of the payments of fees for a license or special permit for community care facilities in any category of licensure when the director determines that imposition of the fees which would otherwise be required by this chapter would cause undue financial hardship, or reduce the availability of sufficient facilities for placement of the persons involved, with respect to a substantial number of community care facilities within such category of licensure.

Residential facilities and day care centers which are family homes licensed to provide care for six or fewer persons, exclusive of members of the household, shall not be required to pay any fee for application for, or issuance of, a license or special permit pursuant to this chapter.

No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a facility licensed under this chapter which serves six or fewer persons.

The director shall make an annual assessment of the effect that the imposition of fees has on the availability of facilities to meet the needs of each community, and shall include a report of that assessment in the annual report to the Legislature.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local agencies which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 5. In the adoption of this act, the Legislature recognizes that certain costs of recruitment and licensure of community care facilities result in a reduction of costs which would otherwise be borne by the State of California. Such facilities have proven their value in the effectuation of local mental health programs as well as providing a means whereby a parent with minor children has been able to remain self-supporting because of the availability of child care close to home.

The sum of one million four hundred thousand dollars ($1,400,000) is hereby appropriated from the General Fund to the State Department of Health for expenditure, without regard to fiscal years, to cover those costs incurred and not recovered through fees which have been reduced or waived pursuant to Section 1523 of the Health and Safety Code, as amended by this act.

CHAPTER 498

An act to add Chapter 7.8 (commencing with Section 21140) to Division 8 of the Business and Professions Code, relating to franchise agreements, and declaring the urgency thereof, to take effect immediately

[Approved by Governor July 11, 1974 Filed with Secretary of State July 11, 1974]

The people of the State of California do enact as follows.

SECTION 1. Chapter 7.8 (commencing with Section 21140) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 7.8. FRANCHISE DEALERS FAIR PRACTICES

21140. As used in this chapter:

(a) A "franchise" is any contractual or written agreement between a petroleum corporation or distributor and a gasoline dealer under which the gasoline dealer is granted the right to use a trademark, trade name, service mark, or other identifying symbol or name owned by the corporation or distributor, or any agreement between a petroleum corporation or distributor and a gasoline dealer under which the gasoline dealer is granted the right to occupy premises owned, leased, or controlled by the corporation or distributor, for the purposes of engaging in the retail sale of petroleum and other products of the corporation and distributor.

(b) A "franchisee" is any person who, pursuant to a franchise, receives gasoline or diesel fuel from the franchisor and who sells such products at retail.

(c) A "franchisor" is any person or corporation which refines, processes, or distributes gasoline or diesel fuel.

21140.1. Notwithstanding the terms of any franchise, a retail gasoline station owned or operated by a franchisee shall not be precluded from purchasing gasoline or diesel fuel from any available source if the franchisor is unable or refuses to supply the franchisee with such products.

Failure to deliver contracted, agreed upon, or requested quantities of gasoline or diesel fuel within 72 hours of such specified contract time, agreement, or request shall constitute an inability or refusal to supply a franchisee. Requests for deliveries of gasoline or diesel fuel may be telephoned to the franchisor, except that when the franchisee intends to seek gasoline or diesel fuel from another supplier pursuant to Section 21140.1 should the franchisor be unable or refuse to supply him, a request for gasoline or diesel fuel must be made in writing to a franchisor at least 48 hours before desired delivery.

Nondelivery of gasoline or diesel fuel, by the franchisor due to accident, fire, theft or other similar acts shall not constitute an inability or refusal to supply the franchisee.

If the franchisee sells gasoline supplied from a source other than the franchisor, the franchisee shall prominently post a sign disclosing this fact to the public on each pump dispensing gasoline or diesel fuel purchased from other than the franchisor. The sign shall not be smaller then 8" x 10" with letters not less than three inches in height.

This provision shall not be construed to permit a franchisee to purchase more gasoline or diesel fuel than may be allowed by any federal statute or regulation.

21140.2. From the effective date of this section it shall be illegal for any franchisor by any action to require a franchisee to purchase

only those tires, batteries, and other automotive accessories sold by the franchisor. A franchised retail gasoline dealer may sell any tires, batteries, and other automotive accessories as may be available to him for retail sale.

21140.3. The franchisor's executive officer, representative or agent of the franchisor who negotiates any contract in violation of this chapter or who otherwise coerces a franchisee in violation of this chapter shall be subject to a civil penalty of up to fifty thousand dollars ($50,000) for each offense.

Such penalty shall be assessed and recovered in a civil action brought by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction. If brought by a district attorney or county counsel, the entire amount of the penalty shall be paid to the treasurer of the county in which the judgment was entered. If brought by the Attorney General, one-half of the penalty shall be paid to the treasurer of the county where the action was brought and one-half shall be paid to the State Treasurer. If brought by a city attorney, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.

21140.4. Any person who is injured in his business or property by reason of a violation of this chapter may sue therefor in any court having jurisdiction in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover three times the damages sustained by him, and shall be awarded attorneys' fees together with the costs of the suit. Any action brought pursuant to this section shall be commenced within four years after the cause of action accrued.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to furnish the maximum quantity of gasoline available to the public and to prevent increased closings of gasoline dealers because of a lack of supplies at the earliest time, it is necessary that this act take immediate effect.

CHAPTER 499

An act to place specified constitutional amendments on the ballot, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature Filed with Secretary of State July 12, 1974]

The people of the State of California do enact as follows:

SECTION 1. (a) There shall be submitted to the people at the general election, to be held on the fifth day of November 1974, each constitutional amendment proposed by the Legislature at the 1973–74 Regular Session which was adopted by the Legislature no earlier than June 9, 1974, and no later than June 28, 1974. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measures submitted pursuant to this section.

(b) On or before July 5, 1974, the author of the constitutional amendment and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within two days after the date of appointment.

(c) When the Secretary of State has received the arguments which will be printed in the ballot pamphlet, he shall, within five days of receipt thereof, send copies of the arguments in favor of the proposition to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments must be filed with the Secretary of State by July 15, 1974.

(d) The Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this section and shall also request the Legislative Analyst to prepare an analysis of said measure in accordance with Section 88003 of the Government Code. Said title and said analysis shall be filed with the Secretary of State within 10 days after the request is made Each measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title

SEC. 2 This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to place the necessary constitutional amendments on the ballot, it is necessary that this act go into immediate effect.

CHAPTER 500

An act to amend Section 28745 2 of the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1974 Filed with Secretary of State August 15, 1974]

The people of the State of California do enact as follows:

SECTION 1 Section 28745 2 of the Public Utilities Code is amended to read:

28745.2. A resolution establishing the election districts shall be adopted by a majority of the members of the board and submitted to the Legislature not later than May 1, 1974.

The boundaries of the election districts shall be established by the board, unless the Legislature enacts a statute which becomes effective on or before July 1, 1974, that establishes and defines such boundaries. In establishing and defining the boundaries of the election districts, the Legislature shall take into consideration the factors specified in Sections 28745.4 and 28745.6. In such a case, the election districts shall be constituted, using 1970 United States census reports, as follows:

(a) Election District 1 consists of all that portion of Contra Costa County bounded and described as follows:

Census tracts 3212 to 3440, inclusive; 3452 to 3553, inclusive; and 3610; and that portion of 3560 not included within Election District 2.

(b) Election District 2 consists of all that portion of Contra Costa County bounded and described as follows:

Census tracts 3010 to 3211, inclusive; 3570 to 3602, inclusive; and 3620 to 3902, inclusive; and that portion of 3560 north of State Highway Route 4.

(c) Election District 3 shall consist of all that portion of·

(1) Contra Costa County bounded and described as follows:

Census tracts 3910 to 3920, inclusive.

(2) Alameda County bounded and described as follows:

Census tracts 4001 to 4004, inclusive; 4011 to 4013, inclusive; 4028 to 4047, inclusive, 4049 to 4056, inclusive; 4080; 4201 to 4206, inclusive; 4211 to 4219, inclusive, 4221 to 4232, inclusive; 4235 to 4239, inclusive; and 4261 and 4262

(d) Election District 4 shall consist of all that portion of Alameda County bounded and described as follows:

Census tracts 4048; 4057 to 4079, inclusive; 4081 to 4098, inclusive; 4101 to 4104, inclusive; 4271 to 4274, inclusive; and 4276 to 4286, inclusive.

(e) Election District 5 shall consist of all that portion of:

(1) Alameda County bounded and described as follows:

Census tracts 4099 and 4100; 4301 to 4353, inclusive; 4355 to 4357, inclusive; 4364; and 4501 to 4517, inclusive.

(2) Contra Costa County bounded and described as follows:

Census tract 3451.

(f) Election District 6 shall consist of all that portion of Alameda County bounded and described as follows:

Census tracts 4354; 4358 to 4363, inclusive; and 4365 to 4446, inclusive.

(g) Election District 7 shall consist of all that portion of:

(1) San Francisco County bounded and described as follows:

Census tracts 153, 155, 158, and 159; 161 to 169, inclusive; 176 to 180, inclusive; 201 to 203, inclusive; 206 to 209, inclusive; 226 to 234, inclusive; and 606 to 610, inclusive; and those portions of 210, 251, and 252 not included within Election District 8; that portion of 253 northwest of Mission Street and east of Valencia; and that portion of 603 not included within Election District 9.

(2) Alameda County bounded and described as follows:

Census tracts 4005 to 4010, inclusive; 4014 to 4027, inclusive; and 4220, 4233, 4234, 4240, 4251, and 4275.

(h) Election District 8 shall consist of all that portion of San Francisco County bounded and described as follows:

Census tracts 204 and 205; 211 to 218, inclusive; 254 to 264, inclusive; 303 to 314, inclusive; 327 to 332, inclusive, 351 to 354, inclusive; and 604 and 605; and that portion of 210 south of 26th Street; that portion of 251 south of Esmeralda Avenue and the easterly extension thereof, together with the portion west of Peralta Avenue and south of Montcalm Street; that portion of 252 south of Precita Avenue; that portion of 253 not included within Election District 7; and that portion of 326 south of Kirkham Street and west of 26th Avenue together with the part of the County of San Mateo contained within the San Francisco Bay Area Rapid Transit District.

(i) Election District 9 shall consist of all that portion of San Francisco County bounded and described as follows:

Census tracts 101 to 135, inclusive; 151, 152, 154, 156, 157, 160, 170, 171, 301, 302, 401, and 402; 426 to 428, inclusive; 451 and 452; 476 to 479, inclusive; and 601 and 602; and that portion of 603 west of Stanyan, and that portion of 326 not included within Election District 8.

SEC. 2. It is the intent of the Legislature, by the enactment of this act, to correct technical errors made in the description of the election districts of the San Francisco Bay Area Rapid Transit District as provided for in Section 28745.2 of the Public Utilities Code, as

amended by the Statutes of 1974, Chapter 376.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the technical errors in the description of the election districts of the San Francisco Bay Area Rapid Transit District be corrected before the general election of November 5, 1974, at which time the district directors will be elected, it is necessary that this act take effect immediately.

CHAPTER 501

An act to amend Sections 73432, 73433, 73433.5, 73438, and 73438.1 of, and to repeal Section 73444 of, the Government Code, relating to courts.

[Approved by Governor August 14, 1974 Filed with Secretary of State August 15, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 73432 of the Government Code is amended to read:

73432. There shall be one clerk of the municipal court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. He shall receive the biweekly salary specified in range 51.5 of the salary schedule. The salary of the clerk of the municipal court shall be not less than 10.5 full range steps higher than the salary range in which the position of deputy municipal court clerk IV is compensated.

SEC. 2. Section 73433 of the Government Code is amended to read:

73433. The clerk of the municipal court may appoint the following subordinates, each of whom shall receive biweekly salaries in accordance with Sections 73433.5 and 73441:

(a) Three deputy municipal court clerks IV, who shall act as the chief clerks of the criminal, traffic, and court clerk divisions of the court, respectively, and each of whom shall receive the biweekly salary specified in range 41 of the salary schedule.

(b) Ten deputy municipal court clerks III, each of whom shall receive the biweekly salary specified in range 39 of the salary schedule.

(c) One account clerk III, municipal court, who shall receive the biweekly salary specified in range 38 of the salary schedule.

(d) Six deputy municipal court clerks II, each of whom shall receive the biweekly salary specified in range 36 of the salary schedule.

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(e) One account clerk II, municipal court, who shall receive the biweekly salary specified in range 36 of the salary schedule.

(f) Fourteen deputy municipal court clerks I or junior deputy municipal court clerks. Deputy municipal court clerks I shall receive the biweekly salary specified in range 31 of the salary schedule. Junior deputy municipal court clerks shall receive the biweekly salary specified in range 28.

Junior deputy municipal court clerk may be the entrance position to the clerk's staff. The clerk may advance any junior deputy municipal court clerk to the position of deputy municipal court clerk I without further examination, if the junior deputy has served for six months and otherwise meets the qualifications for deputy municipal court clerk I and if the clerk is satisfied with the junior deputy's performance during the six-month period.

The salaries specified in subdivisions (a) through (f), inclusive, of this section may be adjusted pursuant to the provisions of Section 73433.5.

SEC. 3. Section 73433.5 of the Government Code is amended to read:

73433.5. The clerk and deputy clerks shall be paid biweekly pursuant to the payroll procedures in effect in the County of Kern.

(a) Whenever reference to a numbered salary range of the salary schedule is made in any section of this article, the schedule found in the salary ordinance of the County of Kern in effect on May 1, 1974, shall apply.

(b) The five step levels in the salary schedule incorporated by reference in subdivision (a) are defined as follows:

"Step A" shall consist of the minimum rate of compensation for the position to which the salary range applies and shall be the hiring rate for such position;

"Step B" shall be the rate of compensation payable to any person who has occupied his position for one (1) year on the first day of the month following the anniversary of his appointment to the position;

"Step C" shall be the rate of compensation payable to any person who has occupied his position for two (2) years on the first day of the month following the anniversary of his appointment to the position;

"Step D" shall be the rate of compensation payable to any person who has occupied his position for three (3) years on the first day of the month following the anniversary of his appointment to the position; and

"Step E" shall be the rate of compensation payable to any person who has occupied his position for four (4) years on the first day of the month following the anniversary of his appointment to the position.

(c) Notwithstanding any other provision of this article:

(1) The minimum salary for each position shall normally be "step A" for the position. If it is difficult to secure qualified personnel at that step or if a person of unusual qualifications is engaged, the court or the clerk, as the case may be, may hire at any step of the salary

range applicable to the position.

(2) A majority of the judges of the court may place the clerk in the step of the salary range to which he would be entitled if he had been placed in "step C" of such salary range on the effective date of his appointment as clerk

(3) If a deputy clerk changes his position to another position of higher salary range, he shall receive the lowest amount provided in the salary range for the new position which is at least equal to the amount he would have received if he had been advanced one step higher in the salary range applicable to his old position. If at the time such deputy clerk changes his position to another of higher salary range he is receiving the salary provided in "step E" of the salary range applicable to his old position, he shall receive the lowest amount provided in the salary range for the newer position which is at least equal to the salary provided in "step E" of such old position plus the difference between the salaries provided in "step D" and in "step E" of such old position.

(d) Certain positions in the municipal court are comparable to certain positions in the classified civil service of the County of Kern The comparable positions are, respectively, as follows:

Municipal court classifications	County classifications
Deputy municipal court clerk IV	Superior court clerk II
Deputy municipal court clerk III	Superior court clerk I
Account clerk III, municipal court	Account clerk III
Deputy municipal court clerk II	Clerk IV
Account clerk II, municipal court	Account clerk II
Deputy municipal court clerk I	Typist-clerk II
Junior deputy municipal court clerk	Typist-clerk I

The salaries paid by the County of Kern to persons holding the positions in the classified service of the County of Kern hereinabove designated are paid in accordance with ordinances of said county adopted under the laws of the state and pursuant to a standardized salary schedule which, with respect to the several steps and ranges incorporated by reference in subdivision (a) of this section, is identical to the salary schedule incorporated by reference in subdivision (a) of this section. If and when the Board of Supervisors of the County of Kern adjusts the salaries paid to persons holding one or more of the respective positions among the county classifications hereinabove set forth, the salaries paid to persons holding each and every respective comparable position among the municipal court classifications hereinabove set forth shall be adjusted commensurately and in accordance with the provisions of this section. Such adjustment shall be effective the same date as the effective date of the action of said board of supervisors applicable to the respective and comparable county classifications. No salary

adjustment exceeding four full range steps in the respective salaries specified in Section 73433 and this section may be made pursuant to this subdivision. In the event any amendment to the standardized salary schedule of Kern County and the steps and ranges incorporated by reference in subdivision (a) of this section, impairs or alters the identity now existing between the standardized salary schedule of Kern County and the steps and ranges incorporated by reference in subdivision (a) of this section, the salaries of the comparable positions among the municipal court classifications hereinabove set forth may not thereafter be adjusted pursuant to this subdivision.

SEC. 4. Section 73438 of the Government Code is amended to read:

73438. Official reporters in the municipal courts shall be appointed pursuant to Section 72194 and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court of the State of California, in and for the County of Kern, which shall be a charge against the general fund of the county.

SEC. 5. Section 73438.1 of the Government Code is amended to read:

73438.1. There shall be one judicial secretary, to be appointed by a majority of the judges of the court. The judicial secretary shall hold office during the pleasure of the judges of such court.

The judicial secretary shall receive a biweekly salary fixed within a salary range which shall be one and one-half salary ranges lower than the salary range in which the position of deputy municipal court clerk IV is compensated.

SEC. 6. Section 73444 of the Government Code is repealed.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 502

An act to add Section 16869 to the Education Code, to add Part 15 (commencing with Section 103000) to Division 10 of the Public Utilities Code, and to amend Section 7252 of, and to add Section 7272.5 to, the Revenue and Taxation Code, relating to public transit, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1974. Filed with Secretary of State August 15, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 16869 is added to the Education Code, to read:

16869. The following requirements shall be included in any agreement entered into between a school district and a publicly owned transit system under which the school district grants the use of any schoolbus which is owned or leased by it to the transit system for public transportation purposes:

(a) All schoolbus warning lights and exterior lettering or signs that identify the bus as a schoolbus are covered or removed during operation by the transit system.

(b) Mechanical condition of a schoolbus during operation by the transit system is maintained so as to meet or exceed those regulations promulgated by the State Board of Education pursuant to Section 16852 governing the operation of schoolbuses.

(c) Accurate records are maintained which reflect the actual number of miles any schoolbus is driven during times of operation by the transit system.

SEC. 2. Part 15 (commencing with Section 103000) is added to Division 10 of the Public Utilities Code, to read:

PART 15. SAN MATEO COUNTY TRANSIT DISTRICT

CHAPTER 1. TITLE OF ACT AND POLICY

103000. This part shall be known and may be cited as the "San Mateo County Transit District Act."

103001. It is necessary that a transit district be established in the County of San Mateo in order to meet the public transit problems of that county. Because there is no general law under which such a district could be formed, the adoption of a special act and the formation of a special district is required.

CHAPTER 2. DEFINITIONS

103010. Unless the context otherwise requires, the provisions of this chapter govern the construction of this part.

103011. "District" means the San Mateo County Transit District.

103012. "Transit" or "transit service" means the transportation of passengers and their incidental baggage and parcels by any means.

103013. "Transit works" or "transit facilities" means any or all real and personal property, equipment, rights, or interests owned, or to be acquired, by the district for transit service or purposes.

103014. "Board of directors", "board", or "directors" means the board of directors of the district.

103015. "County" means the County of San Mateo.

103015.5. "Board of supervisors" means the county board of supervisors.

103016. "Public agency" includes the State of California, and any county, city, district, or other political subdivision or public entity of, or organized under the laws of, this state, or any department, instrumentality, or agency thereof.

103017. "System" means all transit works and transit facilities owned or held, or to be owned or held, by the district for transit purposes.

103018. "Revenues" means all rates, fares, tolls, rentals, or other income and revenue actually received or receivable by, or for the account of, the district from the operation of the system, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities any profits derived from the sale of any securities, and any consideration in any way derived from any properties owned, operated, or at any time maintained by the district.

103019. "Person" includes any individual, firm, partnership, association, corporation, trust, business trust, or the receiver or trustee or conservator for any thereof, but does not include a public agency, as defined in Section 103016.

103020. "Establish" includes establish, construct, complete, acquire, extend, or reroute. It does not, however, include the maintenance and operation of any existing system acquired by the district.

103021. "Existing system" means any transit service or system of a publicly or privately owned public utility, or division thereof, which was operating on January 1, 1974, entirely within the county, or which operated at least 75 percent of its revenue vehicle miles for 1973 within the county, but does not include a charter-party carrier, the charter service of a passenger stage corporation, any taxi service, or other common carrier.

CHAPTER 3. FORMATION OF DISTRICT

Article 1. General Provisions

103050. The San Mateo County Transit District may be formed as provided in this chapter and, when so formed, may exercise the powers herein granted.

103051. The district shall include all the incorporated and unincorporated territory lying within the county.

103052. The board of supervisors may, after notice published pursuant to Section 6061 of the Government Code and public hearing, adopt a resolution declaring that, in its opinion, public interest or necessity demands the formation of the San Mateo County Transit District.

103053. The district shall not be subject to the Knox-Nisbet Act (Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5 of the Government Code), except as to dissolution proceedings under Chapter 8 (commencing with Section 103700).

Article 2. Formation Election

103070. Upon adoption of the resolution provided for in Section 103052, the board of supervisors shall adopt a resolution calling an election within the proposed district for the purpose of determining whether the proposed district shall be formed.

103071. The resolution calling the formation election shall be published pursuant to Section 6061 of the Government Code. The resolution shall:

(a) Call and provide notice of the special election.

(b) Fix a date of election.

(c) State the question to be submitted to the voters pursuant to Section 103072.

(d) Contain such other matters as may be necessary to call and provide notice of such election, and to provide for the conduct and the canvass of the returns thereof.

103072. The ballot for the election shall contain such instructions as are required by law to be printed thereon and, in addition thereto, the following:

Shall the "San Mateo County Transit District" be formed?	YES	
	NO	

103073. The county registrar of voters shall mail a notice of polling place, and the date and purpose, of the election to each registered voter of the county.

103074. The provisions of Article 3 (commencing with Section 3780), Chapter 2, Division 4 of the Elections Code relating to ballot arguments and analyses shall be applicable to the formation election.

103075. The general elections provisions of the Elections Code, as far as they may be applicable, relating to the qualifications of voters, the manner of voting, the form of the ballot, the duties of precinct and election officers, the canvassing of returns, and all other particulars shall govern the election.

103076. No person shall be entitled to vote at the election unless he is a registered voter of the county.

103077. The county registrar of voters shall canvass the returns and certify the election results to the board of supervisors.

103078. The board of supervisors shall make all provisions for the holding of the election throughout the district as proposed, and the cost of the election shall be a charge against the general funds of the county.

103079. If a majority of the electors voting on the proposition vote in favor of the formation of the district, the board of supervisors shall adopt an order declaring the result of the election and declaring the

district to be formed, and shall cause a certified copy of such order to be filed with the Secretary of State, at which time the formation of the district shall be deemed complete.

Article 3. Contest of Validity of Formation

103085. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the formation of the district. Any proceedings wherein the validity of the formation is denied shall be commenced within 90 days from the date of filing the order declaring the result of the election with the Secretary of State. Otherwise, the formation and the legal existence of the district shall be held to be valid and incontestable.

CHAPTER 4. GOVERNMENT OF DISTRICT

Article 1. Board of Directors

103100. The government of the district shall be vested in a board of directors, which shall consist of nine members, selected as follows:

(a) Three members, two of whom shall, at the time of their appointments and during their service as directors, be members of the board of supervisors and one of whom shall possess expertise in the field of transportation, appointed by the board of supervisors

(b) Three members, all of whom shall be city councilmen at the time of their appointments and during their service as directors, with one from each of the judicial districts in the county, appointed by the city selection committee created pursuant to Article 11 (commencing with Section 50270), Chapter 1, Part 1, Division 1, Title 5 of the Government Code.

(c) Three members, one of whom shall be a resident of the coastal zone as defined in Section 27100 of the Public Resources Code, at the time of their appointments and during their service as directors, appointed by the six members appointed pursuant to subdivisions (a) and (b).

103102. Within 30 days after the adoption of the order declaring the district formed, the members of the board of directors appointed pursuant to subdivisions (a) and (b) of Section 103100 shall meet in the chambers of the board of supervisors. The date of the first meeting shall be prescribed by the clerk of the board of supervisors. At that meeting, the three members to be appointed pursuant to subdivision (c) of Section 103100 shall be appointed.

103103. The board at its first meeting, and thereafter annually at the first meeting in January, shall elect a chairman who shall preside at all meetings, and a vice chairman who shall preside in his absence. In the event of their absence or inability to act, the members present, by an order entered in the minutes, shall select one of their members to act as chairman pro tem, who, while so acting, shall have all of the

authority of the chairman.

103104. The board shall establish rules for its proceedings.

103105. A majority of the members of the board shall constitute a quorum for the transaction of business, and all official acts of the board shall require the affirmative vote of a majority of the members of the board.

103106. The acts of the board shall be expressed by motion, resolution, or ordinance.

103107. All meetings of the board shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code).

103108. Except for the terms of office of the members of the first board, the term of office of each member shall be four years and until the appointment and qualification of his successor. The members of the first board shall classify themselves by lot so that the term of office of four members is two years and of five members is four years.

103109. The expiration date of the term of office of each member shall be the 31st day of December in the year in which his term is to expire.

103111. The body which originally appointed a member whose term has expired shall appoint his successor for a full term of four years.

103112. Any vacancy on the board shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.

103113. Each member of the board shall receive compensation, as determined by the board, in an amount not to exceed fifty dollars ($50) for each day attending meetings of the board, but not to exceed one hundred dollars ($100) in any month, and shall receive his actual necessary expenses incurred in the performance of his duty.

Article 2. Powers and Duties of Board of Directors

103140. The board is the legislative body of the district and shall determine all questions of district policy.

103141. It shall be the duty of the board and it shall have the power to:

(a) Determine the transit facilities to be acquired and constructed by the district, the manner of operation, and the means to finance them.

(b) Adopt an annual budget for the district and fix the compensation of its officers and employees.

(c) Fix rates, rentals, charges, and classifications of transit service operated by the district.

(d) Adopt an administrative code, by ordinance, which shall prescribe the powers and duties of district officers, the method of appointment of district employees, and methods, procedures, and systems of operation and management of the district.

(e) Adopt by ordinance, rules and regulations governing the use of transit facilities owned or operated by the district.

(f) Cause a postaudit of the financial transactions and records of the district to be made at least annually by a certified public accountant.

(g) Appoint such advisory commissions as it deems necessary.

(h) Do any and all things necessary to carry out the purposes of this part.

Article 3. Officers

103160. The officers of the district shall consist of the members of the board, the chairman of the board, a secretary, a general manager, a legal counsel, a controller, a treasurer, and such other officers, assistants and deputies as the board may deem necessary and provide for by ordinance.

103161. The county may render such assistance to the district as it may require, including the performance by officers of the county as ex officio officers of the district, of the functions of general manager, legal counsel, controller, and treasurer. The district shall reimburse the county for the services performed by the county to the district.

103162. Article 4 (commencing with Section 1090), Chapter 1, Division 4, and Division 4.5 (commencing with Section 3600), of Title 1 of the Government Code shall apply to all officers, employees, and contracts of the district.

Article 4. General Manager

103180. The powers and duties of the general manager are:

(a) To head the administrative branch of the district and to be responsible to the board for the proper administration of all affairs of the district.

(b) To appoint, supervise, suspend, or remove district officers other than members of the board and officers appointed by the board.

(c) To supervise and direct the preparation of the annual budget for the board and be responsible for its administration after its adoption.

(d) To formulate and present to the board plans for transit facilities within the district and the means to finance them.

(e) To supervise the planning, acquisition, construction, maintenance, and operation of the transit facilities of the district.

(f) To prepare and submit to the board, as soon as practicable after the end of each fiscal year, a complete report of the finances and administrative activities of the district for the preceding year.

(g) To perform such other and additional duties as the board may require.

CHAPTER 5. POWERS AND FUNCTIONS OF DISTRICT

Article 1. Corporate Powers

103200. The district has perpetual succession and may adopt a seal and alter it at its pleasure.

103201. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

103202. All claims for money or damages against the district are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

103203. The district may levy and collect, or cause to be collected, taxes for any lawful purpose, as provided by law.

103204. Except as otherwise provided in this part, district elections shall be called, held, and conducted as provided by law for county elections.

Article 2. Contracts

103220. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this part.

103221. The district may contract with any department or agency of the United States of America, with any public agency, or with any person upon such terms and conditions as the board finds is for the best interest of the district.

103222. Contracts for the purchase of supplies, equipment, and materials in excess of three thousand five hundred dollars ($3,500) shall be awarded to the lowest responsible bidder after competitive bidding, except in emergency declared by the vote of seven members of the board.

103223. If, after rejecting bids received under Section 103222, the board determines and declares by a two-thirds vote of all of its members that, in its opinion, the supplies, equipment, or materials may be purchased at a lower price in the open market, the board may proceed to purchase these supplies, equipment, or materials in the open market without further observance of the provisions regarding contracts, bids, or advertisements.

103224. Contracts for the construction of transit works or transit facilities in excess of ten thousand dollars ($10,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in emergency declared by the vote of seven members of the board.

103225. The district may insure against any accident or

destruction of the system or any part thereof. The district may insure against loss of revenues from any cause whatsoever. It may provide, in the proceedings authorizing the issuance of any bonds, for the carrying of insurance in such amount and of such character as may be specified, and for the payment of the premiums thereon. The district may also provide insurance as provided in Part 6 (commencing with Section 989), Division 3.6, Title 1 of the Government Code.

103226. The district may contract for the services of independent contractors.

Article 3. Property

103240. The district may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district necessary to the full or convenient exercise of its powers.

103241. Whenever a portion of a parcel of real property is to be taken for district purposes and the remainder is to be left in such state or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the district may acquire the whole parcel and may sell the excess portion or exchange it for other property suitable for district purposes.

103242. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part, whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The district, in exercising such power, shall, in addition to the damages for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public agency or utility which is required to be moved to a new location. If property is condemned by the district, the district may take possession and use the property in accordance with the provisions of Section 1243.5 of the Code of Civil Procedure.

103243. The Public Utilities Commission of the state shall have and exercise power and jurisdiction to fix just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings brought by the district. No taking or acquisition

by the district which would involve the abandonment, removal, relocation, or use of the property of a railroad corporation, as defined in Section 230, shall be permitted, unless the Public Utilities Commission, after a hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service. The district may commence and maintain such eminent domain proceedings in the Public Utilities Commission or the superior court at its option.

103244. The district is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to any public agency to construct or maintain roads, highways, or other crossings over any public or private lands.

Article 4. Transit Planning

103260. The board shall adopt a general transit plan for the district.

103261. The general transit plan, or any element or amendment thereof, shall be adopted in the manner provided in this article.

103262. The general manager shall submit the proposed plan, or an element or amendment thereof, to the board which shall hold a public hearing thereon. Notice of the time and place of the hearing shall be given at least 30 days before the hearing. The notice shall be published pursuant to Section 6061 of the Government Code, and written notice shall also be mailed to each city council in the county. The hearing may be continued from time to time.

103263. The adoption of the general plan, or an element or amendment thereof, including any changes or additions, shall be by resolution of the board.

103264. The district may adopt official plan lines based on the adopted general plan designating the precise location of planned rights-of-way of transit works and facilities. Official plan lines shall be adopted in the same manner as required for the adoption of the general plan.

103265. The provisions of Article 5 (commencing with Section 53090), Chapter 1, Part 1, Division 2, Title 5 of the Government Code shall not be applicable to the district.

Article 5. Transit Facilities and Service

103280. The district may provide transit service within or without the district for the transportation of passengers and their incidental baggage and parcels by any means.

103281. The district may operate charter bus service subject to the following limitations:

(a) No bus equipment which is designed solely for charter service

shall be purchased. A bus equipped with a toilet or underfloor baggage compartment shall be deemed charter equipment.

(b) The board shall hold a public hearing prior to adopting a charter rate schedule or any amendment thereof. Notice of the hearing shall be mailed to each charter-party carrier operating within the district at least 30 days prior to the hearing. The notice shall include the proposed charter rate schedule. At the close of the public hearing, the board may adopt charter rate schedules which shall not be less than the average for the three largest private charter-party carriers operating similar service in the district.

(c) Charter service shall originate and terminate within the area served by the district unless a private charter-party carrier requests the district to provide service beyond the area served by the district.

103282. The district may acquire, construct, own, operate, control, or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals, parking lots, and any and all facilities necessary or convenient for transit service within or without the district, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons or vehicles thereto, and may acquire any interest in, or rights to, the use or joint use of any or all of the foregoing.

103283. The district may lease, or contract for the use of, its transit facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator," as used in this section, means any public agency or any person.

103284. The board may contract with any public agency or person to provide transit facilities and services for the district.

103285. The district may construct and operate, or acquire and operate, transit works and facilities in, under, upon, over, across, or along any state or public highway, or any stream, bay, or watercourse, or over any of the lands which are the property of the state, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the state.

103286. The district may enter into agreements for the joint use of any property and rights by the district and any public agency or public utility operating transit facilities and may enter into agreements with any public agency or public utility operating any transit facilities, wholly or partially within or without the district, for the joint use of any property of the district or of such public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers, or pooling arrangements.

103287. The rates and charges, if any, for transit service furnished pursuant to this part shall be fixed by the board and shall be reasonable.

103288. The district shall be subject to the provisions of Division 14.8 (commencing with Section 34500) of the Vehicle Code with respect to the operation of buses and to the rules and regulations

enforceable by the Department of the California Highway Patrol pursuant to that chapter regulating the safe operation of buses.

103289. The district and any one or more school districts located within the district may enter into agreements pursuant to which school transportation equipment may be used for transit purposes within the district during any time that such equipment is not actually required for school purposes.

103290. No interconnection shall be made into fixed right-of-way facilities of the San Francisco Bay Area Rapid Transit District without the approval of the voters of the district at an election called for the purpose of securing such approval. Any fixed right-of-way facilities shall be in compliance with Section 66515.5 of the Government Code.

Article 6. Existing Systems

103300. Notwithstanding any other provision of this part, before the district may establish any transit service or system which may, at any time, divert, lessen, or compete for the patronage or revenues of any existing system, the district shall give a written notice to the public utility or public agency which is operating the existing system. The written notice shall describe the transit service or system which the district proposes to establish and shall state the time within which the district proposes to establish such service or system.

103301. The district shall not establish the proposed service or system, or maintain and operate the service or system until it has completed the purchase of any existing system or any part thereof.

103302. The district and public utility operating the existing system may agree upon the purchase price or they may agree that the purchase price is to be established by arbitration and upon the method of naming arbitrators and the method of conducting such arbitration.

103303. Section 851 shall not apply to any contract for sale or sale of an existing system, or any portion thereof, pursuant to this chapter, and the Public Utilities Commission shall have no jurisdiction with respect thereto.

Article 7. Public Grants, Loans, and Contributions

103310. The district may accept, without limitation by any other provisions of this part requiring approval of indebtedness, contributions, grants, or loans from any public agency or the United States or any department, instrumentality, or agency thereof, for the purpose of financing the acquisition, construction, maintenance, or operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, any public agency or the United States, or agency thereof, in the acquisition, construction, maintenance, or operation of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State

of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or any public agency in the acquisition, construction, maintenance, and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

103311. The district shall have the power to obtain temporary transfers of funds in accordance with the last paragraph of Section 25 of Article XIII of the California Constitution.

Article 8. Property Taxation

103320. The district may levy and collect, or cause to be collected, property taxes for any lawful purpose.

103321. In addition to revenues and receipts from other sources, the board may levy and collect a property tax.

103322. The district shall not levy or collect a property tax unless a majority of the voters voting on the question at an election called for such purpose approves the levy of a property tax by the district.

103323. Each election shall be called and conducted by the district in the same manner as provided by law for the conduct of special elections by a county. The board may contract with the county, or delegate to the appropriate county officials the authority, to conduct the election on behalf of the district. The costs of any such election may be advanced to the district by the county prior to the time that the district has revenues of its own, to be repaid from subsequent district revenues.

103324. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto, the following:

Shall the San Mateo County Transit District be authorized to operate and levy a property tax at an annual rate which shall not exceed ____ cents ($0.__) on each one hundred dollars ($100) of assessed valuation within the district?	YES ☐ NO ☐

103326. The board shall avail itself of the assessments made by the county assessor of the assessments made by the State Board of Equalization for the county, and shall take such assessments as the basis for district property taxation and have its property taxes collected by the county tax collector.

103327. The county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district.

103328. The board shall, on or before the first day of September, fix the rate or rates of taxes, designating the number of cents upon

each one hundred dollars ($100), and use as a basis the value of property transmitted to the board by the county auditor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board.

103329. The board shall, immediately after fixing the rate or rates of taxes, transmit to the county auditor a statement of the rate of taxes fixed by the board.

103330. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

103331. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold.

103332. All taxes levied under this article are a lien on the property on which they are levied. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this article so far as applicable.

103333. In lieu of, or in addition to, any taxes which may be levied by the district pursuant to this article, any city council within the district or the board of supervisors may enter into agreement with the district to make annual contributions to the district from its general funds or from any other source of funds legally available to it for such purpose.

Article 9. Taxation for Bond Redemption Purposes

103340. The district may levy and collect, or cause to be collected, property taxes, for bond redemption purposes.

103341. (a) Except as otherwise provided in subdivision (b), if from any cause the revenues of the district are, or are expected to be, inadequate in any year to pay the principal of, interest on, or sinking fund payments for bonds of the district as they become due, or to establish or maintain any reserve fund therefor, the board shall levy for district purposes and collect upon all property in the district taxable for county purposes a tax sufficient, together with revenues already collected and available therefor, to pay the interest on the bonds as they will become due and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with its bondholders, that will become due before the proceeds of a tax levied at the next general tax levy will be available for such purpose, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders.

(b) If the ordinance calling the election on the issuance of bonds provides that all or any portion of the retail transaction and use tax authorized under Article 10 (commencing with Section 103350) be levied and used to the extent required to pay principal of and interest on the bonds, the board, in order to provide for any sinking fund payments required therefor and to create or maintain any reserve fund required therefor, shall estimate the revenues of the district which are expected to be available for such purposes and the amount to be raised by such a tax as is required to be levied and used for such purposes in order to provide for the payment of all such obligations when due. The board may, in its regular annual budget, or in a special budget which may be prepared at any time, show the amounts needed for such purposes, estimate the revenue available therefor, and thereafter fix the rates of and levy and collect, or provide for the collection of, such a tax as will provide, together with other revenues available therefor, at least all sums necessary for such purposes insofar as such levies do not exceed the maximum rates of such a tax stated in the ordinance calling the bond election.

If from any cause the revenues of the district are, or are expected to be, inadequate to pay the principal of and interest on the bonds and sinking fund payments as they become due, and establish or maintain any reserve fund required therefor, and if the proceeds of such tax levied at the maximum rates authorized, together with such revenues, are still estimated to be insufficient for such purposes, the board shall levy and collect upon all property in the district taxable for county purposes a tax at least sufficient, with the revenues already collected and available therefor, together with the anticipated proceeds of the special tax, to pay the interest on the bonds that will become due and such part of the principal thereof, including any sinking fund payments, that will become due before the proceeds of a tax levied at the time of the next general tax levy will be available for such purposes, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders.

103342. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county, and shall take such assessments as the basis for district property taxation and have its property taxes collected by the tax collector of the county.

103343. The county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 103326.

103344. The board shall, on or before the first day of September, fix the rate of taxes, designating the number of cents upon each one hundred dollars ($1.00), and use as a basis the value of property transmitted to the board by the county auditor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board.

103345. The board shall, immediately after fixing the rate of taxes, transmit to the county controller a statement of the rate of taxes fixed by the board.

103346. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

103347. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county controller pursuant to provisions of the Revenue and Taxation Code.

103348. All taxes levied under this article are a lien on the property on which they are levied. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this article so far as applicable.

Article 10. Retail Transaction and Use Tax

103350. A retail transactions and use tax ordinance may be adopted by the board in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code.

103351. Any transactions and use tax ordinance adopted shall be operative on the first day of the first calendar quarter commencing not less than 180 days after adoption of the ordinance.

103352. The district may contract with the State Board of Equalization for its services in the preparation necessary to administer a transaction and use tax ordinance. The costs to be covered by the contract are to be for services of the types described in Section 7272.5 of the Revenue and Taxation Code for preparatory work up to the date of the adoption of the ordinance. Any disputes as to the amount of the costs shall be resolved in the same manner as provided in that section.

103353. Prior to the operative date of the transaction and use tax ordinance, the district shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance.

103354. If the district shall not have contracted with the State Board of Equalization prior to the operative date of its transaction and use tax ordinance, it shall nevertheless so contract, and, in such case, the operative date shall be the first day of the first calendar quarter following the execution of the contract.

103355. Repeal of the transactions and use tax ordinance shall not be operative earlier than the first day of the first calendar quarter following the adoption of the ordinance of repeal.

103356. Whenever a bond election is held to authorize a bonded

indebtedness pursuant to Section 103500, the ordinance calling the election may include a statement that the transaction and use taxes, or a stated portion thereof, shall be levied, or continued to be levied, and used to the extent required to pay the principal of, and interest on, the bonds as they become due, to provide any sinking fund payments required therefor, and to create or maintain any reserve fund required therefor.

A vote in favor of the issuance of the bonds shall authorize the use of such taxes for such purposes. The transactions and use tax ordinance shall not be repealed until all bonds payable from the revenues derived from such taxes have been fully paid or provision has been made for their payment in full.

Article 11. Investments

103390. Subject to any agreement or covenant between the district and the holders of any of its obligations limiting or restricting classes of investments, the district may invest any surplus money in its treasury, including money in any sinking fund, reserve fund, or other fund created or established for the benefit of holders of any outstanding obligations of the district, in any of the following:

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act or the National Housing Act.

(d) Treasury notes or bonds of this state, or of any public corporation, municipal corporation, public district, or political subdivision within this state which are legal as security for the deposit of public funds.

(e) In any investment in which county funds may be placed pursuant to the general laws of the state.

103391. Such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

103392. Any bonds, treasury notes, or obligations purchased and held as investments by the district may, from time to time, be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

103393. Sales of any bonds, treasury notes, or obligations purchased and held by the district shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds, treasury notes, or obligations were originally purchased was placed in the treasury of the district.

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CHAPTER 6. PERSONNEL

Article 1. Employee Relations

103400. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

103401. Any question which may arise with respect to whether a majority of employees in an appropriate unit desire to be represented by a labor organization shall be submitted to the Director of Industrial Relations. In resolving such questions of representation, including the determination of the appropriate unit or units, petitions, and the conduct of hearings and elections, the director shall apply the relevant federal law and administrative practice developed under the Labor Management Relations Act, 1947, as amended, and, for this purpose, shall adopt appropriate rules and regulations.

The State Conciliation Service shall administer such rules and regulations and shall provide for a prompt public hearing and secret ballot election to determine the question of representation and shall certify the results to the parties.

Any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later, except that no collective bargaining agreement shall be considered to be a bar to representation proceedings for a period of more than two years.

103402. Whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization and upon determining, as provided in Section 103401, that the labor organization represents at least a majority of the employees in the appropriate unit, the board and the accredited representative of employees shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, hours, pensions, and working conditions.

103403. No contract or agreement shall be made with any labor organization, association, or group where such organization, association, or group denies membership on the grounds of race, creed, or color; provided, that such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

103404. If, after a reasonable period of time, representatives of the district and the accredited representatives of the employees fail to reach agreement on the terms of a written contract governing

wages, hours, pensions, and working conditions or the interpretation or application of the terms of an existing contract, either party may request mediation services of the State Conciliation Service.

103405. If, after a reasonable period of time, representatives of the district and the accredited representatives of the employees fail to reach agreement either on the terms of a written contract governing wages, hours, pensions, and working conditions or the interpretation or application of the terms of an existing contract, upon the agreement of both the district and the representatives of the employees, the dispute may be submitted to an arbitration board.

The arbitration board shall be composed of two representatives of the district and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the State Conciliation Service. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the fifth arbitrator and chairman of the board of arbitration. The labor organization and the district shall determine by lot who shall first strike a name from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto.

Each party shall be responsible for the expense of the presentation of its case. All other expenses of arbitration shall be borne equally by the parties and the expenses may include the making of a verbatim record of the proceedings and transcript of that record.

103406. In the event the district and the representatives of the employees do not agree to submit any dispute to arbitration as provided in Section 103405, the State Conciliation Service may be notified by either party that a dispute exists and there is no agreement to arbitrate.

Following such notification, the State Conciliation Service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists. Upon such determination, the service shall certify its findings to the Governor of the State of California. The Governor shall, within 10 days of receipt of certification, appoint a factfinding commission consisting of three persons.

The commission shall immediately convene and inquire into and investigate the issues in the dispute.The commission shall have authority to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, documents, and other records. Subpoenas shall be served and enforced in accordance with Chapter 2 (commencing with Section 1985), Title 3, Part 4 of the Code of Civil Procedure. The commission shall report to the Governor within 30 days of the date of its creation.

After the creation of such a commission, and for 30 days after such commission has made its report to the Governor, no change, except

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by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose, and service to the public shall be provided.

103407. In the event an exclusive collective bargaining representative is selected pursuant to Section 103401, the provisions of Chapter 10 (commencing with Section 3500), Division 4, Title 1 of the Government Code are not applicable to the district.

Article 2. Rights of Employees of Existing Facilities

103420. Whenever the district acquires existing facilities from a publicly or privately owned utility, either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such utility whose duties pertain to the facilities acquired who have been employed by such utility for at least 75 days shall be appointed to comparable positions in the district without examination. These employees shall be given sick leave, seniority, and vacation credits in accordance with the records of the acquired public utility. No employee of any acquired public utility shall suffer any worsening of wages, seniority, pension, vacation, or other benefits by reason of the acquisition.

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board.

103421. Whenever the district acquires existing facilities from a publicly or privately owned utility, either in proceedings in eminent domain or otherwise, that has a pension plan in operation, members and beneficiaries of such pension plan shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system. The outstanding obligations and liabilities of such public utility by reason of such pension plan shall be considered and taken into account and allowance made therefor in the purchase price of such public utility. The persons entitled to pension benefits as provided for in this section and the benefits which are provided shall be specified in the agreement or order by which any public utility is acquired by the district.

Article 3. Pension Plan

103440. The adoption, terms, and conditions of a pension plan covering employees of the district in a bargaining unit represented by a labor organization shall be pursuant to a collective bargaining agreement between such organization and the district.

103441. The board may contract with the Board of Administration of the Public Employees' Retirement System and enter all, or any portion, of its employees under such system; provided, that no employees of the district in a bargaining unit which is represented by a labor organization shall be included in such contract except as authorized by a collective bargaining agreement.

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103442. All persons receiving pension benefits from an acquired public utility, and all persons entitled to pension benefits under any pension plan of such acquired public utility, may become members or receive pensions under a pension plan established by the district by mutual agreement of such persons and the district. Such agreement may provide for the waiver of all rights, privileges, benefits, and status with respect to the pension plan of such acquired public utility.

Article 4. Other Benefits

103450. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Subchapter II of the Federal Social Security Act, as amended, and the related provisions of the Federal Contributions Act, as amended.

103451. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workmen's compensation, unemployment compensation, and disability and unemployment insurance laws of the State of California.

CHAPTER 7. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS

Article 1. Authorization and Issuance of General Obligation Bonds

103500. Whenever the board deems it necessary for the district to incur a bonded indebtedness for the acquisition, construction, or repair of any or all improvements, works, property or facilities, authorized by this part or necessary or convenient for the carrying out of the powers of the district, or for any other purpose authorized by this part, it shall, by ordinance, adopted by a vote of two-thirds of all members of the board, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district; provided the total amount of bonds issued and outstanding pursuant to this article shall not exceed 15 percent of the assessed value of the taxable property of the district as shown by the last equalized assessment roll of the county. The ordinance shall state:

(a) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of such purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance, and sale of the bonds.

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(b) The estimated cost of accomplishing such purposes.

(c) The amount of the principal of the indebtedness.

(d) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 50 years from the date thereof or the date of each series thereof.

(e) The maximum rate of interest to be paid, which shall not exceed 7 percent per annum.

(f) The proposition to be submitted to the voters, which may include one or more purposes.

(g) The date of the election.

(h) The manner of holding the election and the procedure for voting for or against the measure.

(i) The ordinance may also contain, a statement that the transaction and use tax imposed pursuant to Article 10 (commencing with Section 103350) of Chapter 5, or a stated portion thereof, shall be levied, or continued to be levied, and used to the extent required to pay the principal of, and interest on, the bonds as they become due, to provide for any sinking fund payments required therefor, or to create or maintain any reserve fund required therefor.

(j) The ordinance may also contain any other matters authorized by this part or any other law.

103501. Notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the ordinance calling for election in at least one newspaper published in such district. No other notice of such election need be given. Except as otherwise provided in the ordinance, the election shall be conducted as other district elections.

103502. If any proposition is defeated by the electors, the board shall not call another election on a substantially similar proposition to be held within six months after the prior election. If a petition requesting submission of such a proposition, signed by 15 percent of the district electors, as shown by the votes cast for all candidates for Governor within the district at the last gubernatorial election, is filed with the board, it may call an election before the expiration of six months.

103503. If 60 percent of the electors voting on the proposition vote for it, then the board may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized and may from time to time, by resolution, provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. The full amount of bonds may be divided into two or more series and different dates of payment fixed for the bonds of each series. A bond need not mature on an anniversary of its date. The maximum term the bonds of any series shall run before maturity shall not exceed 50 years from the date of each series respectively. In such resolution or resolutions, the board shall prescribe the form of the bonds (including, without limitation, registered bonds and coupon bonds) and the form of any

coupons to be attached thereto, the registration, conversion, and exchange privileges, if any, pertaining thereto, and fix the time when the whole or any part of the principal shall become due and payable.

103504. The bonds shall bear interest at a rate or rates not exceeding 7 percent per annum, payable semiannually, except that the first interest payable on the bonds, or any series thereof, may be for any period not exceeding one year as determined by the board. In the resolution or resolutions providing for the issuance of such bonds, the board may also provide for call and redemption of such bonds prior to maturity at such times and prices and upon such other terms as it may specify, provided that no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon. The denomination or denominations of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than five thousand dollars ($5,000). The principal of, and interest on, such bonds shall be payable in lawful money of the United States at the office of the treasurer of the district. The bonds, or such series thereof, shall be dated and numbered consecutively and shall be signed by the chairman of the board and the treasurer. All such signatures, countersignatures, and seal may be printed, lithographed, or mechanically reproduced, except that one of such signatures or countersignatures on the bonds shall be manually affixed. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office.

103505. The bonds may be sold as the board determines by resolution, but for not less than par. Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

103506. The delivery of any bonds shall be at the office of the district treasurer, and the purchase price may be received in cash or cashier check.

103507. All accrued interest and premiums received on the sale of bonds shall be placed in the fund to be used for the payment of principal of, and interest on, the bonds and the remainder of the proceeds of the bonds shall be placed in the treasury to the credit of the proper improvement fund and applied exclusively to the purposes for which the debt was incurred (which purposes shall be in conformity with an approved general transit plan or element thereof then in effect); provided, however, that when such purposes have been accomplished, any moneys remaining in such improvement fund (a) shall be transferred to the fund to be used for the payment of principal of, and interest on, the bonds, or (b) shall

be placed in a fund to be used for the purchase of outstanding bonds of the district from time to time in the open market at such prices and in such manner, either at public or private sale or otherwise, as the board may determine. Bonds so purchased shall be canceled immediately.

103508. After the expiration of three years after a bond election, the board may determine, by ordinance adopted by a vote of two-thirds of all the members of the board, that any or all of the bonds authorized at the election remaining unsold shall not be issued or sold. When the ordinance takes effect, the authorization to issue those bonds shall become void.

103509. Whenever the board deems that the expenditure of money for the purposes for which the bonds were authorized by the voters is impractical or unwise, it may, by ordinance adopted by a vote of two-thirds of all members of the board, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of such bonds for some other purposes or, in the case where bonds have been sold, the proposition to use the proceeds for some other purposes. The procedure, so far as applicable, shall be the same as when a bond proposition is originally submitted.

103510. The board may provide for the issuance, sale, or exchange of refunding bonds to redeem or retire any bonds issued by the district upon the terms, at the times and in the manner which it determines. Refunding bonds may be issued in a principal amount sufficient to pay all, or any part of, the principal of such outstanding bonds, the interest thereon and the premiums, if any, due upon call and redemption thereof prior to maturity, and all expenses of such refunding. The provisions of this article for the issuance and sale of bonds apply to the issuance and sale of such refunding bonds; except that (a) no election need be called or held for the purpose of authorizing the issuance of refunding bonds, and (b) when refunding bonds are to be exchanged for outstanding bonds the method of exchange shall be as determined by the board.

103511. The provisions of Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of the Government Code are applicable to the district.

103512. Any bonds which shall be issued under the provisions of this article shall be legal investment for all trust funds; for the funds of insurance companies, banks—both commercial and savings—and trust companies; and for state school funds; and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or other districts within the State of California, such money or funds may be invested in the bonds issued under this part, and whenever bonds of cities, cities and counties, counties, school districts, or other districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the bonds issued under this part

may be so used. The provisions of this article shall be in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

103513. If bonds are authorized that contain a provision for special taxes under subdivision (i) of Section 103500, the board may enter into such covenants as may be deemed proper to provide for issuance of additional parity bonds, the priority and pledge of special taxes and such other covenants as are customary or desirable in the issuance of any bonds payable out of special funds or necessary, convenient, or desirable to secure the bonds or tending to make them more marketable, subject to the provisions of the ordinance calling the bond election.

Article 2. Revenue Bonds

103530. The district may issue bonds, payable from revenue of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code) all of the provisions of which are applicable to the district.

103531. The district is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include the system or any or all transit facilities and all additions, extensions, and improvements thereto authorized to be acquired, constructed, or completed by the district. The district may issue revenue bonds under the Revenue Bond Law of 1941 for any one or more transit facilities authorized to be acquired, constructed, or completed by the district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941 for the acquisition, construction, and completion of any one of such transit facilities. Nothing in this article shall prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the transit facilities authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the board may determine.

Article 3. Equipment Trust Certificates

103550. The district shall have power to purchase transit equipment such as cars, trolley buses and motorbuses, or rolling equipment, and may execute agreements, leases, and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect such purchase and leasing of transit equipment, and may dispose of such equipment trust certificates upon such terms and conditions as

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the board may deem appropriate. Payment for such equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable from any source or sources of funds specified in such certificates that are or will be legally available to the district; and title to such equipment shall not rest in the district until the equipment trust certificates are paid.

103551. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company duly authorized to transact business in the State of California as trustee, for the benefit and security of the equipment trust certificates and may direct such trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district to simultaneously therewith execute and deliver an installment purchase agreement or a lease of the equipment to the district.

103552. The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds, and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions, and provisions which may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from legally available source or sources of funds specified in such certificates.

103553. The covenants, conditions, and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes, or certificates of the district.

103554. An executed copy of each such agreement and lease shall be filed in the office of the Secretary of State, who shall be entitled to receive one dollar ($1) for each such copy filed with him and which filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased or leased shall have the name of the owner or lessor plainly marked on both sides thereof followed by the appropriate words "Owner and Lessor" or "Owner and Vendor," as the case may be.

Article 4. Improvement Acts and Special Benefit Districts

103570. The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 are applicable to the district.

103571. The provisions of Chapter 1 (commencing with Section 99000) of Part 11 of this division are applicable to the district.

Article 5. Temporary Borrowing

103580. The district may borrow money for the purpose of defraying general administrative and preliminary expenses of the district, lawfully incurred, prior to the time moneys to be raised by the first tax levy for the district are available, a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and to evidence such borrowing by notes bearing interest at a rate not to exceed 7 percent per annum. The notes shall be payable from the first tax levy made by the district, and the tax levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of the notes, and their issuance and sale, shall be governed by the applicable provisions referred to in Section 103583.

103581. At any time prior to the first receipt by the district of revenues from taxation, the county may lend any available money to the district for the purposes of organization and operation. Such expenditures shall constitute a proper expenditure of county funds. Such loans may bear interest.

103582. The district may borrow money in accordance with the provisions of Article 7 (commencing with Section 53820), or of Article 7.6 (commencing with Section 53850), of Chapter 4, Part 1, Division 2, Title 5 of the Government Code.

103583. The district may borrow money in anticipation of the sale of bonds which have been authorized to be issued, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the same from time to time, but the maximum maturity of any such notes, including the renewals thereof, shall not exceed five years from the date of delivery of such original notes. Such notes may be paid from any moneys of the district available therefor and not otherwise pledged. If not previously otherwise paid, the notes shall be paid from the proceeds of the next sale of the bonds of the district in anticipation of which they were issued and, if not so paid, taxes may be levied for their payment in the same manner as taxes are levied for the payment of general obligation bonds pursuant to Article 9 (commencing with Section 103340) of Chapter 5 until such bonds are issued. Such notes shall not be issued in any amount in excess of the aggregate amount of bonds which the district has been authorized to issue, less the amount of any bonds of such authorized issue previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding. The notes shall be issued and sold in the same manner as the bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations which a resolution of the district authorizing the issuance of bonds may contain.

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Article 6. Miscellaneous

103600. The district may bring an action to determine the validity of any of its bonds, equipment trust certificates, warrants, notes, or other evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860), Title 10, Part 2 of the Code of Civil Procedure.

103601. All bonds and other evidences of indebtedness issued by the district under the provisions of this part, and the interest thereon, are free and exempt from all taxation within the State of California, except for transfer, franchise, inheritance, and estate tax.

103602. Notwithstanding any other provisions of this part or any other law, the provisions of all ordinances, resolutions, and other proceedings in the issuance by the district of any bonds, bonds with a pledge of revenues, bonds for improvement districts, revenue bonds, equipment trust certificates, notes, or any and all evidences of indebtedness or liability shall constitute a contract between the district and the holders of such bonds, equipment trust certificates, notes, or evidences of indebtedness or liability, and the provisions thereof shall be enforceable against the district, or any or all of its successors or assigns, by mandamus or any other appropriate suit, action or proceeding in law or in equity in any court of competent jurisdiction. Nothing contained in this part or in any other law shall be held to relieve the district or the territory included within it from any bonded or other debt or liability contracted by the district. Upon dissolution of the district or upon withdrawal of territory therefrom, the property formerly included within the district, or withdrawn therefrom, shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of such dissolution or withdrawal the same as if the district had not been so dissolved or the territory withdrawn therefrom, and it shall be the duty of the successors or assigns to provide for the payment of such bonded and other indebtedness and liabilities. Except as may be otherwise provided in the proceedings for the authorization, issuance, and sale of any revenue bonds, bonds secured by a pledge of revenues, or bonds for improvement districts secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities, or property owned, operated, or controlled by the district shall be pledged, charged, assigned and have a lien thereon for the payment of such bonds as long as the same are outstanding, regardless of any change in ownership, operation, or control of such revenue-producing improvements, works, facilities, or property and it shall, in such later event or events, be the duty of the successors or assigns to continue to maintain and operate such revenue-producing improvements, works, facilities, or property as long as bonds are outstanding.

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CHAPTER 8. DISSOLUTION

103700. The district may be dissolved pursuant to the provisions of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000), Title 6 of the Government Code).

SEC. 3. Section 7252 of the Revenue and Taxation Code is amended to read:

7252. "District" as used in this part, means the San Francisco Bay Area Rapid Transit District, the San Mateo County Transit District, and the Southern California Rapid Transit District.

SEC. 4. Section 7272.5 is added to the Revenue and Taxation Code, to read:

7272.5. The contract referred to in Section 103352 of the Public Utilities Code shall provide that the district shall pay to the board its costs of preparation to administer and operate the transactions and use taxes ordinance. The district shall pay preparatory costs in accordance with the contract. Such costs include all preparatory costs, including costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing of forms, developing instructions for the board's staff and for taxpayers, and other necessary preparatory costs which shall include the board's direct and indirect costs as specified by Section 11256 of the Government Code. Any disputes as to the amount of preparatory costs incurred shall be resolved by the Director of Finance and his decision shall be final. The maximum amount of all preparatory costs to be paid by the district shall not in any event exceed one hundred twenty-five thousand dollars ($125,000).

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide public transit to the residents of the County of San Mateo at the earliest possible time and to help alleviate congestion on the streets and highways of the county, it is necessary that this act go into immediate effect.

CHAPTER 503

An act to amend Sections 133, 301, 1262.5, 1334, 1336, 1377, 2737, 5003, and 9101 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 14, 1974. Filed with Secretary of State August 15, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 133 of the Unemployment Insurance Code is amended to read:

133. Except as otherwise provided, "department" means the Employment Development Department, which also may be referred to as the Department of Employment Development.

SEC. 2. Section 301 of the Unemployment Insurance Code is amended to read:

301. (a) There is in the Health and Welfare Agency the Employment Development Department, which may also be referred to as the Department of Employment Development, and which except as provided in subdivision (b) of this section, succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction heretofore exercised by the Department of Human Resources Development, and by the Health and Welfare Agency with respect to job creation activities. The Department of Employment Development shall be administered by an executive officer known as the Director of Employment Development who except as provided in subdivision (b) of this section, succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction heretofore exercised by the Director of the Department of Human Resources Development.

(b) (1) There is in the Health and Welfare Agency the Department of Benefit Payments which succeeds to and is vested with the following duties, purposes, responsibilities and jurisdiction heretofore exercised by the Department of Human Resources Development:

(A) Making computations of the amount and duration of benefits.

(B) Determination of contribution rates and the administration and collection of contributions, penalties and interest, including but not limited to filing and releasing liens.

(C) Establishment, administration, and transfer of reserve accounts.

(D) Making assessments and the administration of credits and refunds.

(E) Approving elections for coverage or for financing unemployment insurance coverage.

(2) The Department of Benefit Payments shall be administered by an executive officer known as the Director of Benefit Payments who succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction heretofore exercised by the Director of the Department of Human Resources Development with respect to the functions specified in paragraph (1) of this subdivision.

(3) The Director of Benefit Payments is authorized to delegate to the Department of Employment Development which is authorized to accept, exercise, and perform the powers and duties necessary to administer all or any part of the functions specified in this subdivision (b).

SEC. 3. Section 1262.5 of the Unemployment Insurance Code is amended to read:

1262.5. (a) Whenever the department learns that a trade dispute is in progress, the department shall conduct a preliminary investigation and shall establish a class or classes of claimants based upon the ultimate facts of general and common application as to the eligibility of the members of such class or classes and shall make a preliminary determination as to whether or not any class or classes of employees involved in the dispute may be, or are, ineligible pursuant to Section 1262 from receiving benefits during the dispute.

(b) If in the opinion of the department 100 or more persons involved are likely to be finally individually determined to be not ineligible under Section 1262, the department shall transmit a notice of its preliminary determination to each employer and labor organization involved in the dispute.

(c) The department shall promptly publish its preliminary determination in two newspapers of general circulation in the geographical areas wherein the dispute is occurring.

(d) An employer involved in the trade dispute or a union whose members have been determined to be ineligible by the preliminary determination may within 10 days after such publication file an appeal. Except as provided in this section, the proceedings on the appeal shall be conducted in the same manner as those conducted under Article 3 (commencing with Section 1326) of Chapter 5 of this part with respect to benefit claims.

(e) A hearing on an appeal filed by an employer or a union concerning a preliminary determination shall be held not later than 25 days after publication of the preliminary determination. Notice of the hearing shall be published in two newspapers of general circulation in the geographical area involved not later than five days prior to the hearing.

(f) The only issues which may be raised at a hearing held on an appeal shall be whether or not the department has correctly (i) established the class or classes of employees, and (ii) determined that the specified class or classes are not ineligible under Section 1262.

(g) The referee may affirm, reverse, modify, or set aside the preliminary determination of the department. He shall issue his decision within 10 days, if practicable, after the conclusion of the hearing.

(h) The first paragraph of subdivision (b) of Section 1335 shall not apply to proceedings pursuant to this section. At such time as the determination under this section has become final, the payment of benefits, if any are payable, shall not thereafter be withheld solely because the same issue or issues which had become final in a determination hereunder are raised in an appeal involving an individual claimant.

(i) Nothing contained herein shall preclude an employer or a claimant from contesting the determination of the eligibility of a individual for benefits or his inclusion within one of the classes determined not be disqualified or otherwise limit appeal rights specified in this part.

SEC. 4. Section 1334 of the Unemployment Insurance Code is amended to read:

1334. A referee after affording a reasonable opportunity for fair hearing, shall, unless such appeal is withdrawn, affirm, reverse, modify, or set aside any determination which is appealed under this article. The claimant, any employer becoming a party to the appeal by submitting a protest or information pursuant to Sections 1326 to 1333, inclusive, of this article, and the director shall be promptly notified in writing of the referee's decision, together with his reasons therefor. The decision shall be final unless, within 10 days after mailing of such decision, further appeal is initiated to the appeals board pursuant to Section 1336. The 10-day limitation may be extended for good cause.

SEC. 5. Section 1336 of the Unemployment Insurance Code is amended to read:

1336. The director or any party to a decision by a referee may appeal to the appeals board from the decision. The appeals board may on its own motion affirm, reverse, modify, or set aside any decision of a referee on the basis of the evidence previously submitted in the case, or may direct the taking of additional evidence. The appeals board may remove to itself or transfer to another referee the proceedings on any claim pending before a referee. The appeals board shall promptly notify the director and the parties to any proceedings of its findings and decision.

SEC. 6. Section 1377 of the Unemployment Insurance Code is amended to read:

1377. Within 10 days from the date of mailing or serving of the notice of overpayment, the person affected may file an appeal to a referee. The director shall be an interested party to any such appeal. The referee, after affording reasonable opportunity for a fair hearing, shall unless the appeal is withdrawn, affirm, reverse, modify, or set aside the findings set forth in the notice of overpayment. The party and the director shall be notified of the referee's decision, together with his reasons therefor, which shall be final unless within 10 days from the date of notification or mailing of the decision a further appeal is initiated to the appeals board pursuant to Section 1336. The 10-day period for an appeal to the referee or to the appeals board may be extended for good cause.

SEC. 7. Section 2737 of the Unemployment Insurance Code is amended to read:

2737. Within 10 days from the date of mailing or serving of the notice of overpayment determination, the person affected may file an appeal to a referee. The director shall be an interested party to any such appeal. The referee, after affording reasonable opportunity for a fair hearing, shall unless the appeal is withdrawn, affirm, reverse, modify, or set aside the findings set forth in the notice of overpayment determination. The party and the director shall be notified of the referee's decision, together with his reasons therefor, which shall be final unless within 10 days from the date of notification

or mailing of the decision a further appeal is initiated to the appeals board pursuant to Section 1336. The 10-day period for an appeal to the referee or to the appeals board may be extended for good cause.

SEC. 8. Section 5003 of the Unemployment Insurance Code is amended to read:

5003. As used in this division, "department" means the Employment Development Department, which may also be referred to as the Department of Employment Development.

SEC. 9. Section 9101 of the Unemployment Insurance Code, as amended by Chapter 1207 of the Statutes of 1973, is amended to read:

9101. "Department" means the Employment Development Department, which may also be referred to as the Department of Employment Development.

SEC. 10. There are no state-mandated local costs that require reimbursement under Section 2231 of the Revenue and Taxation Code.

CHAPTER 504

An act to add Section 74192.5 to the Government Code, relating to traffic referees.

[Approved by Governor August 14, 1974 Filed with Secretary of State August 15, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 74192.5 is added to the Government Code, to read:

74192.5. A traffic referee in the Sacramento Municipal Court District shall receive annual compensation:

(a) Equal to 50 percent of the salary of a judge of the municipal court during the first year of service;

(b) Equal to 60 percent of the salary of a judge of the municipal court during the second year of service;

(c) Equal to 65 percent of the salary of a judge of the municipal court during the third year of service;

(d) Equal to 70 percent of the salary of a judge of the municipal court during the fourth year of service; and

(e) Equal to 75 percent of the salary of a judge of the municipal court after the fourth year of service.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 505

An act to amend Section 4011 of the Penal Code, relating to prisoners.

[Approved by Governor August 14, 1974 Filed with Secretary of State August 15, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 4011 of the Penal Code is amended to read:

4011. (a) When it is made to appear to a judge of the superior court by affidavit of the sheriff or district attorney and oral testimony that a prisoner confined in any city or county jail requires medical or surgical treatment necessitating hospitalization, which treatment cannot be furnished or supplied at such city or county jail, the court in its discretion may order the removal of such person or persons from such city or county jail to the county hospital in such county; provided, if there is no county hospital in such county, then to any hospital designated by such court; and it shall be the duty of the sheriff to maintain the necessary guards, who may be private security guards, for the safekeeping of such prisoner, the expense of which shall be a charge against the county.

(b) The cost of such medical services and such hospital care and treatment shall be charged against the county subject to subdivisions (c) and (d), in the case of a prisoner in or taken from the county jail, or against the city in the case of a prisoner in or taken from the city jail, and the city or county may recover the same by appropriate action from the person so served or cared for, or any person or agency responsible for his care and maintenance. If the prisoner is in the county jail under contract with a city or under some other arrangement with the city to keep the city prisoner in the county jail, then the city shall be charged, subject to subdivisions (c) and (d), for the prisoner's care and maintenance with the same right of recovery against any responsible person or any other agency.

(c) When such prisoner is poor and indigent the cost of such medical services and such hospital care and treatment shall, in the case of persons removed from the city jail be paid out of the general fund of such city, and in the case of persons removed from the county jail to a hospital other than a county hospital, such cost shall be paid out of the general fund of such county or city and county. In the case of city jail prisoners removed to the county hospital, the cost of such hospital care and treatment to be paid by the city to the county, shall be the rate per day fixed by the board of supervisors of such county. Such board of supervisors may, but need not, fix different rates for different classes of patients, or for different wards, and any and all such rates may be changed by such board of supervisors at any time, but shall at all times approximate as nearly as may be, the average actual cost to the county of such hospital care and treatment either in such wards or for such classes of patients or otherwise.

(d) In the event such prisoner is financially able to pay for his care, support and maintenance, the medical superintendent of such hospital other than a county hospital may, with the approval of such judge of the superior court, enter into a special agreement with such person, or with his relatives or friends, for his care, support, maintenance, and other hospital expenses.

Any prisoner may decline such care or treatment and provide other care and treatment for himself at his own expense.

CHAPTER 506

An act relating to hospital districts, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1974 Filed with Secretary of State August 16, 1974]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding Section 2504 of the Elections Code, the board of directors of the Kingsburg Hospital District may call an election not later than the 20th day of August, 1974.

SEC. 2. At such election the board of directors shall submit to the electors the following question:

"Shall an increase in the maximum tax rate from twenty cents ($0.20) for each one hundred dollars ($100) to forty cents ($0.40) for each one hundred dollars ($100) of assessed valuation of all taxable property within the district, such increased maximum to be in effect in the Kingsburg Hospital District for the fiscal years 1974–75 to 1979–80, inclusive, the revenues of which are to be used to operate and maintain the existing general hospital of the district, be authorized?"

SEC. 3. The election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted, and canvassed and the results shall be ascertained and the returns thereof made in all respects, as nearly as may be practicable, in accordance with the provisions of the Local Hospital District Law relating to an election for the purpose of determining whether a higher maximum tax rate shall be established.

SEC. 4. All the acts of the Board of Directors of the Kingsburg Hospital District heretofore taken to call such an election on the 20th day of August 1974 are hereby validated.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Financial considerations make it imperative that the Kingsburg

Hospital District hold a tax rate increase election sooner than the next general election.

CHAPTER 507

An act relating to property tax rate limitations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of subdivision (a) of Section 2286 of the Revenue and Taxation Code, the maximum property tax rate for a general law city for which the formation election was held prior to August 31, 1973, but the formation of such general law city was completed after that date shall be one dollar ($1) until changed in the manner provided in subdivision (b) of Section 2286 of the Revenue and Taxation Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are:

The present provisions of law inadvertently preclude a city which was in the process of formation on the effective date of Section 2286 from levying any property tax without first calling a special election to approve a maximum tax rate. Such provision, unless corrected, will result in unneccessary costs and loss of revenues, thereby impairing a new city's ability to raise revenues to provide essential services. It is, therefore, necessary that this act take effect immediately.

CHAPTER 508

An act to add Chapter 8 (commencing with Section 40300) to, and to repeal Article 7 (commencing with Section 40210) of Chapter 6 of, Part 4 of Division 10 of the Public Utilities Code, and to amend Section 7252 of, and to add Section 7272.3 to, the Revenue and Taxation Code, relating to the Orange County Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 20, 1974. Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 40210) of Chapter 6 of Part 4 of Division 10 of the Public Utilities Code is repealed.

SEC. 2. Chapter 8 (commencing with Section 40300) is added to Part 4 of Division 10 of the Public Utilities Code, to read:

CHAPTER 8. TAXATION

Article 1. Property Taxation

40300. The district may levy and collect, or cause to be collected, taxes for any lawful purpose subject to a maximum limit of five cents ($0.05) per one hundred dollars ($100) of assessed valuation within the district exclusive of any tax levied to meet the bonded indebtedness of the district and the interest thereon.

40301. If, in the opinion of the board, the transit operation revenues will not be sufficient for any and all lawful purposes, the board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation.

40302. The board shall, as part of the general tax levy as set forth in Section 40300 levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due, a tax sufficient to pay the annual interest on the bonds, and such part of the principal thereof, as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner stated above, in an amount sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

40303. The board may provide for the assessment, levy, and collection of taxes by the district, including the sale of property to the district for delinquent taxes, with penalties, interest, and cost.

40304. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county, and shall take such assessments as the basis for district taxation and have its taxes collected by the tax collector of the county.

40305. In such case, the county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement, in writing, showing the total value of all property within the district, ascertained from the assessments referred to in Section 40304 as equalized.

40306. The board shall, on or before the first day of September, fix the rate of taxes, designating the number of cents upon each one hundred dollars ($100) using as a basis the value of property

transmitted to the board by the county auditor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed, but the rate of taxation shall not exceed the limit imposed by this article.

40307. The board shall immediately, after fixing the rate of taxes as provided in Section 40306, transmit to the county auditor of the county a statement of the rate of taxes fixed by the board.

40308 The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

40309. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold.

40310. All taxes levied under this article are a lien on the property on which they are levied. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this article so far as applicable

Article 2. Transactions and Use Taxes and Revenue Bonds

40330. Transactions and use taxes (to be designated in the ballot proposition set forth in Section 40334 as a "sales tax") may be imposed by the board in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, except that the rate shall be as set forth in Section 40335.

40331. Any transactions and use taxes ordinance adopted pursuant to this article shall be operative on the first day of the first calendar quarter commencing more than 120 days after the approval of such ordinance by the electors as provided in this article

Prior to the operative date of the ordinance, the district shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance.

40332 (a) The revenues from the taxes imposed pursuant to this article may be used for any lawful purpose of the district.

(b) During the first three years the taxes are imposed pursuant to this article, 25 percent of the revenues generated from such taxes shall be allocated by the district to Orange County and the cities therein in the proportion that the population of the county or city, as the case may be, bears to the total population of the district. For purposes of this subdivision, the population of the county shall be the

population of the unincorporated territory of the county.

(c) The revenues allocated pursuant to subdivision (b) shall be used by the county and the cities to finance public transit services, which shall be coordinated with the public transit services operated by the district. The county or any city may also use the revenues to finance public transit services operated by the district.

(d) At the end of four years, as measured from the initial imposition of the taxes pursuant to this article, any of the revenues allocated pursuant to subdivision (b) which has not been expended for public transit services shall revert to the district.

40333. The taxes authorized by this article shall not be imposed unless the board shall have authorized it by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by a majority of the votes cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board, in the ordinance, shall state the nature of the tax to be imposed, shall provide the tax rate or rates or the maximum tax rate or rates, and shall specify the purposes for which the revenue derived from the tax will be used.

40334. The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting used, shall read as follows:

TRANSIT Authorizes the Orange County Transit District to impose a _____ percent sales tax for transit purposes.	Yes	
	No	

The proposition shall set forth the actual percent of the transaction and use taxes upon which the electors are voting.

The sample ballot to be mailed to the voters, under Section 10012 of the Elections Code, shall be the full proposition as set forth in the ordinance adopted pursuant to Section 40333.

40335. The board is authorized to impose a maximum tax rate of 1 percent under this article and the board may state the maximum tax rate in terms of not to exceed 1 percent, or any lesser percentage thereof. The district shall not levy the tax at a rate other than 1, ¾, ½, or ¼ percent, unless specifically authorized by the Legislature. The board, in the ordinance, may provide for limitations upon the time when the tax shall be in effect, or the board may provide that the tax shall be in effect until repealed. Any tax rate or maximum tax rate adopted pursuant to this article, unless otherwise prohibited, may be increased when authorized by the board by ordinance adopted in the manner and by the vote stated in Section 40333 and approved by a majority of the votes cast by the qualified electors of the district voting at an election called for that purpose.

40336. The district is hereby authorized to issue revenue bonds, payable, in whole or in part, from revenues made available under this article. Such revenues are hereby declared to be revenues of the enterprise for all purposes of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code), and the restrictions therein provided against the securing of bonds by the taxing power or the proceeds of taxation shall not apply. The district shall be deemed a "local agency" and the planning, acquiring, constructing, operating, or maintaining of the district's transit facilities, or any part thereof, shall be deemed an "enterprise" within the meaning of the Revenue Bond Law of 1941. The provisions of such law not inconsistent with any of the provisions of this article are hereby made applicable to the district, except that no election shall be required for the issuance of bonds under such law which are secured, in whole or in part, by the revenues of the tax imposed pursuant to this article. The resolution or indenture authorizing the issuance of any revenue bonds secured, in whole or in part, by the revenues of the tax imposed pursuant to this article shall provide that use of such revenues by the district to redeem such bonds shall be continued in effect until such bonds are fully paid or provision has been made for their payment in full.

The district may borrow money in anticipation of the revenues made available under this article and may, from time to time, issue negotiable notes for that purpose.

In addition to pledging revenues for the payment of any revenue bonds, the district may pledge for the payment of such bonds all other income or receipts of the district which are not required by law to be used for other purposes.

SEC. 3. Section 7252 of the Revenue and Taxation Code is amended to read:

7252. "District", as used in this part, means the Orange County Transit District, the San Francisco Bay Area Rapid Transit District, and the Southern California Rapid Transit District.

SEC. 4. Section 7272.3 is added to the Revenue and Taxation Code, to read:

7272.3. The contract referred to in Section 40331 of the Public Utilities Code shall provide that the district shall pay to the board its costs of preparation to administer and operate the transactions and use taxes ordinance. The district shall pay preparatory costs in accordance with the contract. Such costs include all preparatory costs, including costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing of forms, developing instructions for the board's staff and for taxpayers, and other necessary preparatory costs which shall include the board's direct and indirect costs as specified by Section 11256 of the Government Code. Any disputes as to the amount of preparatory costs incurred shall be resolved by the Director of Finance and his decision shall be final. The maximum amount of all preparatory costs to be paid by the district shall not,

in any event, exceed one hundred twenty-five thousand dollars ($125,000).

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the Orange County Transit District to seek additional revenue necessary to provide public transit to the residents of the County of Orange at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 509

An act to amend Sections 27352 and 27601 of the Education Code, relating to libraries.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 27352 of the Education Code is amended to read:

27352. The trustees shall hold office for three years. The members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and two at the end of two years thereafter.

The legislative body of the municipality may, by ordinance, provide for the compensation of such trustees; provided that the respective compensation for such trustees shall not exceed fifty dollars ($50) per month.

SEC. 2. Section 27601 of the Education Code is amended to read:

27601. (a) Except as otherwise provided in this article, the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 12 of the Elections Code) shall govern and control the conduct of elections pursuant to this chapter. Elections shall be held biennially in the district on the same day as the school district election as specified in Section 1111 in the odd-numbered years.

(b) The trustees shall hold office for the term of four years beginning on the first day of July next succeeding their appointment or election. In any existing district the term of office of the trustees expiring prior to the first election to be held in an odd-numbered year shall continue until their successors in office are duly elected in such election and enter upon their offices.

For purposes of implementing the changes in the dates of election and in the dates of the commencement and termination of the terms of office of the trustees effected by the Legislature at the 1973–74

Regular Session, no election for trustees shall be held in conjunction with the 1974 general election. For such purposes trustees whose terms are expiring in January 1975, shall continue to serve in the offices involved until June 30, 1975, and trustees whose terms are expiring in January 1977, shall continue to serve in the offices involved until June 30, 1977. All of the offices that will expire shall be filled by election conducted pursuant to subdivision (a) in the year in which the office expires.

(c) The members of the first board of library trustees appointed or elected in a district shall, at their first meeting, so classify themselves by lot that their terms shall expire· two on the 30th day of June of the first odd-numbered calendar year next succeeding their appointment or election, and three on the 30th day of June of the second succeeding odd-numbered calendar year.

CHAPTER 510

An act to amend Section 54431 of, and to add Sections 54432, 54433, 54434, and 54435 to, the Food and Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows

SECTION 1. Section 54431 of the Food and Agricultural Code is amended to read:

54431. It is an unfair trade practice, and unlawful, for any processor, handler, distributor, or agent of any such person, or for any other person to do any of the following:

(a) Interfere with, restrain, coerce, or boycott producers in the exercise of the rights which are guaranteed pursuant to Section 54402.

(b) Discriminate against any producer with respect to price or other terms of purchase of any raw agricultural commodity, by reason of the producer's membership in, or contract with, any cooperative bargaining association.

(c) Pay or loan money, or give any other thing of value, to a producer as an inducement or reward for refusing to, or ceasing to, belong to a cooperative bargaining association.

(d) Maliciously or knowingly give false reports about the finances, management, or activities of a cooperative bargaining association

(e) Refuse to negotiate or bargain for price, terms of sale, compensation for commodities produced under contract, and other contract provisions relative to any commodity which a cooperative bargaining association represents. This subdivision only applies to a cooperative association which meets all of the following:

(1) That under the articles of incorporation or bylaws of the cooperative bargaining association, the association is producer owned and controlled exclusively by producers.

(2) The cooperative bargaining association has enforceable contracts with its members

(3) The cooperative bargaining association has financial resources and management reasonably sufficient to accomplish the purpose for which it was organized.

(4) The cooperative bargaining association represents, through its own members, a sufficient number of producers or a sufficient quantity of any particular commodity, or both, to make it an effective agent for producers in bargaining with handlers.

(5) One of the functions of the cooperative bargaining association is acting as principal or agent for its producer members to negotiate or bargain with handlers for prices, terms of sale, compensation for commodities produced under contract and other terms of contracts with respect to the production, sale, and marketing of their commodity

SEC. 2. Section 54432 is added to the Food and Agricultural Code, to read:

54432. The provisions of subdivision (e) of Section 54431 only apply to any processor, handler, distributor, or agent of any such person, who refuses to negotiate or bargain, as specified by such provisions, with a cooperative bargaining association which represents producers with whom such a processor, handler, distributor, or agent of any such person, has had a prior course of dealing.

For purposes of this section, "prior course of dealing" means that the processor, handler, distributor, or agent of any such person has purchased in any two of the immediate preceding five years a commodity from a producer which a cooperative bargaining association represents

SEC. 3. Section 54433 is added to the Food and Agricultural Code, to read.

54433 It is an unfair trade practice, and unlawful, for any cooperative bargaining association to which subdivision (e) of Section 54431 applies to refuse to negotiate or bargain with any processor, handler, distributor, or agent of any such person, for price, terms of sale, compensation for commodities produced under contract, and other contract provisions relative to any commodity which the cooperative bargaining association represents.

SEC. 4. Section 54434 is added to the Food and Agricultural Code, to read.

54434. The provisions of subdivision (e) of Section 54431 shall not apply to cooperative associations in respect to business done with its own membership.

SEC. 5. Section 54435 is added to the Food and Agricultural Code, to read.

54435 Nothing in subdivision (e) of Section 54431 shall require

any processor, handler, distributor, or agent of any such person, to negotiate over any specific period of time, or to agree upon price, terms of sale, compensation for commodities produced under contract, and other contract provisions relative to any commodity which any such cooperative bargaining association represents.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 511

An act to amend Sections 409 and 422 of the Probate Code, relating to estate administration.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 409 of the Probate Code is amended to read:

409. Administrators with the will annexed have the same authority over estates which executors named in the will would have, and their acts are as effectual for all purposes; but if a power or authority conferred upon an executor is discretionary, and is not conferred by law, it shall not be deemed to be conferred upon an administrator with the will annexed. Persons are entitled to appointment as administrators with the will annexed in the same order of priority as in the appointment of administrators, except that, one who takes under the will has priority over one who does not, and need not be entitled to succeed to the estate or some portion thereof under the law of succession Administration may be granted to one or more competent persons who are not otherwise entitled to appointment as a matter of priority, upon the written request filed with the court by a resident of the United States who takes more than 50 percent of the value of the estate under the will

SEC. 2. Section 422 of the Probate Code is amended to read:

422 (a) Administration of the estate of a person dying intestate must be granted to one or more of the following persons, who are entitled to letters in the following order.

(1) The surviving spouse, or some competent person whom he or she may request to have appointed

(2) The children.

(3) The grandchildren

(4) The parents.
(5) The brothers and sisters.
(6) The next of kin entitled to share in the estate.
(7) The relatives of a previously deceased spouse, when such relatives are entitled to succeed to some portion of the estate.
(8) The public administrator.
(9) The creditors.
(10) Any person legally competent

(b) A relative of the decedent who is entitled to priority under subdivision (a) is entitled to priority only if either of the following facts exist:

(1) The relative is entitled to succeed to all or part of the estate.
(2) The relative is a parent, grandparent, child, or grandchild of the decedent and either takes under the will of, or is entitled to succeed to all or part of the estate of, another deceased person who is entitled to succeed to all or part of the estate of the decedent.

CHAPTER 512

An act to amend Section 13580 of, and to add Section 13580.1 to, the Education Code, relating to classified school employees.

[Approved by Governor August 20, 1974. Filed with Secretary of State August 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 13580 of the Education Code is amended to read:

13580. Articles 1 through 4, inclusive, of this chapter, and the applicable provisions of Chapter 1 (commencing with Section 12901) of this division shall apply to all classified employees of a school district, including those authorized in Sections 934, 945 and 949, of this code, whether a merit or nonmerit system district as authorized by this chapter unless the section specifically limits its application to nonmerit system districts. These provisions shall also apply to all persons who are part of the classified service who are employed by the county superintendent of schools, or any division thereof, and whose salaries are paid out of the county school service fund regardless of the origin of such fund moneys, and to all persons employed by any entity, including a regional occupational center or program, created or established by any two or more school districts pursuant to statute, including Chapter 14 (commencing with Section 7450) of Division 6, exercising any joint power pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, or as otherwise conferred by law upon such districts.

These provisions shall not apply to employees of a school district

lying wholly within a city and county which provides in its charter for a merit system of employment for employees employed in positions not requiring certification qualifications.

The positions authorized in Sections 934, 945 and 949 may, by resolution of a governing board, be exempted from the provisions of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Section 13580.1 is added to the Education Code, to read:

13580.1. Definitions as used in this chapter:

(a) "Classification" means that each position in the classified service shall have a designated title, a regular minimum number of assigned hours per day, days per week, and months per year, a specific statement of the duties required to be performed by the employees in each such position, and the regular monthly salary ranges for each such position.

(b) "Permanent" as used in the phrase "permanent employee" includes tenure in the classification in which the employee passed the required probationary period, and includes all of the incidents of that classification.

(c) "Regular" as used in the phrase "regular classified employee" or any similar phrase, refers to a classified employee who has probationary or permanent status.

(d) "Demotion" means assignment to an inferior position or status, without the employee's written voluntary consent.

(e) "Disciplinary action" includes any action whereby an employee is deprived of any classification or any incident of any classification in which he has permanence, including dismissal, suspension, demotion, or any reassignment, without his voluntary consent, except a layoff for lack of work or lack of funds.

(f) "Reclassification" means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position.

(g) "Layoff for lack of funds or layoff for lack of work" includes any reduction in hours of employment or assignment to a class or grade lower than that in which the employee has permanence, voluntarily consented to by the employee, in order to avoid interruption of employment by layoff.

(h) "Cause" relating to disciplinary actions against classified employees means those grounds for discipline, or offenses, enumerated in the law or the written rules of a public school employer. No disciplinary action may be maintained for any "cause" other than as defined herein.

The provisions of this section shall not apply to school districts to which the provisions of Article 5 (commencing with Section 13701) of this chapter are applicable

The provisions of this section shall not apply to any school district which, during the 1973–74 school year, had an average daily attendance of 100,000 or more

CHAPTER 513

An act to add Section 11580.01 to the Insurance Code, relating to professional liability insurance.

[Approved by Governor August 20, 1974. Filed with Secretary of State August 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 11580.01 is added to the Insurance Code, to read:

11580.01. (a) A policy insuring against legal liability arising from the rendering of professional services by an insured licensed pursuant to the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code, or Chapter 4 (commencing with Section 6000) of Division 3 of the Business and Professions Code, and which generally limits the coverage thereof to liability for only those claims that are first made against the insured while the policy is in force, shall not be issued or delivered to any person in this state unless the application or proposal therefor complies with subdivision (b) and the policy complies with subdivision (c).

(b) The form of application or proposal for any such policy described in subdivision (a) shall recite prominently and conspicuously at the heading thereof that it is an application or proposal for a claims-made policy.

(c) Each such policy described in subdivision (a) shall contain on the face page thereof a prominent and conspicuous legend or statement substantially to the following effect:

NOTICE

"Except to such extent as may otherwise be provided herein, the coverage of this policy is limited generally to liability for only those claims that are first made against the insured while the policy is in force. Please review the policy carefully and discuss the coverage thereunder with your insurance agent or broker."

SEC. 2. The provisions of this act shall only apply to policies issued or renewed after the effective date of the act.

CHAPTER 514

An act to amend Sections 4701 and 4702 of the Civil Code, relating to child support

[Approved by Governor August 20, 1974. Filed with Secretary of State August 20, 1974.]

The people of the State of California do enact as follows.

SECTION 1. Section 4701 of the Civil Code is amended to read.

4701. (a) In any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, the court may order either parent or both parents to assign to the county clerk, probation officer, or other officer of the court or county officer designated by the court to receive such payment, that portion of salary or wages of either parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance and education of the minor child. Such order shall operate as an assignment and shall be binding upon any existing or future employer of the defaulting parent upon whom a copy of such order is served. The Judicial Council shall prescribe forms for such orders. The employer may deduct the sum of one dollar ($1) for each payment made pursuant to such order. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court. The employer shall cooperate with and provide relevant employment information to the district attorney for the purpose of enforcing the child support obligation.

(b) Notwithstanding the provisions of subdivision (a), in any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, upon both a petition by the person to whom support has been ordered to have been paid and a finding by the court that the parent so ordered is in arrears in payment in a sum equal to the amount of two months of such payments within the 24-month period immediately preceding submission of such petition, the court shall order the defaulting parent to assign either to the person to whom support has been ordered to have been paid or to a county officer designated by the court to receive such payment, that portion of the salary or wages of the parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance, and education of the minor child. Such an order shall operate as an assignment and shall be binding upon any existing or future employer of the defaulting parent upon whom a copy of such order is served. The Judicial Council shall prescribe forms for such orders The employer may deduct the sum of one dollar ($1) for each payment made pursuant to the order Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

The parent to whom support has been ordered to be paid shall notify the court and the employer of the parent ordered to pay support, by any form of mail requiring a return receipt, of any change of address within a reasonable period of time after any such change. In instances in which payments have been ordered to be

made to a county officer designated by the court, the parent to whom support has been ordered to be paid shall notify the court and such county officer, by any form of mail requiring a return receipt, of any address change within a reasonable period of time after any such change. If the employer or county officer is unable to deliver payments under the assignment for a period of three months due to the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address, the employee or county officer shall not make any further payments under the assignment and shall return all undeliverable payments to the employee.

For purposes of this subdivision, arrearages in payment shall be computed on the basis of the payments owed and unpaid on the date that the defaulting parent has been given notice pursuant to law of the application for the order of assignment, and the fact that the defaulting parent may have subsequently paid such arrearages shall not relieve the court of its duty under this subdivision to order the assignment.

Upon a petition by the defaulting parent, the court shall terminate such order of assignment entered pursuant to this subdivision if (1) there has been 18 continuous and uninterrupted months of full payment under the wage assignment or (2) the employer or county officer has been unable to deliver payments under the assignment for a period of three months due to the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address.

(c) No employer shall use any assignment authorized by this section as grounds for the dismissal of such employee.

(d) As used in this section "employer" includes any public entity as defined in Section 811.2 of the Government Code.

(e) On declaration or affidavit of the parent to whom support has been ordered to be paid to the court that: (1) the parent ordered to make support payments is in default in such payment in the amount specified in subdivision (b), and (2) the whereabouts of such defaulting parent or the identity of his employer are unknown to the parent to whom support has been ordered to be paid, the district attorney shall contact the central registry maintained by the Department of Justice in the manner prescribed in Section 11478.5 of the Welfare and Institutions Code, and upon receiving the requested information, notify the court of the last known address of the absent parent and the name and address of the absent parent's last known employer. The court shall then order the parent obligated to make support payments to show cause why an order for assignment pursuant to subdivision (b) should not issue. The county may charge a reasonable fee not to exceed two dollars and fifty cents ($2.50) for the services of the district attorney under this subdivision.

(f) Nothing in this section shall limit the authority of the district attorney to utilize any and all civil and criminal remedies to enforce child support obligations regardless of whether or not the custodial

parent receives welfare moneys.

SEC. 1.5. Section 4701 of the Civil Code is amended to read:

4701. (a) In any proceeding where the court has ordered a parent to pay any amount for the support, maintenance, or education of a minor child, the court may issue an earnings withholding order under Section 723.030 of the Code of Civil Procedure to require the employer of such parent to withhold and pay to the county clerk, probation officer, or other officer of the court or county officer designated by the court to receive such payment, that portion of the earnings of such parent as will be sufficient to pay the amount ordered by the court for the support, maintenance and education of the minor child. The employer shall cooperate with and provide relevant employment information to the district attorney for the purpose of enforcing the child support obligation.

(b) Notwithstanding the provisions of subdivision (a), in any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, upon both a petition by the person to whom support has been ordered to have been paid and a finding by the court that the parent so ordered is in arrears in payment in a sum equal to the amount of two months of such payments within the 24-month period immediately preceding submission of such petition, the court shall order the defaulting parent to assign either to the person to whom support has been ordered to have been paid or to a county officer designated by the court to receive such payment, that portion of the salary or wages of the parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance, and education of the minor child. Such an order shall operate as an assignment and shall be binding upon any existing or future employer of the defaulting parent upon whom a copy of such order is served. The Judicial Council shall prescribe forms for such orders. The employer may deduct the sum of one dollar ($1) for each payment made pursuant to the order. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

The parent to whom support has been ordered to be paid shall notify the court and the employer of the parent ordered to pay support, by any form of mail requiring a return receipt, of any change of address within a reasonable period of time after any such change. In instances in which payments have been ordered to be made to a county officer designated by the court, the parent to whom support has been ordered to be paid shall notify the court and such county officer, by any form of mail requiring a return receipt, of any address change within a reasonable period of time after any such change. If the employer or county officer is unable to deliver payments under the assignment for a period of three months due to the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address,

the employee or county officer shall not make any further payments under the assignment and shall return all undeliverable payments to the employee.

For purposes of this subdivision, arrearages in payment shall be computed on the basis of the payments owed and unpaid on the date that the defaulting parent has been given notice pursuant to law of the application for the order of assignment, and the fact that the defaulting parent may have subsequently paid such arrearages shall not relieve the court of its duty under this subdivision to order the assignment.

Upon a petition by the defaulting parent, the court shall terminate such order of assignment entered pursuant to this subdivision if (1) there has been 18 continuous and uninterrupted months of full payment under the wage assignment or (2) the employer or county officer has been unable to deliver payments under the assignment for a period of three months due to the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address.

(c) No employer shall use any assignment authorized by this section as grounds for the dismissal of such employee.

(d) As used in this section "employer" includes any public entity as defined in Section 811.2 of the Government Code.

(e) On declaration or affidavit of the parent to whom support has been ordered to be paid to the court that: (1) the parent ordered to make support payments is in default in such payment in the amount specified in subdivision (b), and (2) the whereabouts of such defaulting parent or the identity of his employer are unknown to the parent to whom support has been ordered to be paid, the district attorney shall contact the central registry maintained by the Department of Justice in the manner prescribed in Section 11478.5 of the Welfare and Institutions Code, and upon receiving the requested information, notify the court of the last known address of the absent parent and the name and address of the absent parent's last known employer. The court shall then order the parent obligated to make support payments to show cause why an order for assignment pursuant to subdivision (b) should not issue. The county may charge a reasonable fee not to exceed two dollars and fifty cents ($2.50) for the services of the district attorney under this subdivision.

(f) Nothing in this section shall limit the authority of the district attorney to utilize any and all civil and criminal remedies to enforce child support obligations regardless of whether or not the custodial parent receives welfare moneys.

SEC. 2. Section 4702 of the Civil Code is amended to read:

4702. (a) Notwithstanding the provisions of Section 4701, in any proceeding where a court makes or has made an order requiring payment of child support to a parent receiving welfare moneys for the maintenance of minor children, the court shall direct that payments of support be made to the county clerk, probation officer, or other officer of the court or county officer designated by the court

for such purpose, and shall direct the district attorney to appear on behalf of such welfare recipient in any proceeding to enforce such order.

(b) In any proceeding where a court makes or has made an order requiring payment of child support to the person having custody of any minor children of the marriage, the court may direct that payments thereof be made to the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose, and may direct the district attorney to appear on behalf of such minor children in any action to enforce such order The court shall include in its order any service charge imposed under the authority of Section 580.5 of the Welfare and Institutions Code.

(c) Expenses of the county clerk, probation officer, or other officer of the court or county officer designated by the court, and expenses of the district attorney incurred in the enforcement of any order of the type described in subdivision (a) or (b), shall be a charge upon the county where the proceedings are pending. Any fees for service of process in the enforcement of any such order shall be a charge upon the county where the process is served

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because self-financing authority is provided in this act to fund such costs.

SEC. 4. The sum of fifty-four thousand dollars ($54,000) is hereby appropriated from the General Fund to the Department of Justice for implementation of the purposes of this act.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 101 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 4701 of the Civil Code, and this bill is chaptered after Assembly Bill No. 101, that the amendments to Section 4701 proposed by both bills be given effect and incorporated in Section 4701 in the form set forth in Section 1.5 of this act. Therefore, Section 1 5 of this act shall become operative only if this bill and Assembly Bill No. 101 are both chaptered and become effective on or before January 1, 1975, both amend Section 4701, and this bill is chaptered after Assembly Bill No 101, and in such case Section 1.5 of this act shall become operative on the operative date of Assembly Bill No. 101, and Section 1 of this act shall be operative only until the operative date of Assembly Bill No. 101.

CHAPTER 515

An act to amend Section 25210.9 of the Government Code, relating to garbage service fees.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.9 of the Government Code is amended to read.

25210.9. Any water, sewer, or garbage service fees which remain unpaid for a period of 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. The board shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection

This remedy is in addition to all other means available for collection.

(e) If the person who appears as the owner of the respective parcels of land on the current assessment roll is different from the person to whom the bills for water, sewer or garbage service fees were sent, the provisions of this section shall apply only if

(1) Copies of any unpaid bills for water, sewer or garbage service

fees and

(2) Copies of any notice of hearing of a report of delinquent fees were mailed to such person who appears as the owner of the respective parcels of land.

CHAPTER 516

An act to amend Sections 2736, 2786, and 2786.5 of the Business and Professions Code, relating to registered nurses.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2736 of the Business and Professions Code is amended to read:

2736. (a) An applicant for licensure as a registered nurse shall comply with each of the following:

(1) Have completed such general preliminary education requirements as shall be determined by the board.

(2) Have successfully completed the courses of instruction prescribed by the board for licensure, in a program in this state accredited by the board for training registered nurses, or have successfully completed courses of instruction in a school of nursing outside of this state which, in the opinion of the board, are equivalent to the minimum requirements of the board for licensure established for an accredited program in this state.

(3) Have committed no act, which, if committed by a licensee, would be grounds for disciplinary action.

(b) An applicant who has received his training from a school of nursing in a country outside the United States and who has complied with the provisions of subdivision (a), or has completed training equivalent to that required by subdivision (a), shall qualify for licensure by successfully passing the examination prescribed by the board.

SEC 2. Section 2786 of the Business and Professions Code is amended to read.

2786. (a) An accredited school of nursing is one which has been approved by the board, gives the course of instruction approved by the board, covering not less than 24 months, and is affiliated or conducted in connection with one or more hospitals, and is an institution of higher education or is affiliated with an institution of higher education. For purposes of this section, "institution of higher education" includes community colleges offering an associate degree. An accredited school of nursing which is not an institution of higher education shall make an agreement with an institution of higher education in the same general location to grant an associate

of arts degree to individuals who graduate from such school of nursing or to grant a baccalaureate degree in nursing with successful completion of an additional course of study as approved by the board and the institution involved.

(b) The board shall determine by regulation the required subjects of instruction, and the number of units of instruction, together with the training necessary to achieve minimum clinical competence, to be completed in an accredited school of nursing for licensure as a registered nurse.

SEC. 3. Section 2786.5 of the Business and Professions Code is amended to read:

2786.5. The board shall deny accreditation to any school of nursing which does not offer all of the courses required by the board for licensure as a registered nurse within the first 36 months of full-time training, or first six academic semesters, or the first nine academic quarters, whichever is lesser.

The amendments made to this section at the 1974 portion of the 1973–74 Regular Session shall not become operative until January 1, 1976.

CHAPTER 517

An act to amend Section 508 of the Welfare and Institutions Code, relating to juvenile court.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 508 of the Welfare and Institutions Code is amended to read:

508. When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with such adults.

No person who is a ward or dependent child of the juvenile court who is detained in or committed to any state hospital or other state facility shall be permitted to come or remain in contact with any adult person who has been committed to any state hospital or other state facility as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6, or with any adult person who has been charged in an accusatory pleading with the commission of any sex offense for which registration of the convicted offender is required under Section 290 of the Penal Code and who has been committed to any state hospital or other state facility pursuant to Section 1026 or 1370 of the Penal Code.

As used in this section, "contact" does not include participation in supervised group therapy or other supervised treatment activities.

CHAPTER 518

An act to add Section 6458 to the Fish and Game Code, relating to fish.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6458 is added to the Fish and Game Code, to read:

6458. It is unlawful to enter upon any lands or waters described in an application for a license which has been issued pursuant to this article where signs, meeting such requirements as may be prescribed by the commission, are posted on the exterior boundaries of such area at intervals of not more than 500 feet, without the written permission of the owner or lessee of the land. The provisions of this section are not applicable to premises licensed under Article 6 (commencing with Section 6550) or Article 7 (commencing with Section 6570) of this chapter.

Signs shall not be posted to prevent the public from fishing in any waters where such public fishing rights existed prior to the effective date of this section, nor to exclude public access to waters impounded by a dam where the public is accorded the right to fish under Section 5943.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 519

An act to add Article 8.5 (commencing with Section 20900) to Chapter 7 of Division 8 of, the Business and Professions Code, relating to petroleum.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Article 8.5 (commencing with Section 20900) is added to Chapter 7 of Division 8 of the Business and Professions Code, to read:

Article 8.5 Inducements for the Sale of Gasoline or Motor Fuel

20900. No petroleum corporation or distributor shall compel or unduly or unreasonably influence any retail gasoline dealer to participate in the giveaway or offer to give away free of charge any item of value, including trading stamps or any kind of merchandise or goods, whether or not such giveaway is conditional upon the purchase of gasoline, motor fuel or petroleum products. The decision to participate in such giveaways shall be solely that of the retail gasoline dealer. Nothing in this section shall prohibit a retail gasoline dealer from entering into an agreement to participate in any such giveaway program.

CHAPTER 520

An act to amend Section 6464 of the Streets and Highways Code, relating to improvement bonds.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6464 of the Streets and Highways Code is amended to read:

6464. The legislative body conducting the proceedings may elect, in the resolution of intention, to have the redemption provisions of said bond provide a premium of 5 percent of the unmatured principal. In such case, the words, "together with a premium of 5 percent of said unmatured principal" shall be added after the redemption clause in the bond form, and Section 6447 shall be deemed to require the property owner to pay a like sum in order to pay and discharge such lien.

As used in this section, "unmatured principal" means those installments of principal that are due to be paid at future dates and for which no corresponding payments of interest will be payable pursuant to the provision of Section 6447

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CHAPTER 521

An act to amend Section 10161.7 of the Business and Professions Code, relating to real estate licenses.

[Approved by Governor August 20, 1974. Filed with Secretary of State August 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 10161.7 of the Business and Professions Code is amended to read:

10161.7. The license of a real estate broker or salesman may be inactivated within the period for which the license was issued by notifying the commissioner in writing of the inactivation and paying the prescribed fee. The change of status from active to inactive shall be made by the licensee on the active license by marking out all but the licensee's name on the face of the license; by typing or writing in ink on the reverse side the words "Inactive License"; and by typing or writing the licensee's residence address, and date and placing his initials thereon.

An inactive license which is not suspended or revoked may be reinstated at any time during the period for which the license was issued, and may be renewed each four-year period upon the making of application therefor and the payment of the appropriate fee.

Notwithstanding any other provision of this part:

(a) If the license is inactivated or the right to renew the license has not been exercised for a continuous period of more than six months, the license may be reinstated or renewed after a lapse of 30 days of application for renewal or reinstatement.

(b) On or after July 1, 1980, any license which has been inactive for a continuous period of five years may be reinstated or renewed provided the licensee has met the examination requirement of an original applicant.

An inactive broker need not maintain a place of business as required by Section 10162.

An inactive licensee shall not be entitled to act in any capacity for which the license is required until the license has been reinstated.

CHAPTER 522

An act to amend Sections 8770.5 and 11629 of, the Business and Professions Code, relating to land surveys.

[Approved by Governor August 20, 1974. Filed with Secretary of State August 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 8770.5 of the Business and Professions Code is amended to read:

8770.5. Any record of survey filed under the provisions of this chapter may be amended to show any course or distance that was omitted therefrom, or to correct any error in: course or distance shown thereon, the description of the land which the record of survey comprised, lot numbers, street names, acreages, identification of adjacent record maps, or the character of monuments being set, or to correct any other minor errors approved for correction by the county surveyor in the same manner that subdivision maps may be amended under the provisions of the Subdivision Map Act, Chapter 2 (commencing with Section 11500) of Part 2 of Division 4 of this code.

SEC. 2. Section 11629 of the Business and Professions Code is amended to read:

11629. Any map filed under the provisions of this chapter may be amended to show any course or distance that was omitted therefrom, or to correct an error in: any course or distance shown thereon, lot numbers, street names, the description of the land which the map comprised, acreages, identification of adjacent record maps, or the character of monuments being set, or to correct any minor errors approved for correction by the county surveyor by (a) the filing of an amending map or (b) the recording of a certificate of correction whichever is deemed appropriate by the county surveyor or city engineer. The amending map or certificate of correction shall be prepared by the civil engineer or land surveyor who filed the final map or parcel map. In the event of the death, disability, or retirement of the civil engineer or land surveyor who filed the final map or parcel map, or in the event the civil engineer or land surveyor refuses to prepare such amending map or certificate of correction, a registered civil engineer, licensed land surveyor, the county surveyor or city engineer may prepare such amending map or certificate of correction. The civil engineer or land surveyor who refused to prepare an amending map or certificate of correction shall be allowed at his discretion to make a statement of rebuttal on the map prepared by a registered civil engineer, licensed land surveyor, the county surveyor or city engineer and such statement shall become an integral part thereof. The amending map of a final map shall conform to the requirements of Section 11567, and in case of a parcel map shall conform to the requirements of Section 11577. The amending map or the certificate of correction shall set forth in detail the corrections made, and show the names of the present fee owners of property affected by the correction or omission. A certificate by the civil engineer or land surveyor responsible for preparation of the amending map or certificate of correction shall appear thereon giving the date of preparation and certifying to the fact that the only changes shown thereon are as provided for. The governing body or county surveyor or city engineer having jurisdiction shall certify that they have examined the amending map or certificate of correction

and that they approve the amendments or corrections. The county surveyor shall examine such amending map or certificate of correction and if such examination discloses that the only changes shown thereon are changes above provided for, he shall certify this to be a fact over his signature on the amending map or certificate of correction. Thereafter, the amending map or certificate of correction shall be filed or recorded in the office of the recorder in which the original final or parcel map was filed. Upon the filing of the amending map or recording of the certificate of correction, the recorder shall index the names of fee owners shown on the certificate of correction in his general index and shall note upon the original map and any copies thereof in his office, the book and page reference to the amending map or certificate of correction and thereupon the original map shall be deemed to have been conclusively so corrected.

The use of the word "error" shall not be construed so as to include corrections in courses or distances which are made for the purpose of redesigning the lot configuration.

CHAPTER 523

An act to amend Section 1308 of the Labor Code, and to add Sections 12775.2 and 12790 to the Education Code, relating to minors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12775.2 is added to the Education Code, to read:

12775.2. Nothing in this article shall require a minor to obtain a permit to work in order for such minor to participate in horseback riding exhibitions, contests or events specified in paragraph (3) of subdivision (b) of Section 1308 of the Labor Code.

SEC. 2. Section 12790 is added to the Education Code, to read:

12790 Nothing in this article shall require a person to obtain a permit to employ in order for a minor to participate in horseback riding exhibitions, contests or events specified in paragraph (3) of subdivision (b) of Section 1308 of the Labor Code.

SEC. 3. Section 1308 of the Labor Code is amended to read:

1308. (a) Any person is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars ($50) and not more than two hundred fifty dollars ($250) or imprisonment for not exceeding six months or both, who, as parent, relative, guardian, employer, or otherwise having the care, custody, or control of any minor under the age of 16 years, exhibits, uses, or employs, or in any manner or under any pretense, sells, apprentices, gives away, lets

out, or disposes of any such minor to any person, under any name, title, or pretense for, or who causes, procures, or encourages such minor to engage in:

(1) Any business, exhibition, or vocation, injurious to the health or dangerous to the life or limb of such minor.

(2) The vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging, or peddling, or as a gymnast, acrobat, contortionist, or rider, in any place whatsoever.

(3) Any obscene, indecent, or immoral purposes, exhibition, or practice whatsoever.

(4) Any mendicant or wandering business.

(b) Nothing in this section applies to or affects:

(1) The employment or use of any minor, as a singer or musician in any church, school, or academy, or the teaching or learning of the science or practice of music.

(2) The employment of any minor as a musician at any concert or other musical entertainment on the written consent of the mayor of the city or president of the board of trustees of the city or town where such concert or entertainment takes place.

(3) The participation by any minor of any age, whether or not the minor receives payment for his services or receives money prizes, in any horseback riding exhibition, contest, or event other than a rough stock rodeo event, circus, or race. As used in this paragraph, "rough stock rodeo event" means any rodeo event operated for profit or operated by other than a nonprofit organization in which unbroken, little-trained, or imperfectly trained animals are ridden or handled by the participant, and shall include, but not be limited to, saddle bronc riding, bareback riding, and bull riding. As used in this paragraph, "race" means any speed contest between two or more animals which are on a course at the same time which is operated for profit or operated other than by a nonprofit organization.

(4) The leading of livestock by a minor in nonprofit fairs stock parades, livestock shows and exhibitions.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act take effect in time to allow the full participation of minors in the State Fair Horse Show, it is necessary that this take effect immediately.

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CHAPTER 524

An act to add Section 5516 to, and to repeal Section 5512 of, the Fish and Game Code, relating to fish.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5512 of the Fish and Game Code is repealed.

SEC. 2. Section 5516 is added to the Fish and Game Code, to read:

5516. Any river, stream, lake, or other body of water restricted by the commission to the use of artificial flies or artificial lures only for fishing shall be posted by the department at logical places of entry so as to inform persons fishing in such waters as to the nature of the restrictions.

CHAPTER 525

An act to amend Sections 6 and 12 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), relating to the San Diego County Flood Control District.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual existence.
2. To sue and be sued in the name of the district.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, excepting water rights owned by a public corporation or agency without the consent of such public corporation or agency, and to construct, maintain, alter and operate any and all projects or works of improvement, within or without the district, necessary or proper to carry out any of the objects or purposes of this act, or convenient to the full exercise of its powers, and to construct, complete, extend,

add to, alter, remove, reconstruct, repair or otherwise improve any projects or works of improvement, or property acquired by it as authorized by this act.

5. To control the flood and storm waters of the district, and the flood and storm waters of streams that have their source outside of the district, but which streams and the floodwaters thereof flow into the district, and to conserve such waters for beneficial and useful purposes within the district by retarding, spreading, storing, retaining and causing the same to percolate into the soil within or without the district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district; provided, that water rights now existing, public or private, be not thereby taken or damaged without compensation; provided further, that none of the provisions of this act shall in any manner limit or preclude the full exercise by any county, city, district, public or municipal authority, agency or corporation, or any political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising any of its powers, although such be of the same nature as the powers of the district. Any such other public entity may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other public entity has an interest, or for the use, or joint use, of property or facilities in which the district has an interest.

6. To cooperate and to act in conjunction with or contribute funds to, the United States or the State of California, or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of San Diego, or with any public agency or district, in the construction of any projects or works of improvement for the controlling of flood or storm waters of or flowing into the district, or for the protection of life or property therein, or for the purposes of conserving said waters for beneficial use within said district, or for the protection of beaches and shorelines from erosion, or for the restoration of beaches and shorelines, or in any other works, acts or purposes provided for herein, and to adopt and carry out any definite plan or system of projects or works of improvement for any such purpose; and to enter into, and to do any and all acts necessary or proper for the performance of, any agreement with, or necessary to comply with any act of authorization of, the United States, or any state, county or district of any kind, or necessary and proper for the performance of any agreement with any public or private corporation, association, firm or individual, or any number of them, for the joint financing, acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, projects or works of improvement, or other property of any kind which might be lawfully acquired or owned by the district.

7. To acquire the right to store water in any reservoirs, or to carry

water through any canal, ditch or conduit not owned by the district, and to grant to any person the right to carry any water owned by such person through any tunnel, canal, ditch or conduit of the district; provided, that the district shall not acquire any such rights from a municipality or public water agency or district other than with the consent of such municipality or public water agency or district.

8. To carry on technical and other investigations of all kinds, make measurements, collect data, and to make analyses, studies, and inspections pertaining to water supply, water rights, ocean currents, tides, erosion, control of floods, and use of water, and to make surveys, studies, and maps and plats relative to the location of necessary projects and works of improvement including but not limited to dams, levees, channels, conduits, canals, pipelines, roadways and other rights-of-way, and relative to the acquisition of lands, or interests therein, and other property; provided, that the foregoing powers may be exercised by the district to the extent necessary to accomplish the purposes of this act; and further provided, that the district has the right of access, and may enter upon any lands within or without the district, irrespective of the ownership of such lands, with or without the permission of the owner of such lands, in order to accomplish the acts authorized by this section, or any of them, and such entry by the district or by its authorized representative shall not constitute, nor give rise to, any cause of action in favor of the owner or owners of such land except for injuries resulting from negligence, wantonness, or malice.

Whenever a project or work of improvement is contemplated due consideration shall be given to the location of existing sewage lines and to the possible locations of future sewage lines, and the district shall solicit the recommendations of public sewage disposal agencies in order that district facilities may be located equitably in light of such sewage lines.

9. To incur indebtedness and to issue bonds in the manner hereinafter provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, to employ labor, to employ expert appraisers, consultants and technical advisers and assistants, and to do all acts necessary for the full exercise of all powers vested by this act in said district or in any of the officers thereof.

12. The district has and may exercise the right of eminent domain within the County of San Diego, either within or without the district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or public corporation or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for

the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles or other property of any public utility or public corporation or district which is required to be moved to a new location; and provided further, that notwithstanding any provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in the district to take by proceedings in eminent domain any water rights appropriated to public use by any existing municipal corporation, water district, or other public agency. The district shall also have the right to and may condemn, within the County of San Diego, any existing works or improvements in the district or along streams flowing into the district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in the district or along streams flowing into the district from damage from such flood or storm waters, or to protect beaches or shorelines from erosion or to restore such beaches or shorelines, and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use subject to the regulation and control of the State of California in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize the district or any person to divert the waters of any river, creek, stream, irrigation system, canal or ditch or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement or interest in any real property which the board by resolution shall determine is necessary for carrying out the purposes of this act.

Before property can be taken it must appear:

1. That the use to which it is to be applied is a use authorized by this act; and

2. That the taking is necessary to such use; provided, when the board, by resolution adopted by vote of two-thirds of all its members, has found and determined that the public interest and necessity require the acquisition, construction or completion by the district of some project or work of improvement, and that the property described in such resolution is necessary therefor, such resolution shall be conclusive evidence:

(a) Of the public necessity for such proposed project or work of improvement;

(b) That such property is necessary therefor, and

(c) That such proposed project or work of improvement is planned or located in the manner which will be most compatible

with the greatest public good, and the least private injury; provided, however, that said resolution shall not be such conclusive evidence in the case of the taking by the district of property located outside of the territorial limits thereof.

Whenever land is to be condemned by the district for any of the uses and purposes permitted by law, and the taking of a part of a parcel of land would leave the remainder thereof in such size or shape or condition as to require the district to pay in compensation for the taking of such part an amount equal to the fair and reasonable value of the whole parcel, the resolution of the board may provide for the taking of the whole of such parcel and upon the adoption of any such resolution it shall be deemed necessary for the public use, benefit, safety, economy, and general welfare that the district acquire the whole of such parcel.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing municipal corporation, water district or other public agency providing water to the public or as affecting the absolute control of any properties of such municipal corporation, water district or public agency necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in the district or any officer thereof, or in any person referred to in this act, except to the extent consented thereto by such municipal corporation, water district or public agency.

13. To plan, improve, operate, maintain, and keep in a sanitary condition a system of public parks, playgrounds, beaches, swimming areas, and other facilities for public recreation, for the use and enjoyment of all the inhabitants of the district, as an incident to the carrying out of the projects and works of improvement of the district and on land acquired or used for the flood control, drainage, beach or shoreline erosion control, or water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic grounds and equipment incidental thereto, bathhouses, golf courses, tennis courts, and other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the district shall not, for the purposes specified in this subsection, interfere with the control or operation of any existing public park, playground, beach, swimming area, parkway, recreational ground, or other public property, owned or controlled by any other district,

county or municipal corporation, except with the consent of the governing body of such district, county or municipal corporation, and upon such terms as may be mutually agreed upon between the board and such governing body; and further provided, that no such recreational facility shall be established in any city or in the unincorporated territory of a county without the consent of the governing body of such city or county, and further provided, that if any such recreational facility is located within the unincorporated territory of a county then that county, or if any such recreational facility is located within the corporate limits of any city then that city, by resolution duly passed by the governing body of such county or city, may assume the management and control of such recreational facility, in which event such county or city shall establish and collect nondiscriminatory fees and charges for the use of such recreational facility and may establish rules and regulations pertaining to such recreational facility, and the county or city annually shall deduct from such fees and charges an amount sufficient to reimburse the county or city for the costs and expenses incurred in such management and control of such recreational facility, and shall pay over to the district, for use for general district purposes, all money collected in excess of the amount necessary for such reimbursement.

14. The powers herein granted shall include the design, construction, or maintenance of any levees, seawalls, groins, breakwaters, jetties, outlets, channels, harbors, basins, or other projects or works of improvement pertaining thereto for the protection of shoreline or beaches.

15. To lease, sell or dispose of any property or interest therein whenever, in the judgment of the board, said property or said interests therein or part thereof is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of such property for the purposes of the district, and to pay any compensation received therefor into the general fund of the district and use the same for the purposes of this act; provided, however, that nothing herein contained shall authorize the board or any officer of said district to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein, except to public agencies for recreational purposes or except as heretofore provided in subsection 6 of this section, or except, in the discretion of the board, as is necessarily incidental to the accomplishment of the purposes of this act or to the public welfare; provided, however, that the district may grant and convey to the United States, or to any federal agency authorized to accept and pay for such land or interests in land, all lands and interests in land, now owned or hereafter acquired, lying within any channel, dam, or reservoir site, or shoreline or beach, improved and constructed, in whole or in part, with federal funds, upon payment to the district of sums equivalent to actual expenditures made by it in acquiring the lands and interests in land so conveyed, and in improving such lands and interests in

land, deemed reasonable in the discretion of the board.

16. To grant or otherwise convey to counties, cities and counties, cities, the State of California or the United States easements for street and highway purposes over, along, upon, in, through, across or under any real property owned by the district.

17. To remove, carry away and dispose of any rubbish, trash, debris, or other inconvenient matter that may be dislodged, transported, conveyed, or carried by means of, through, in or along the works and structures operated or maintained hereunder and deposited upon the property of the district or elsewhere.

18. Notwithstanding any provision of this act, the district shall not have the power to compete with water selling or distribution agencies, either public or private, by selling or distributing water to consumers for domestic, agricultural or industrial use; provided, however, that the district shall have the power to sell to water agencies, either public or private, such surplus water as it may accumulate.

19. To establish by ordinance and maintain building setback lines along the banks of any river, creek, stream, or other waterway, in any case where the board determines that such setback line is necessary to prevent impediment of the natural flow of water or to prevent damage from flooding, bank caving, or erosion related to the property on which the setback is established.

The landowner may submit an engineered alternative to the setback for approval by the board.

20. To do all acts necessary to participate in all programs authorized by the federal government whereby federal funds are granted to the district or any of its residents for purposes of health, education, welfare, public works, or community improvement, including, without limitation thereto, contracting and cooperating with the federal government, the state or its agencies, other local public agencies, and private persons and corporations, and to make any expenditure of district funds required for such participation.

21. To regulate the discharge of pollutants into the district's facilities by requiring dischargers to obtain a permit from the district prior to any such discharge and by prohibiting the discharge of pollutants into the district's facilities without a permit first having been obtained from the district; to require fees to be collected prior to issuance of such permits; to require all permitholders to indemnify the district from any and all damages, penalties, or other expenses imposed on or required of the district by state or federal agencies due to any discharge by such permitholders into the district facilities; to require as a condition of obtaining discharge permits from the district that all such dischargers also obtain state and federal waste discharge permits and any other permits required by state and federal law and submit the necessary fees and applications for such permits to the district for submittal to any such state and federal agencies.

SEC. 2. Section 12 of the San Diego County Flood Control

District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) is amended to read:

Sec. 12. In each of the zones the board shall appoint a commission as follows: one representative of all the resource conservation districts situated entirely or partially within the zone; one representative of all the water agencies situated entirely or partially within the zone; three or more representatives of the unincorporated territory of the zone, the precise number to be determined as hereinafter specified, and one additional representative appointed by the board if such appointment is necessary to make the total number of representatives an uneven number.

As used in this section the term "water agencies" means any person operating a dam having an impounding capacity of 2,500 acre-feet or more, and any public agency representing the owners of, or controlling, water rights that in the determination of the board would or could be affected by zone or district projects.

The board shall appoint the representative of the resource conservation districts from a list of one or more nominees proposed by all of such districts acting in concert.

The board shall appoint the representative of the water agencies from a list of one or more nominees proposed by all of such agencies acting in concert.

Representatives of the unincorporated area shall be not less than three in number and shall be nominated and appointed by the board. The number of representatives authorized for the unincorporated territory shall be determined according to the following table, provided, however, where the application of such table results in the appointment of less than three representatives for the unincorporated territory the board shall appoint additional representatives so that the number of representatives for the unincorporated territory shall be at least three:

Zone	One representative for*	One additional representative for*
1	30, or less	each additional full 30
2	100, or less	each additional full 100
3	40, or less	each additional full 40
4	20, or less	each additional full 20
5	10, or less	each additional full 10

* The numbers in the center and right columns represent millions of dollars of assessed valuation

Upon annexation to the district, any corporate area of any city which is within or partially within any zone shall have the right to representation on the zone commission for said zone and the number of representatives shall be determined and they shall be appointed and serve in like manner as representatives of the unincorporated territory, except that they shall be nominated by the city council

If the position of representative of the resource conservation districts or of the water agencies is or becomes vacant for any reason, the clerk of the board shall give to each of said districts or agencies, as the case may be, 30 days notice of the time and place at which will be held a meeting for the purpose of nominating a representative of its own choosing. If the position of representative of any city or of the unincorporated territory is or becomes vacant for any reason the board shall appoint the representative nominated by the city council or by the board of supervisors, as the case may be, only, and such position shall remain vacant unless and until such nomination and appointment is made.

In all zones representatives shall serve four-year terms, except that the initial appointment of one-half the representatives, as determined by lot, shall be for a two-year term, only, so that the terms of the representatives will be staggered. Any representative appointed by the board for the purpose of making the total number of representatives an uneven number shall be appointed only for a two-year term. Zone representatives may be reappointed by the board to serve additional terms

Each zone representative shall receive such sum as may be fixed by the board for each meeting of the zone commission attended by him, not exceeding two meetings in any calendar month. The board by resolution may provide for the reimbursement from funds of the district of actual and necessary expenses incurred by such representatives in the performance of official duties under this act.

Notwithstanding any other provision of this section, in no event shall the total number of commissioners for any zone exceed the following nine persons: one resource conservation district representative; one water agency representative; and seven representatives of the unincorporated territory of the zone and the corporate area of any city within the zone which may have been annexed to the district. Where the corporate area of a city is included in the zone, the representation shall be apportioned between the unincorporated territory and the corporate area on the basis of assessed valuation of the taxable property in such zone. Where the corporate area of more than one city is included in the zone and the proportionate representation between the unincorporated territory and the corporate area is such that each city will not have the right to representation by at least one representative, the representation of the corporate area shall be by representatives nominated jointly by the councils of such cities.

03319 62 11 320 1394

CHAPTER 526

An act to amend Section 29130 of the Government Code, relating to county budgets.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 29130 of the Government Code is amended to read:

29130. Balances in appropriations for contingencies, including accretions from cancellation of specific appropriations, and amounts received from subventions, grants, gifts, judgments, donations, fines, forfeitures, penalties, insurance claim settlements, and charges for current services which are either in excess of anticipated or are not specifically set forth in the budget, and revenues derived from, services provided under contract or agreement which are not specifically set forth in the budget, may be made available for specific appropriation by a four-fifths vote of the board at any regular or special meeting of which all members have had reasonable notice.

CHAPTER 527

An act to amend Section 6462.1 of the Streets and Highways Code, relating to improvement bonds.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6462 1 of the Streets and Highways Code is amended to read:

6462.1. The legislative body conducting the proceedings may provide for a classification of assessments into different terms of maturity so that some assessments may be made to mature over a shorter period of time than other assessments and may also provide for assessments to mature in other than equal annual amounts.

In such event, the bond declaration in the resolution of intention, assessment, and notice of recording the assessment may recite that the last installment of bonds shall mature a maximum rather than an exact number of years from the second day of January next succeeding the next September 1st following their date.

0 3564 62 11 350 1400

CHAPTER 528

An act to amend Section 11715 of the Insurance Code, relating to workmen's compensation insurers' bonds.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11715 of the Insurance Code is amended to read:

11715. (a) Any workmen's compensation insurer may, in lieu of and for the same purpose as the bond required by Section 11690, and upon payment of the fee prescribed in this article, deposit with the commissioner cash or approved interest-bearing securities or approved preferred stocks readily convertible into cash, or investment certificates or share accounts issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation Such deposit shall be made from time to time as demanded by the commissioner and may be made with the commissioner, State Treasurer, or a bank or trust company pursuant to the approval of the commissioner under such rules and regulations as he shall promulgate. Such deposit shall be maintained at an amount not less than twenty-five thousand dollars ($25,000), nor less than the reserves required of such insurer to be maintained under any of the provisions of Article 1 (commencing with Section 11550), Chapter 1, Part 3, Division 2, relating to loss reserves on workmen's compensation business of the insurer in this state, nor less than the sum of the amounts specified in subdivision (a) of Section 11699.

(b) Any workmen's compensation insurer electing to bring itself within the provisions of subdivision (a) by submitting securities, stock, investment certificates, or share deposits registered in a depositor's name, shall execute and deliver in duplicate to the commissioner a power of attorney in favor of the commissioner for the purposes specified in Section 11690, supported by a resolution of the depositor's board of directors. Such power of attorney and directors' resolution shall be on forms approved by the commissioner, shall provide that the power of attorney cannot be revoked or withdrawn without the consent of the commissioner, and shall be acknowledged as required by law.

CHAPTER 529

An act to amend Section 4505 of the Business and Professions Code, relating to psychiatric technicians.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION. 1. Section 4505 of the Business and Professions Code is amended to read:

4505. Except as provided by Section 159.5, the board may employ whatever personnel is necessary for the administration of this chapter and shall appoint an advisory committee composed of a psychiatric nurse educator; a licensed clinical social worker; a mental health director who is a psychiatrist; a licensed psychologist; a dean of instruction or chairman of a department relating to the human services from the community college system; an administrator of a psychiatric hospital; two psychiatric technicians, one of whom has had three years' experience in the past five years as a psychiatric technician in a state hospital; and two public members, one of whom is active in a voluntary organization for assisting socially disadvantaged persons with mental health problems. Each member of the advisory committee shall serve without compensation, except that he shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties.

CHAPTER 530

An act to amend Section 1246.2 of the Code of Civil Procedure, relating to prepayment penalties.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1246.2 of the Code of Civil Procedure is amended to read:

1246.2. Where the property acquired for a public use is encumbered by a mortgage, deed of trust or contract of sale, the amount payable to the mortgagee or beneficiary under the deed of trust or the seller under a contract of sale, shall not include any penalty for prepayment.

CHAPTER 531

An act to amend Sections 54774, 54775 and 54796 of, and to add Sections 54774.5 and 54790.2 to, the Government Code, relating to local agency formation commissions.

[Approved by Governor August 20, 1974 Filed with Secretary of State August 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 54774 of the Government Code is amended to read:

54774. Among the purposes of a local agency formation commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances. One of the objects of the local agency formation commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for the present and future needs of each county and its communities

In addition to its other powers the local agency formation commission shall initiate and make studies of existing governmental agencies. Such studies shall include but shall not be limited to inventorying such agencies and determining their maximum service area and service capacities. In conducting such studies, the commission may ask for land-use information, studies, and plans of cities, counties, and districts. Cities, counties, and districts shall comply with the request of the commission for such information and the commission shall make its studies available to cities, counties, and districts. In making these studies, the commission may cooperate with the county planning commissions.

In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the local agency formation commission shall develop and determine the sphere of influence of each local governmental agency within the county. As used in this section "sphere of influence" means a plan for the probable ultimate physical boundaries and service area of a local governmental agency. Among the factors considered in determining the sphere of influence of each local governmental agency the commission shall consider:

(a) The maximum possible service area of the agency based upon present and possible service capabilities of the agency.

(b) The range of services the agency is providing or could provide.

(c) The projected future population growth of the area.

(d) The type of development occurring or planned for the area, including, but not limited to, residential, commercial, and industrial development.

(e) The present and probable future service needs of the area.

(f) Local governmental agencies presently providing services to such area and the present level, range and adequacy of services provided by such existing local governmental agencies.

(g) The existence of social and economic interdependence and interaction between the area within the boundaries of a local governmental agency and the area which surrounds it and which could be considered within the agency's sphere of influence.

(h) The existence of agricultural preserves in the area which could be considered within an agency's sphere of influence and the effect on maintaining the physical and economic integrity of such preserves in the event that such preserves are within a sphere of influence of a local governmental agency.

The commission shall periodically review and update the spheres of influence developed and determined by them.

The spheres of influence, after adoption, shall be used by the commission as a factor in making regular decisions on proposals over which it has jurisdiction. The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for such recommendations. Such recommendations shall be made available, upon request, to other governmental agencies or to the public.

The commission, or the board of supervisors on behalf of the commission, is authorized to apply for or accept, or both, any financial assistance and grants-in-aid from public or private agencies or from the state or federal government or from a local government.

SEC. 2. Section 54774.5 is added to the Government Code, to read:

54774.5. It is the intent of the Legislature that local agency formation commissions establish policies and exercise their powers pursuant to this chapter in such manner to encourage and provide planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within such patterns.

SEC. 3. Section 54775 of the Government Code is amended to read:

54775. Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter:

(a) "City officer" means the mayor or a member of the legislative body of the city.

(b) "Commission" means a local agency formation commission created pursuant to this chapter.

(c) "County officer" means a member of the board of supervisors.

(d) "Function" means any power granted by law to a local agency or a county to provide designated governmental or proprietary services or facilities for the use, benefit or protection of persons or property

(e) "Independent special district" includes any special district having a legislative body all of whose members are elected by registered voters or landowners within the district and excludes any special district having a legislative body consisting, in whole or in part, of ex officio members who are officers of a county or another local agency or who are appointees of such officers. "Independent special district" does not include any district excluded from the provisions of the District Reorganization Act pursuant to the provisions of Section 56039 of this code.

(f) "Independent special district officer" means the presiding officer or a member of the legislative body of an independent special district.

(g) "Initiate" or "initiation" means, in the case of proceedings, the first procedural step authorized or required by any law for the commencement of such proceedings, such step being one of the following:

(1) The circulation of a petition requesting any proceedings;

(2) The filing with any officer of a county or a local agency of a notice of intention to circulate such a petition; or

(3) The adoption by a legislative body of a county or a local agency of any resolution, order, or ordinance initiating proceedings on its own motion.

(h) "Local agency" means a city or a special district.

(i) "Principal county," in the case of a special district whose territory is or will be located in two or more counties, shall have the meaning contained in any definition of "principal county," as set forth in the law pursuant to which said special district was or is proposed to be formed. If the law pursuant to which the special district was, or is proposed to be, formed contains no such definition, for purposes of this chapter "principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the counties, of the taxable property in, or proposed to be included in, the special district.

(j) "Proceedings" means the procedure authorized and required by any law for the incorporation of a new city, the formation of a special district, the annexation of territory to a local agency or the exclusion of territory from a city, or the disincorporation of a city.

(k) "Proponent" means any person intending to circulate or cause the circulation of any petition.

(*l*) "Service" means a class established within and as a part of a single function, as provided by rules and regulations adopted by the commission pursuant to Article 4 (commencing with Section 54850) of this chapter

(m) "Special district" means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Special district" does not include the state, a city, a county, or a school district. "Special district" does include a

county service area but does not include a special assessment district formed under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, the Vehicle Parking District Law of 1943, the Parking District Law of 1951, the Pedestrian Mall Law of 1960, or any similar assessment law, or any similar procedural ordinance adopted by a chartered city. "Special district" does not include an improvement district or zone formed for the sole purpose of designating an area which is to bear a special tax or assessment for an improvement benefiting that area.

(n) "Open space" means any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in Section 65560 of this code.

(o) "Open-space use" means any use as defined in Section 65560 of this code.

(p) "Prime agricultural land" means land which qualifies for rating as class I or class II in the soil conservation service land-use capability classifications or land which qualifies for rating 80 through 100 in the Storie Index Rating.

(q) "Agricultural preserve" means an area as defined in subdivision (d) of Section 51201 of the Government Code.

SEC. 4. Section 54790.2 is added to the Government Code, to read:

54790.2. In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider the following policies and priorities:

(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless such an action would not promote the planned, orderly, efficient development of an area.

(b) Development of existing vacant or nonprime agricultural lands for urban uses within an agency's existing jurisdiction or within an agency's sphere of influence should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the agency's existing jurisdiction or outside of an agency's existing sphere of influence

SEC. 5. Section 54796 of the Government Code is amended to read:

54796. Factors to be considered in the review of a proposal shall include but not be limited to:

(a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) Need for organized community services; the present cost and

adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. As used in this subdivision, "services" is to be construed as referring to governmental services whether or not the services are such as would be provided by local agencies subject to this chapter, and as including the public facilities necessary to provision of services.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development and the policies and priorities set forth in Section 54790.2 of this code.

(e) The effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in open-space uses.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(g) Conformity with appropriate city or county general and specific plans.

(h) The "sphere of influence" of any local agency which may be applicable to the proposal being reviewed.

CHAPTER 532

An act to amend Sections 30637, 30805, 30821, 30832, 30836, 30837, 30839, 30840, 30845, 30850, 30850.5, and 30854 of, to amend the headings of Article 3 (commencing with Section 30830) and Article 4 (commencing with Section 30850) of Chapter 6 of Part 3 of Division 10 of, to add Sections 30850.6 and 30852.5 to, and to add Article 5 (commencing with Section 30870) to Chapter 6 of Part 3 of Division 10 of, the Public Utilities Code, and to amend Section 7272 of, to add Sections 7265 and 7270 to, and to repeal Sections 7272.7 and 7272.8 of, the Revenue and Taxation Code, relating to transit, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1974 Filed with Secretary of State August 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 30637 of the Public Utilities Code is amended to read:

30637. The district shall not exercise control over any transit facilities now or hereafter owned and operated wholly or partly within, or without, the district by any city or public agency, unless by consent of such city or public agency and upon such terms as are mutually agreed upon between the board and such city or public agency.

The district shall not establish, construct, complete, acquire, operate, extend, or reroute (all of the foregoing being hereinafter referred to by the word "establish" in all forms thereof), directly or indirectly, either itself or by lease or contract with any other person or otherwise, any rapid transit service or system in such manner or form as will or may, either then or at any time in the future, divert, lessen, or compete for the patronage or revenues of the existing system of a publicly or privately owned public utility without the consent of the public utility, if the existing system has been in operation since at least August 1, 1974.

The maintenance and operation, but not the extension or rerouting, of any existing system acquired by the district from a publicly or privately owned public utility shall not be deemed to be the establishment of a rapid transit service or system within the meaning of this section.

The construction by the district of any structures constituting a method of rapid transit, and the operation therein and thereon of any equipment except buses, shall not be deemed to be the establishment, construction, completion, acquisition, operation, or extension of rapid transit within the meaning of this section.

No publicly owned public utility shall establish, construct, complete, acquire, or extend, directly or indirectly, either itself or by lease or contract with any other person or otherwise, any rapid transit service system in such manner or form as will then substantially divert or reduce the patronage or revenues of the system operated by the district. Any municipality may acquire and operate any existing transportation system within its existing transit service area without being in violation of this paragraph and may make route extensions to such system within its existing transit service area where such extensions do not compete with the established services of the district.

Nothing in this part shall be construed as in any way preventing or restricting the City of Los Angeles or any other city from exercising any powers which it has under Section 9 of Article XI of the California Constitution, including, without limitation, the establishing and operation of any point to point lines or system of rapid transit to operate in connection with any other transportation services established and operated by such city

SEC 1.5. Section 30805 of the Public Utilities Code is amended to read:

30805. Any limitation on taxes under this article shall not apply

to the special taxes authorized under Section 30831 or 30851.

SEC. 2. Section 30821 of the Public Utilities Code is amended to read:

30821. Except as authorized under Article 4 (commencing with Section 30850), no taxes of any kind or nature whatever shall be levied to pay operating expenses of the district or to provide for repairs and maintenance of works owned or operated by the district. No taxes of any kind or nature authorized by this article shall be levied to pay principal and interest on bonds or other obligations of any improvement district formed pursuant to Article 5 (commencing with Section 30960) of Chapter 7.

SEC. 2.5. The heading of Article 3 (commencing with Section 30830) of Chapter 6 of Part 3 of Division 10 of the Public Utilities Code is amended to read:

Article 3. Special Taxes for Capital Financing and Guideway Systems

SEC. 3. Section 30832 of the Public Utilities Code is amended to read:

30832. In order to provide the district with sufficient flexibility to respond to its current problems of limited sources of available funds, taxes may be levied pursuant to this article for:

(a) Capital financing, as defined in Section 30839.

(b) The maintenance and operation of the district's public mass transit guideway system and its related fixed facilities.

SEC. 4. Section 30836 of the Public Utilities Code is amended to read:

30836. The board, in its complete discretion, may at any time order pay-as-you-go financing in lieu of the issuance of limited tax bonds. The proceeds of limited tax bonds or any taxes authorized at an election pursuant to Section 30834, may be utilized for any purpose set forth in Section 30840, and it shall be a sufficient identification of such purposes to state in the proposition in the ordinance adopted pursuant to Section 30834 that the special taxes so authorized are for capital financing, and for the maintenance and operation of the district's public mass transit guideway system and its related fixed facilities, pursuant to the Southern California Rapid Transit District Law. The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting used, shall read as follows:

Rapid Transit	Yes	
	No	

The ballot may include a reference substantially as follows to identify any proposition adopted pursuant to Section 30854 and

submitted at the same election:

"This proposition is a companion measure to Proposition No. ____."

The sample ballot to be mailed to the voters, under Section 10012 of the Elections Code, shall be the full proposition as set forth in the ordinance adopted pursuant to Section 30834.

SEC. 5. Section 30837 of the Public Utilities Code is amended to read:

30837. Subject to the limitations of Section 30840, special taxes and capital financing pursuant to this article may be used to fund capital reserves for the works owned or operated by the district.

SEC. 5.4. Section 30839 of the Public Utilities Code is amended to read:

30839. "Capital financing" means any financing or expenditure of special taxes pursuant to this article, except for the maintenance and operation of district facilities.

SEC. 5.6 Section 30840 of the Public Utilities Code is amended to read:

30840. (a) All of the taxes authorized by this article raised annually shall be expended for capital facilities or other district purposes other than maintenance and operation of any facilities of the district.

(b) Notwithstanding subdivision (a), such taxes may be expended for the maintenance and operation of the district's public mass transit guideway system and its related fixed facilities.

SEC. 6. Section 30845 of the Public Utilities Code is amended to read:

30845. Failure to comply, in whole or in part, with Section 30636, prior to the issuance of limited tax bonds as part of a capital financing, shall not affect the validity of the authorization of the special taxes or of the limited tax bonds; but, as to any portion of the rapid transit system to be acquired or constructed from the proceeds of the limited tax bonds, Section 30844 shall be substantially complied with prior to the expenditure of the proceeds of the bonds or special taxes on such phase. No substantial change in any route determined in a revised final report for such phase following the procedure required by Section 30844 may be made without holding further hearings pursuant to notice given in such manner as the district may determine, if the proposed change in the system is objected to by any city or county affected thereby.

SEC. 7 The heading of Article 4 (commencing with Section 30850) of Chapter 6 of Part 3 of Division 10 of the Public Utilities Code is amended to read:

Article 4. Special Taxes for Transit Operators

SEC. 8. Section 30850 of the Public Utilities Code is amended to read:

30850. The power of taxation granted by this article is in addition to, and is an alternative to, any other provisions of this part, and is intended to provide a method of augmenting the revenues of the district and included municipal operators.

SEC. 8.5. Section 30850.5 of the Public Utilities Code is amended to read:

30850.5. "Included municipal operator" means a city, including any nonprofit corporation or other legal entity wholly owned or controlled by the city which is included, in whole or in part, within the district and (a) which has operated continuously a public transportation system since at least August 1, 1974, or (b) which operates a public transportation system which meets all of the following criteria:

(1) Conforms to the regional transportation plan adopted by the Southern California Association of Governments pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 of the Government Code.

(2) Does not compete or lessen the effectiveness of any other public transportation system.

(3) Operates not less than 10 hours a day, and not less than five days a week.

(4) Operates public transit vehicles with a seating capacity of not less than 12 persons, which vehicles have been approved by the Urban Mass Transportation Administration.

(5) Operates not less than one such vehicle per each 15,000 in population of the area to be served by the public transportation system, with not less than four such vehicles in operation and with a reserve of such vehicles of not less than 20 percent of the vehicles in operation.

(6) Is supervised by an employee devoting full time to such supervision.

SEC. 8.6. Section 30850.6 is added to the Public Utilities Code, to read:

30850.6. Notwithstanding Section 30850.5, "included municipal operator" shall not include any of the following:

(a) A city within which the district operates more than 50 percent of its service miles.

(b) A city, which provides new public transportation services, after January 1, 1975, more than three miles beyond its boundaries if such services compete with services provided by the district, unless such services provided by the city are approved by the district.

SEC. 9. Section 30852.5 is added to the Public Utilities Code, to read:

30852.5. The use by included municipal operators of the special taxes levied pursuant to this article for capital expenditures

constitutes an expenditure to reduce fares for purposes of Section 30852.

SEC. 10. Section 30854 of the Public Utilities Code is amended to read:

30854. No taxes author zed by this article shall be levied unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by a majority of the votes cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board, in such ordinance, shall state the nature of the tax to be imposed, shall provide the tax rate or rates or the maximum tax rate or rates, and shall specify that the revenue derived from the tax will be used for the purposes set forth in Section 30852. The board is authorized to levy a maximum tax rate of ½ percent under this article and the board may state the maximum tax rate in terms of not to exceed ½ percent, or any lesser percentage thereof, notwithstanding Section 37021 of the Revenue and Taxation Code. The district shall not levy the tax at a rate other than ½ or ¼ percent, unless specifically authorized by the Legislature.

SEC. 10.5. Article 5 (commencing with Section 30870) is added to Chapter 6 of Part 3 of Division 10 of the Public Utilities Code, to read·

Article 5. Special Taxes Proposition

30870. The board may, by ordinance adopted by two-thirds of all members of the board, authorize the propositions authorized pursuant to Sections 30834 and 30854 to be combined into a single proposition to be submitted to the qualified electors of the district.

The board, in the ordinance, shall state the nature of the taxes to be imposed, the tax rates or the maximum tax rates authorized under Sections 30834 and 30854, and that the provisions of Article 3 (commencing with 30830) and Article 4 (commencing with Section 30850) shall be applicable to the taxes as if the propositions were not combined.

30871. Notwithstanding the separate statement of tax rates in an ordinance adopted pursuant to Section 30870, it shall be sufficient identification for the purposes of this article, to state in the proposition the combined tax rate in terms of not to exceed 1 percent and that the special taxes so authorized are for combined capital financing and fare reduction, maintenance, and operation pursuant to the Southern California Rapid Transit District Law.

The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting, shall read as follows:

Rapid Transit—construction of mass transit guideway system, expansion of bus service, and reduction of fares financed by a ____ cent transactions and use tax.	Yes	
	No	

The sample ballot to be mailed to the voters, under Section 10012 of the Elections Code, shall be the full proposition as set forth in the ordinance adopted pursuant to Section 30870.

30872. A proposition submitted pursuant to Section 30871 shall be deemed a proposition submitted pursuant to Sections 30836 and 30856.

SEC. 11. Section 7265 is added to the Revenue and Taxation Code, to read:

7265. (a) Except as otherwise provided in subdivision (b), no ordinance adopted pursuant to this part shall be operative on other than the first day of a calendar quarter, or prior to the first day of the first calendar quarter, commencing more than 120 days after the adoption of the ordinance.

(b) If the principal act of the district does not provide for an operative date for the ordinance or provides for an operative date earlier than that set forth in subdivision (a), the board and the district may agree, at least four months prior to the proposed operative date of the ordinance, for the board to prepare to administer the ordinance. In such case, the ordinance may be made operative on the first day of an earlier calendar quarter than that specified in subdivision (a), but in no instance shall the operative date be earlier than the first day of the calendar quarter specified in the principal act of the district.

SEC. 12. Section 7270 is added to Chapter 3 (commencing with Section 7271) of Part 1.6 of Division 2 of the Revenue and Taxation Code, immediately preceding Section 7271, to read:

7270. Prior to the operative date of any ordinance imposing a transactions and use tax pursuant to this part, the district shall contract with the board to perform all functions incident to the administration and operation of the ordinance. If the district shall not have contracted with the board prior to the operative date of its ordinance, it shall nevertheless so contract and, in such case, the operative date shall be the first day of the first calendar quarter following the execution of the contract.

SEC. 13. Section 7272 of the Revenue and Taxation Code is amended to read:

7272. The district shall pay to the board its costs of preparation to administer and operate the transactions and use taxes ordinance. The district shall pay such costs monthly as incurred and billed by the board. Such costs include all preparatory costs, including costs of developing procedures, programming for data processing,

developing and adopting appropriate regulations, designing and printing of forms, developing instructions for the board's staff and for taxpayers, and other necessary preparatory costs which shall include the board's direct and indirect costs as specified by Section 11256 of the Government Code. Any disputes as to the amount of preparatory costs incurred shall be resolved by the Director of Finance, and his decision shall be final. The maximum amount of all preparatory costs to be paid by the district shall not, in any event, exceed one hundred twenty-five thousand dollars ($125,000).

SEC. 14. Section 7272.7 of the Revenue and Taxation Code is repealed.

SEC. 15 Section 7272.8 of the Revenue and Taxation Code is repealed.

SEC. 16. Notwithstanding Section 23302 of the Elections Code, a special election called by the Board of Directors of the Southern California Rapid Transit District for the submission of a proposition adopted pursuant to Section 30870 of the Public Utilities Code shall be consolidated with the November 5, 1974, general election if the necessary documents are filed with the Board of Supervisors and the County Clerk of Los Angeles County by September 3, 1974, and if the board of directors adopts, not later than September 17, 1974, an ordinance calling for such a special election.

SEC. 17. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Southern California Rapid Transit District will be submitting propositions at the November 5, 1974, general election for authorization to impose transaction and use taxes within the district pursuant to Chapter 1060 of the Statutes of 1973.

In order that the changes proposed by this act to Chapter 1060 of the Statutes of 1973, and to provisions regarding the administration of transactions and use taxes ordinances of transit districts, and in order that the authority of the district to combine the two propositions into one proposition for that election, be in effect before that date, it is necessary that this act take effect immediately.

CHAPTER 533

An act to add Section 23428.22 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.22 is added to the Business and Professions Code, to read:

23428.22. For purposes of this article, "club" also means any nonprofit corporation whose principal purpose is to promote cultural ties and understanding between citizens of a foreign country or commonwealth and citizens of the United States, which has a bona fide membership of more than 10,000 members each of whom pay regular membership dues, which has been in existence for not less than two years, and which owns, leases, operates or maintains an establishment for fraternal purposes for not less than one year. Such a club, if issued a license pursuant to Section 23430, may sell and serve alcoholic beverages for consumption within the licensed establishment only to bona fide members of the club and their bona fide guests.

No license shall be issued pursuant to this section to any club which restricts membership or the use of any of its facilities on the basis of race, religion, national origin, or sex.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the state, cities and counties may benefit from revenue generated from licensing clubs qualified under this act, it is necessary for this act to take effect immediately.

CHAPTER 534

An act to amend Section 157 of the Water Code, relating to the California Water Commission.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1 Section 157 of the Water Code is amended to read

157. Each member of the California Water Commission shall receive fifty dollars ($50) for each day during which he is engaged

in the performance of his official duties, but his total compensation shall not exceed in any one fiscal year the sum of two thousand dollars ($2,000); except the chairman of the commission may receive compensation of not to exceed three thousand dollars ($3,000) for performance of such duties. In addition to his compensation each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

CHAPTER 535

An act relating to State Center Community College District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. State Center Community College District became operative on July 1, 1964, following recommendation of the augmented Fresno County Committee on School District Organization and subsequent approval by the voters. The new district acquired certain assets from the Fresno Unified School District and the Reedley School District which carried with them pro rata bond redemption obligations and equity payment obligations representing the cost of property and facilities acquired from the other school districts. Annual equity payments were to be made from the proceeds of an override tax rate as provided for in Section 3301.5 of the Education Code. The district formation agreement limited the annual tax rate to five cents ($0.05) rather than the ten cents ($0.10) permitted by law. It was assumed that increases in assessed valuation over a 10-year period would be adequate to liquidate the equity obligation through annual levy of the five-cent ($0.05) tax. Revenues from the five-cent ($0.05) tax rate have been less than originally anticipated and are insufficient to liquidate the equity obligation within the 10-year period during which the tax has been levied.

The district is now in its 10th year of levying the five-cent ($0.05) tax for equity payment. There will remain, at the close of this fiscal year, a balance of approximately $280,000 of unpaid equity which could be liquidated through levy of a tax rate of slightly under three cents ($0.03) In the absence of legal authority to levy such a tax, it will be necessary that the district make the payment out of general operating revenue.

SEC. 2. The State Center Community College District is hereby authorized to have levied and collected for the 1974–75 fiscal year, a tax not to exceed three cents ($0.03) per each one hundred dollars ($100) assessed valuation of taxable property within the district. The

revenue from such tax shall be applied exclusively to the retirement of debt arising from the district's acquisition of the property and facilities of other school districts in connection with the formation of State Center Community College District. In the event the revenue from the tax authorized by this section exceeds that which is needed for the purposes stated herein, the excess shall be deposited to the credit of the special reserve fund of the community college district.

SEC. 3. Because of the unique financial situation of the State Center Community College District, as described in Section 1 of this act, the Legislature has determined that a general law with respect thereto cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the special one-time tax rate increase provided for in this act to be put into effect during the 1974–75 fiscal year, it is necessary for this act to go into effect immediately.

CHAPTER 536

An act to amend Sections 1 and 2 of Chapter 1672 of the Statutes of 1967, relating to recreation and fish and wildlife enhancement associated with state water projects.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1672 of the Statutes of 1967 is amended to read:

Sec. 1. The Legislature, pursuant to Section 11912 of the Water Code, approves the allocation by the Department of Water Resources of forty-nine million four hundred six thousand five hundred forty-nine dollars ($49,406,549) to recreation and fish and wildlife enhancement as nonreimbursable joint costs of the State Water Project, as reported in Bulletin No. 132-74, Appendix D, "Costs of Recreation and Fish and Wildlife Enhancement," dated April 1974, in accordance with the following schedule:

Schedule:

(a) For Frenchman Dam and Lake	$2,529,928
(b) For Antelope Dam and Lake	$5,083,087
(c) For Grizzly Valley Dam and Lake Davis	$4,743,931
(d) California Aqueduct, Delta to Dos Amigos Pumping Plant	$9,971,782

(e) Oroville Division	$10,943,383
(f) For Del Valle Dam and Lake Del Valle	$16,134,438
Total of schedule	$49,406,549

SEC. 2. Section 2 of Chapter 1672 of the Statutes of 1967 is amended to read:

Sec. 2. The Legislature, pursuant to Section 11912 of the Water Code, approves the expenditures of thirteen million seven hundred forty-five thousand one hundred eighty-seven dollars ($13,745,187) for separate specific recreation land costs of the State Water Project as revised by the Department of Water Resources in said Bulletin No. 132-74, Appendix D, in association with the following facilities and in accordance with the following schedule:

Schedule:

(a) Frenchman Dam and Lake	$55,560
(b) Grizzly Valley Dam and Lake Davis	$226,150
(c) Oroville Division	$2,782,726
(d) California Aqueduct	$1,492,332
(e) San Luis Dam and Reservoir and O'Neill Forebay	$428,897
(f) Del Valle Dam and Lake Del Valle	$646,192
(g) Castaic Dam and Lake	$2,489,596
(h) Cedar Springs Dam and Silverwood Lake	$955,732
(i) Perris Dam and Lake Perris	$4,668,002
Total of schedule	$13,745,187

CHAPTER 537

An act to amend Sections 315, 371, and 379 of, to add Sections 315.1, 379.1, 494, 494.1, 494.2, 607.1 and 607.2 of, and to repeal Section 331 of, the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION. 1. Section 315 of the Streets and Highways Code is amended to read:

315. Route 15 is from:

(a) Route 5 in San Diego to Route 8.

(b) Route 8 to the Nevada state line near Calada via the vicinity of Temecula, Corona, and Barstow.

SEC. 2. Section 315.1 is added to the Streets and Highways Code, to read:

315.1. Notwithstanding Section 263.3, the state scenic highway system shall also include that portion of Route 15 from Route 194 to Route 91.

SEC. 3. Section 331 of the Streets and Highways Code is repealed.

SEC. 4. Section 371 of the Streets and Highways Code is amended to read:

371. Route 71 is from Route 210 to Route 91 via Pomona.

SEC. 5. Section 379 of the Streets and Highways Code is amended to read:

379. Route 79 is from:

(a) Route 8 near Descanso to Route 78.

(b) Route 78 to Route 15 near Temecula.

(c) Route 15 near Temecula to Route 74 near Hemet.

(d) Route 74 near Hemet to Route 10 near Beaumont.

SEC. 6. Section 379.1 is added to the Streets and Highways Code, to read:

379.1. Notwithstanding Section 253.5, the California freeway and expressway system shall also include that portion of Route 79 from Route 371 near Aguanga to Route 15 near Temecula.

SEC 7. Section 494 is added to the Streets and Highways Code, to read:

494. Route 194 is from Route 15 near Temecula to Route 15 near Devore via San Bernardino and passing near Riverside.

SEC. 8. Section 494.1 is added to the Streets and Highways Code, to read:

494.1. Notwithstanding Section 253.1, the California freeway and expressway system shall also include Route 194 in its entirety.

SEC. 9. Section 494.2 is added to the Streets and Highways Code, to read:

494.2. Notwithstanding Section 263.8, the state scenic highway system shall also include that portion of Route 194 from Route 74 near Romoland to Route 74 near Perris.

SEC. 10. Section 607.1 is added to the Streets and Highways Code, to read:

607.1. Route 371 is from Route 79 near Aguanga to Route 74 east of Anza.

SEC. 11. Section 607.2 is added to the Streets and Highways Code, to read:

607 2. Notwithstanding Section 253.1, the California freeway and expressway system shall also include Route 371 in its entirety.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health, and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The federal government has designated Interstate 15 on a route different from State Route 15. Because of the similarity of numbers and the fact that the routes are parallel, this has resulted in confusion to the public and in the preparation of documents. This act will renumber State Route 15 and eliminate the confusion.

CHAPTER 538

An act to amend Sections 2535, 2536, 2537, 2539, and 2540 of, and to add Sections 2542, 2543, 2544, 2545, and 2546 to, the Fish and Game Code, relating to hunting and fishing guides.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2535 of the Fish and Game Code is amended to read:

2535. As used in this chapter, "guide" means any person who is engaged in the business of packing or guiding, or who for compensation assists another person in hunting or fishing or to locate, take, photograph, or view any bird, mammal, fish, amphibian, or reptile, and includes any person who transports other persons or their equipment or both to hunting or fishing areas, irrespective of whether or not the latter persons determine the destination or course of travel, or both.

SEC. 2. Section 2536 of the Fish and Game Code is amended to read:

2536. It is unlawful for any person to be engaged in the business of guiding or packing, or to act as a guide for any consideration or compensation whatever, without first having secured a revocable guide license from the department. An employee of a licensee who acts as a guide or packer only in connection with his employment need not have a guide license. Each licensee shall be responsible for all acts or omissions of his employees when acting within the scope of their employment. A guide license is not required for guiding or transporting persons aboard a boat operating under the authority of a fishing party boat license issued pursuant to Section 7920.

SEC. 3. Section 2537 of the Fish and Game Code is amended to read:

2537. Any person who desires a license as a guide shall make application for such license on a form to be prescribed and furnished on request by the department. The application shall show all of the following:

(a) The name, date of birth, physical description, age, and address of the applicant.

(b) The area or areas of the state in which he proposes to operate.

(c) The type or types of guiding or packing in which he proposes to engage.

(d) The experience which he considers as qualifying him for the type or types of guiding or packing he proposes to conduct.

(e) The nature and amount of the equipment, vehicles, animals, and other property he proposes to use in his operations.

(f) Such other information and matters as the department may require.

SEC. 4. Section 2539 of the Fish and Game Code is amended to read:

2539. If the licensee is to operate with pack or riding animals in any area in which a grazing permit is required, the license shall not be valid unless the holder thereof has a valid grazing permit for the area. A licensee shall not guide clients on any lands under the jurisdiction of the United States Department of the Interior without first obtaining a use permit from such federal agency.

SEC. 5. Section 2540 of the Fish and Game Code is amended to read:

2540. The fee for a revocable guide license issued to a resident of this state shall be twenty-five dollars ($25), and the fee for such a license issued to a nonresident shall be one hundred dollars ($100). A guide license shall be valid for the fiscal year in which issued or, if issued after the beginning of a fiscal year, for the remainder thereof.

SEC 6. Section 2542 is added to the Fish and Game Code, to read:

2542. Each applicant for a guide license shall submit proof of possessing a surety bond in the amount of not less than one thousand dollars ($1,000) which shall insure faithful performance of such guide and his agents or employees in fulfilling their responsibilities to their clients. No license shall be issued to any applicant who does not submit proof of having such a bond valid for the term of the license.

SEC. 7. Section 2543 is added to the Fish and Game Code, to read:

2543. A licensed guide or an employee of such licensed guide shall not guide or assist any client unless such guide or employee possesses an unexpired first aid certificate issued by the American Red Cross or United States Bureau of Mines.

SEC. 8. Section 2544 is added to the Fish and Game Code, to read:

2544. The commisssion may revoke a guide license upon a showing that the licensee has been convicted of a violation of any provision of this code or any regulation adopted pursuant thereto, or that the licensee, or any employee or assistant of such licensee, has knowingly permitted a client to violate any provision of this code or any regulation adopted pursuant thereto.

SEC. 9. Section 2545 is added to the Fish and Game Code, to read:

2545. The commission may adopt regulations governing the conduct or qualifications of guides, their assistants or employees, agents, and guide license applicants to insure the safety and welfare of persons engaging the services of a guide The commission may also require licensed guides to maintain and submit records of their operations, and such records may be examined at any time by representatives of the department. It shall be unlawful for any licensed guide to fail to maintain any required records, or to refuse to allow the examination of such records upon the request of a department representative

SEC 10. Section 2546 is added to the Fish and Game Code, to read

2546. The department may refuse to issue a guide license to an

applicant who, in the opinion of the department, previously has failed to fulfill his responsibilities to a client or has jeopardized the safety and welfare of a client, or upon a showing that the applicant, or any employee or assistant of the applicant while operating under the applicant's direction or control, has violated any provision of this code or any regulation adopted pursuant thereto, or has knowingly permitted a client to violate any provision of this code or any regulation adopted pursuant thereto. An applicant who has been refused a license may request a hearing before the commission, and the commission shall determine whether or not a license shall be issued to the applicant.

SEC. 11. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 539

An act to add Section 53706 to the Government Code, relating to use of federal funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 53706 is added to the Government Code, to read:

53706. "Priority expenditures" for which the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) funds may be spent for the purposes authorized by the act by a local agency are priority expenditures serving the general interest of the citizens of the city or the county in which they are spent whether the expenditure is made by the city, the county, or by any other local governmental agency authorized to perform those purposes within the city or the county receiving the funds. The funds for the construction, removal, relocation or replacement of any facility designed to provide water, water treatment or sewer services may be allocated and appropriated for such priority expenditures by the city or county receiving them for expenditure by the agency itself or by the local governmental agency which performs the service wholly or partially within the boundaries of the city or the county making the allocation for such purposes.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) the funds received by counties and cities may be used only for specified "priority expenditures", and, particularly in California, many of the services eligible for assignment of funds under the State and Local Fiscal Assistance Act are performed by special districts or other local governmental agencies. The Public Law 92-512 funds are considered to be general funds of the county which cannot be spent for the support of other local agencies without statutory authority. Unless this bill goes into effect immediately, funds to support priority expenditures for local governmental units within the county will be restricted, causing inequities and unnecessary hardship in the distribution of Public Law 92-512 funds.

CHAPTER 540

An act to add Section 29503 to the Food and Agricultural Code, relating to honey.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 29503 is added to the Food and Agricultural Code, to read:

29503. When honey is prepared for, and is shipped directly to, any foreign country, the containers of honey shall not be required to meet the unit of net weight standards required by the provisions of this article.

Any person preparing or shipping such honey shall, upon request of an enforcing officer, furnish such affidavits, receipts, or other evidence as may be required by the director, by regulations, as proof that such honey was, or is being, in fact prepared for, and shipped directly to, a foreign country.

CHAPTER 541

An act to add Sections 66783.1 and 66784 to the Government Code, relating to solid waste facilities.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 66783.1 is added to the Government Code, to read:

66783.1. Until a solid waste management plan of a county has been approved by the board pursuant to Section 66780, any new solid waste transfer station or disposal sites approved by a city or county after the enactment of this section shall not commence operations in a city or county without a finding by the board, at a public meeting that the protection of the public health, or public need and necessity, require the immediate implementation of the sites

Any site is exempt from this requirement if there is an environmental impact report notice of completion filed with the state or if a use permit or approval has been issued for the site by the city or county prior to the date of enactment of this section.

SEC. 2. Section 66784 is added to the Government Code, to read:

66784. No person shall establish sites for solid waste disposal, transfer station, waste processing, or resource recovery not in conformance with the county solid waste management plan approved by the board. Nonprofit private resources recovery or recycling sites for neighborhood or community type activities approved by a local governmental entity are exempt from this requirement. If the board or any local governmental entity determines that a proposed site in a city or county is not in conformance with the solid waste management plan of that county, the board may, after public hearing, require conformance to the plan, or approve an amendment to the plan. Any amendment to a county solid waste management plan shall be subject to the requirements of Section 66780. No person shall establish or operate, or permit the establishment or operation of, a site which the board has determined is not in conformance with the plan. At the request of the board or any local governmental entity, the Attorney General shall bring an action to enforce the provisions of this article.

CHAPTER 542

An act to add Section 5006.4 to the Public Resources Code, relating to the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5006.4 is added to the Public Resources Code, to read:

5006.4 Notwithstanding any other provision of law, the Director

of General Services may acquire, on behalf of the state, a fee or lesser interest in such real and personal property located in San Benito County as is designated in writing to the Director of General Services by the Director of Parks and Recreation. If such property is leased, the lease shall be for such term and for such consideration as is mutually agreed upon by and between the Director of General Services and the lessor, and with the rental to be paid by the Department of Parks and Recreation. Any interest acquired pursuant to this section shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). Upon acquisition of the interest, the Director of General Services shall forthwith transfer the interest to the jurisdiction of the department which shall administer the property as a unit of the state park system. The department shall carry out a program in such unit of development, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles and for other related state park system purposes. Areas for the recreational use of off-highway vehicles shall be administered pursuant to paragraph (3) of subdivision (d) of Section 5001.5.

Any fees, rentals, or other returns collected by the department in its administration of such unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund.

SEC. 2. There is hereby appropriated from moneys in the Off-Highway Vehicle Fund pursuant to the provisions of subdivision (b) of Section 38300 of the Vehicle Code the sum of one million nine hundred thousand dollars ($1,900,000) for the purposes of acquiring, developing, and administering the state park system unit established pursuant to Section 5006.4 of the Public Resources Code, allocated as follows:

(a) The sum of one million four hundred thousand dollars ($1,400,000) to the Department of Parks and Recreation for the acquisition of an interest in real and personal property located in San Benito County.

(b) The sum of five hundred thousand dollars ($500,000) to the Department of Parks and Recreation for development and for administrative costs, including, but not limited to, rental, leasing costs, archaeological investigation, operating expenses and equipment, and personal services.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain lands of unique recreational value are presently being used by the public by permission of the private owner, and in order that such public use of the area may continue, it is necessary that this act take immediate effect.

CHAPTER 543

An act to amend Sections 25504 and 25505 of the Government Code, relating to local government.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25504 of the Government Code is amended to read:

25504. The county purchasing agent may by direct sale or otherwise sell, lease, or dispose of any personal property belonging to the county not required for public use, subject to such regulations as may be provided by the board of supervisors. He shall pay the proceeds into the county treasury for the use of the county. Where the property is exchanged or traded in he shall secure its value in behalf of the county.

SEC. 2. Section 25505 of the Government Code is amended to read:

25505. Where specifically authorized by law the purchasing agent may sell, lease, or dispose of the personal property of any special district, and pay the proceeds into the treasury of the district, or, if an exchange or trade-in is made, return the proceeds to the special district.

CHAPTER 544

An act relating to the maintenance of the various codes, as follows:

Financial Code:

By amending Section 1357

Government Code:

By amending Sections 7.5, 7.6, 7.8, 1126, 4108, 6253, 6558, 9605, 10430, 13473, 13474, 14371, 14372, 14373, 16431, 26101, 50110, 50288, 51237.5, 51249, 51253, 51291, 51294, 51294.1, 53609, 53840, 53842, 65061, and 66503, and by repealing Section 13471

Insurance Code:

By amending Sections 1758.3, 10121, 11499.2, 11499.3, and 11512.3

Labor Code:

By amending Sections 5600 and 6309

Revenue and Taxation Code:

By amending Sections 2053, 9301, 9302, 9303, 9304, and 23402

Unemployment Insurance Code:

By amending Section 3751.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1357 of the Financial Code is amended to read:

1357. In the bonds or other evidences of indebtedness of, or which are unconditionally guaranteed by the Dominion of Canada, the State of Israel, the Commonwealth of Puerto Rico, or any state of the United States other than California, for the payment of both principal and interest of which in United States dollars, the faith and credit of such entity is pledged; in limited obligations of any state of the United States, other than California, or the Commonwealth of Puerto Rico, payable only from special taxes which are pledged to the payment of principal and interest of such limited obligations; and in the bonds or other evidences of indebtedness of any city, county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any state of the United States other than California, or of the Dominion of Canada, or of the State of Israel, or of the Commonwealth of Puerto Rico, having the power without limit as to rate or amount to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation; provided:

(a) In the case of bonds constituting general obligations of any such state, commonwealth, dominion, or country, such state, commonwealth, dominion, or country has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of any part of either principal or interest of any of its debts;

(b) In the case of such limited obligations of any such state, or commonwealth, (1) that such state, or commonwealth, has not within 10 years prior to the date of such investment defaulted for a period of more than 90 days in the payment of either principal or interest of any of its debts; (2) the special taxes pledged for the payment of such limited obligations shall have been collected for five fiscal years next preceding any investment and during said five fiscal years shall have averaged at least 1½ times the debt service requirements, including those for principal, interest, and sinking fund, on all such special obligations existing at the time; and (3) such special taxes for each of said five fiscal years shall have equaled at least the amount of all such debt service requirements on such special obligations; and

(c) In the case of bonds or other evidences of indebtedness of any such public corporation of any state other than California, or of such commonwealth:

(1) Such public corporation has had a corporate existence or been otherwise established and functioning for at least 10 years prior to the time of such investment;

(2) Such public corporation has a population of at least 50,000 inhabitants according to the last federal or state census;

(3) Such public corporation for a period of at least 10 years prior to such investment has not defaulted in the payment of any part of

the principal or interest of any of its debts for a period of more than 90 days; and

(4) The net direct debt together with the net overlapping debt of such public corporation does not exceed 10 percent of the assessed valuation of the property subject to taxation by such public corporation according to the last official equalized assessment roll or list upon the basis of which taxes for debt service are based.

SEC. 2. Section 7.5 of the Government Code is amended to read:

7.5. Whenever, by any law, the director of any state department is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, the director may designate a deputy director of that department holding a position specified in subdivision (g) of Section 4 of Article XXIV of the Constitution to act as such member in his place and stead, to all intents and purposes as though the director were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the board, commission, committee or other governing body, and to vote upon any and all matters. Not more than one director shall be represented by such a deputy at any meeting or session of a board, commission, committee or other governing body. The director so designating such a deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the director is responsible for the acts of the deputy performing his official duties as deputy director of the department.

SEC. 3. Section 7.6 of the Government Code is amended to read:

7.6. Whenever, by any law, any officer whose office is created by the Constitution is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, such officer may designate a deputy of his office holding a position specified in subdivision (c) of Section 4 of Article XXIV of the Constitution to act as such member in his place and stead, to all intents and purposes as though he were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the board, commission, committee or other governing body, and to vote upon any and all matters. The constitutional officer so designating a deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the constitutional officer is responsible for the acts of the deputy performing his official duties as a deputy of the office of the constitutional officer.

The Lieutenant Governor may designate any person in his office holding a position specified in subdivision (c) or (f) of Section 4 of Article XXIV of the Constitution to act as a deputy for the purposes of this section only, provided that the Lieutenant Governor may not appoint a person to act as a deputy for him at meetings of the Senate, or the State Lands Commission, or of the Regents of the University of California, or of the Trustees of the California State Colleges.

The Attorney General may also designate any person in his office

holding a position specified in subdivision (m) of Section 4 of Article XXIV of the Constitution to act as a deputy for the purpose of this section; provided, that no person designated by the Attorney General pursuant to this section to act as a member on any state board, commission, committee or governing body of which the Attorney General is presiding officer shall act as presiding officer in his place.

The Superintendent of Public Instruction may designate any person in his office holding a position specified in Section 2.1 of Article IX of the California Constitution to act as a deputy for the purposes of this section, provided that the Superintendent of Public Instruction may not appoint a person to act as a deputy for him at meetings of the State Board of Education, of the Regents of the University of California, or of the Trustees of the California State Colleges.

Notwithstanding the foregoing provisions of this section, not more than one officer subject to this section shall be represented by a deputy subject to this section at any meeting or session of the State Lands Commission.

SEC. 4. Section 7.8 of the Government Code is amended to read:

7.8. Notwithstanding anything in this code to the contrary, the Directors of Finance, General Services, and Education may appoint any deputy or assistant director in their respective departments to act in their place and stead on the State Allocation Board, irrespective of whether said deputy or assistant director holds a position specified in subdivision (g) of Section 4 of Article XXIV of the Constitution, and irrespective of whether there shall be more than one such person representing a director at any meeting of such board. Such person, while sitting on said board, shall have all the powers the director he represents would have had, including the right to be counted in a quorum, the right to participate in the proceedings of the board and to vote on any and all matters. The director so designating such a deputy or assistant director shall be responsible for the acts of the person acting under such designation in the same manner and to the same extent that the director is responsible for the acts of the deputy or assistant director performing his official duties as deputy or assistant director of the department.

SEC. 5. Section 1126 of the Government Code is amended to read:

1126. (a) A local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his duties as a local agency officer or employee or with the duties, functions or responsibilities of his appointing power or the agency by which he is employed. Such officer or employee shall not perform any work, service or counsel for compensation outside of his local agency employment where any part of his efforts will be subject to approval by any other officer, employee, board or commission of his employing body, unless otherwise approved in the manner

prescribed by subdivision (b).

(b) Each appointing power may determine, subject to approval of the local agency, those outside activities which, for employees under its jurisdiction, are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees. An employee's outside employment, activity or enterprise may be prohibited if it: (1) involves the use for private gain or advantage of his local agency time, facilities, equipment and supplies; or the badge, uniform, prestige or influence of his local agency office or employment or, (2) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his local agency employment or as a part of his duties as a local agency officer or employee or, (3) involves the performance of an act in other than his capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee or the agency by which he is employed, or (4) involves such time demands as would render performance of his duties as a local agency officer or employee less efficient.

The local agency may adopt rules governing the application of this section. Such rules shall include provision for notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such a determination and from its application to an employee.

SEC. 6. Section 4108 of the Government Code is amended to read:

4108. (a) It shall be the responsibility of each subcontractor submitting bids to a prime contractor to be prepared to submit faithful performance and payment bond or bonds if so requested by the prime contractor.

(b) In the event any subcontractor submitting a bid to a prime contractor does not, upon the request of the prime contractor and at the expense of the prime contractor at the established charge or premium therefor, furnish to such prime contractor a bond or bonds issued by an admitted surety wherein the prime contractor shall be named the obligee, guaranteeing prompt and faithful performance of such subcontract and the payment of all claims for labor and materials furnished or used in and about the work to be done and performed under such subcontract, the prime contractor may reject such bid and make a substitution of another subcontractor subject to the provisions of Section 4107. Such bond or bonds may be required at the expense of the subcontractor only if the prime contractor in his written or published request for subbids (1) specifies that the expense for such bond or bonds shall be borne by the subcontractor and (2) clearly specifies the amount and requirements of such bond

or bonds.

SEC. 7. Section 6253 of the Government Code is amended to read:

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every citizen has a right to inspect any public record, except as hereafter provided. Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.

The following state and local bodies shall establish written guidelines for accessibility of records by July 1, 1974. A copy of these guidelines shall be posted in a conspicuous public place at the offices of such bodies by July 1, 1974, and a copy of such guidelines shall thereafter be available upon request free of charge to any person requesting that body's records:

Department of Motor Vehicles
Department of Consumer Affairs
Department of Transportation
Department of Real Estate
Department of Corrections
California Youth Authority
Department of Justice
Department of Insurance
Department of Corporations
Secretary of State
Air Resources Board
Department of Water Resources
Department of Parks and Recreation
Bay Conservation and Development Commission
Department of Health
Department of Employment Development
Department of Benefit Payments
Public Employees' Retirement System
Teachers' Retirement System
Department of Industrial Relations
Department of General Services
Department of Veterans Affairs
Public Utilities Commission
California Coastline Commission
All regional coastline commissions
State Water Quality Control Board
Bay Area Rapid Transit District
All regional water quality control boards
Los Angeles Air Pollution Control District
Bay Area Air Pollution Control District
Golden Gate Bridge, Highway, and Transportation District.

(b) Guidelines and regulations adopted pursuant to this section shall be consistent with all other sections of this chapter and shall reflect the intention of the Legislature to make such records

accessible to the public.

SEC. 8. Section 6558 of the Government Code is amended to read:

6558. The indenture may include covenants or other provisions, other than or in lieu of the provisions required by Article 1 (commencing with Section 6500) of this chapter, relating to the collection, deposit and safekeeping of the revenues, the permissible uses thereof, the special fund or funds to be kept for the payment of principal and interest of the bonds, including reserve, sinking, bond service, redemption and trust funds, and any bond payable from the revenue fund may be paid from any such special fund set up therefor; the appointment of a trustee, the permissible investments for moneys in said funds, or any thereof, the accounts and records to be kept, audits thereof and examination thereof by bondholders and others, and reports to be made by the entity. Any indenture providing for the appointment of a trustee shall limit such trustee's power of investment to only such investments as are authorized by Section 53601.

SEC. 9. Section 9605 of the Government Code is amended to read:

9605. Where a section or part of a statute is amended, it is not to be considered as having been repealed and reenacted in the amended form. The portions which are not altered are to be considered as having been the law from the time when they were enacted; the new provisions are to be considered as having been enacted at the time of the amendment; and the omitted portions are to be considered as having been repealed at the time of the amendment. When the same section or part of a statute is amended by two or more acts enacted at the same session, any portion of an earlier one of such successive acts which is omitted from a subsequent act shall be deemed to have been omitted deliberately and any portion of a statute omitted by an earlier act which is restored in a subsequent act shall be deemed to have been restored deliberately.

In the absence of any express provision to the contrary in the statute which is enacted last, it shall be conclusively presumed that the statute which is enacted last is intended to prevail over statutes which are enacted earlier at the same session and, in the absence of any express provision to the contrary in the statute which has a higher chapter number, it shall be presumed that a statute which has a higher chapter number was intended by the Legislature to prevail over a statute which is enacted at the same session but has a lower chapter number.

For the purposes of this section, every statute of an even-numbered year of a two-year regular session of the Legislature is deemed to bear a higher chapter number than any statute enacted in the odd-numbered year of that session.

SEC. 10 Section 10430 of the Government Code is amended to read:

10430. The commissioners shall either each attend the meetings of the National Conference of Commissioners on Uniform State Laws, or arrange for the attendance of at least one of their number at such National conference.

SEC. 11. Section 13471 of the Government Code is repealed.

SEC 11.5. Section 13473 of the Government Code is amended to read:

13473. The investments shall be made in such manner and on such terms as the director deems best for such fund.

SEC. 12. Section 13474 of the Government Code is amended to read:

13474. All bonds purchased under this article shall be delivered to the Treasurer, who shall credit the interest to the State School Fund, when collected.

SEC. 13. Section 14371 of the Government Code is amended to read:

14371. Every contract shall provide for the filing of separate performance and payment bonds by the contractor executed by an admitted surety insurer, subject to the approval of the department.

SEC. 14. Section 14372 of the Government Code is amended to read:

14372. Each bond shall be in a sum equal to at least one-half of the contract price, except as otherwise provided in Section 3248 of the Civil Code or in the California Toll Bridge Authority Act.

SEC. 15. Section 14373 of the Government Code is amended to read:

14373. The payment bond shall secure the payment of the claims of laborers, mechanics or materialmen employed on the work under the contract and shall contain all other provisions required by law.

SEC. 16. Section 16431 of the Government Code is amended to read:

16431. Notwithstanding any other provisions of this code, funds held by the state pursuant to a written agreement between the state and employees of the state to defer a portion of the compensation otherwise receivable by the state's employees and pursuant to a plan for such deferral as adopted by the state and approved by the State Board of Control, may be invested in the types of investments set forth in Sections 53601 and 53602 of this code, and may additionally be invested in corporate stocks, bonds, and securities, mutual funds, savings and loan accounts, credit union accounts, annuities, mortgages, deeds of trust, or other security interests in real or personal property. Nothing herein shall be construed to permit any type of investment prohibited by the Constitution.

Deferred compensation funds are public pension or retirement funds for the purposes of Section 42 of Article XIII of the Constitution.

SEC. 17. Section 26101 of the Government Code is amended to read:

26101. If the rate of four cents ($0.04) will not raise fifty thousand

dollars ($50,000) in any one year, the board may appropriate from the general fund of the county an amount sufficient to make up the deficiency existing between the amount raised as the result of the four-cent ($0.04) levy anc fifty thousand dollars ($50,000).

The board may also in addition appropriate for the purposes of this chapter any moneys accruing to the general fund derived pursuant to Section 7280 of the Revenue and Taxation Code.

SEC. 18. Section 50110 of the Government Code is amended to read:

50110. The legislative body, and each office, officer, or employee of a local agency shall furnish the clerk three copies of each printed, mimeographed, or processed book, pamphlet, report, bulletin, or other publication issued by them at the expense of the local agency. The clerk shall send one copy of each publication to the State Library at Sacramento, the Institute of Governmental Studies of the University of California at Berkeley, and the Public Affairs Service of the University of California at Los Angeles, to be preserved for reference use in those institutions.

SEC. 19. Section 50288 of the Government Code is amended to read.

50288. In the event that property subject to contract under this article is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the legislative body to frustrate the purpose of the contract, such contract shall be canceled and no fee shall be imposed under Section 50286. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

SEC. 20. Section 51237.5 of the Government Code is amended to read:

51237.5. On or before the first day of September of each year, each city or county in which any agricultural preserve is located shall file with the Director of Food and Agriculture a map of such city or county and designate thereon all agricultural preserves in existence at the end of the preceding fiscal year.

SEC. 21. Section 51249 of the Government Code is amended to read:

51249. Within 30 days after a form of contract is first used, the clerk of the board or council shall file with the Director of Food and Agriculture a sample copy of each such form of contract and any land use restrictions applicable thereto.

SEC. 22. Section 51253 of the Government Code is amended to read:

51253. Any contract or agreement entered into pursuant to this chapter prior to the 61st day following final adjournment of the 1969 Regular Session of the Legislature may be amended to conform with the provisions of this act as amended at such session upon the mutual agreement of all parties. Approval of such an amendment to a contract by the Director of Food and Agriculture or the State Board

of Agriculture shall not be required.

SEC. 23. Section 51291 of the Government Code is amended to read:

51291. (a) As used in this section, Section 51292, and Section 51295 "public agency" means the state, or any department or agency thereof, and any county, city, school district, or other local public district, agency, or entity; and "person" means any person authorized by Section 1001 of the Civil Code to acquire property by eminent domain.

(b) Whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use, the public agency or person shall advise the Director of Food and Agriculture and the local governing body responsible for the administration of the preserve of the intention to consider the location of a public improvement within the preserve.

Within 30 days thereafter the Director of Food and Agriculture and the local governing body shall forward to the public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the agricultural preserve and such comments shall be considered by the public agency or person. Failure of any public agency or person to comply with the requirements of this section shall not invalidate any action by such agency or person to locate a public improvement within an agricultural preserve. However, such failure by any person or any public agency other than a state agency shall be admissible in evidence in any litigation for the acquisition of such land or involving the allocation of funds or the construction of the public improvement. This subdivision does not apply to the erection, construction, alteration or maintenance of gas, electric, water, or communication utility facilities within an agricultural preserve if that preserve was established after submission of the location of such facilities to the city or county for review or approval.

SEC. 24. Section 51294 of the Government Code is amended to read:

51294. Section 51292 shall be enforceable only by mandamus proceedings by the local governing body administering the agricultural preserve or the Director of Food and Agriculture. However, as applied to condemnors whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemnor with Section 51292 shall be admissible on motion of any of the parties in any action otherwise authorized to be brought by the landowner or in any action against him.

SEC. 25. Section 51294.1 of the Government Code is amended to read:

51294.1. After 30 days have elapsed following its action, pursuant to subdivision (b) of Section 51291, advising the Director of Food and Agriculture and the local governing body of a county or city administering an agricultural preserve of its intention to consider the location of a public improvement within such agricultural preserve,

a public agency proposing to acquire land within an agricultural preserve for water transmission facilities which will extend into more than one county, may file the proposed route of the facilities with each county or city administering an agricultural preserve into which the facilities will extend and request such county or city to approve or agree to the location of the facilities or the acquisition of the land therefor. Upon such approval or agreement, the provisions of Section 51292 shall not apply to the location of the proposed water transmission facility or the acquisition of land therefor in any county or city which has approved or agreed to such location or acquisition.

SEC. 26. Section 53609 of the Government Code is amended to read:

53609. Notwithstanding the provisions of this chapter or any other provisions of this code, funds held by local agency pursuant to a written agreement between the agency and employees of the agency to defer a portion of the compensation otherwise receivable by the agency's employees and pursuant to a plan for such deferral as adopted by the governing body of the agency, may be invested in the types of investments set forth in Sections 53601 and 53602 of this code, and may additionally be invested in corporate stocks, bonds, and securities, mutual funds, savings and loan accounts, credit union accounts, annuities, mortgages, deeds of trust, or other security interests in real or personal property Nothing herein shall be construed to permit any type of investment prohibited by the Constitution.

Deferred compensation funds are public pension or retirement funds for the purposes of Section 42 of Article XIII of the Constitution.

SEC. 27. Section 53840 of the Government Code is amended to read:

53840. It is hereby declared the intention of the Legislature by the enactment of this article to provide an alternative procedure under which short term loans may be procured by those counties in which the board of supervisors has declared it to be county policy to make advances of current operating requirements to subsidiary political subdivisions required by law to deposit their funds in the county treasury as such advances are authorized by the provisions of Section 25 of Article XIII of the State Constitution In any such county the board of supervisors, upon recommendation of the county treasurer with the approval of the county auditor, may borrow on July 1st or thereafter such amounts as may be required to meet current obligations payable by the county treasury, pending collection of the revenue provided for the year in progress. Amounts so borrowed shall be evidenced by notes signed by the chairman of the board of supervisors, the county auditor and the county treasurer, and the liability created thereby shall be secured by a lien on all revenue to accrue to the county treasury from any source during the year then in progress.

SEC. 28. Section 53842 of the Government Code is amended to read:

53842. Amounts borrowed as above provided shall be entered to the credit of the county's general reserve fund and may be used to make advances to operating funds in the county treasury as authorized by Section 25 of Article XIII of the State Constitution. Payment of the notes upon their due dates shall be made by warrants drawn by the county auditor on the general reserve fund.

SEC. 29. Section 65061 of the Government Code is amended to read:

65061. There is hereby created a regional planning district in each of the regional areas designated by the Council on Intergovernmental Relations for the purposes of this chapter after a public hearing within the region. No county, city and county, or city shall be divided in determining the boundaries of a regional planning district.

SEC. 30. Section 66503 of the Government Code is amended to read:

66503. The commission shall consist of 19 members as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Alameda, Contra Costa, San Mateo, and Santa Clara. With respect to the members from San Francisco, the mayor shall appoint one member and the board of supervisors shall appoint one member. With respect to the members from Alameda, Contra Costa, San Mateo, and Santa Clara Counties, the city selection committee organized in each county pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5, shall appoint one member and the board of supervisors shall appoint one member.

(b) One member each from Marin, Napa, Solano, and Sonoma Counties The city selection committee of these counties shall furnish to the board of supervisors the names of three nominees and the board of supervisors shall appoint one of the nominees to represent the county.

(c) One representative each appointed by the Association of Bay Area Governments and the San Francisco Bay Conservation and Development Commission.

(d) One representative, who shall be a nonvoting member, appointed by the Secretary for Business and Transportation.

(e) One representative each appointed by the United States Department of Transportation and Department of Housing and Urban Development, provided such representatives shall serve only if the agencies they represent are amenable to such appointments. These representatives shall be nonvoting members.

Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

SEC 31. Section 1758.3 of the Insurance Code is amended to read:

1758.3. The commissioner shall not issue a variable contract

agent's license to an applicant therefor unless such applicant furnishes proof that he is registered to sell securities in accordance with the rules of the United States Securities and Exchange Commission or the National Association of Securities Dealers, and has, within the 12 months' period next preceding the date of issue of the license, taken and passed a written qualifying examination for such variable contract agent's license prescribed by the commissioner. In lieu of requiring an applicant to pass such examination, the commissioner may accept proof that the applicant has been licensed to transact variable annuity contracts in another state or commonwealth during any part of the license year in which the application is filed or the immediately preceding license year.

SEC. 32. Section 10121 of the Insurance Code is amended to read:

10121. (a) No self-insured employee welfare benefit plan, issued or renewed on or after the effective date of this section, which contains coverage for sterilization operations or procedures, shall impose any disclaimer, restriction on, or limitation of, coverage relative to the covered individual's reason for sterilization. All such plans entered into or renewed on or after the effective date of this section shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

(b) Every self-insured employee welfare benefit plan issued or amended on or after the operative date of the amendments to this section enacted at the 1971 Regular Session of the Legislature which provides benefits to the employee's dependents, shall contain a provision granting immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant of any family covered. No such plan may be issued or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of a family covered from and after the moment of birth.

(c) As used in this section, "self-insured employee welfare benefit plan" means any plan or program of benefits provided by an employer or an employee organization, or both, for the purpose of providing hospital, medical, surgical, nursing, or dental services, or indemnification for the costs incurred for such services, to such employer's employees or their dependents

SEC. 33. Section 11499.2 of the Insurance Code is amended to read:

11499.2. Any corporation operating under this chapter may merge and consolidate with any other corporation operating or to operate under this chapter as follows:

(1) The agreement of merger and consolidation shall be submitted to and approved by a two-thirds vote of the members of the ceding corporation present in person or by proxy at a meeting called to consider that agreement. A written or printed notice of such meeting shall be mailed or personally delivered to each member at least 30 days before the day fixed for the meeting

(2) Before the merger and consolidation is effected, the corporation which proposes to assume the liabilities of the ceding corporation shall submit to its members the question of merger and consolidation and a similar notice shall be given and a similar vote required as in the case of members of the ceding corporation.

(3) If the vote in the case of both corporations is in the affirmative by the required majority, a certified copy of all proceedings relating to the proposed merger and consolidation shall be filed with the commissioner. If the commissioner finds that the proceedings have been in accordance with law, he shall approve the agreement.

(4) Upon the approval by the commissioner of such agreement, the consolidated corporation shall thereupon issue certificates of assumption to each and every subscriber of the ceding corporation Such certificates shall be in a form approved by the commissioner.

(5) The approval of the commissioner of the agreement of merger and consolidation shall operate to dissolve the ceding corporation, and all its liability upon its insurance contracts or benefit certificates shall thereupon cease, but its officers may thereafter perform any act necessary to close its affairs. The officers of the ceding corporation shall file a certified copy of the agreement and of the approval of the commissioner in the office of the Secretary of State. Such certified copy shall be in lieu of the certificate of dissolution required by the provisions of the general corporation law.

(6) The consolidated corporation shall be entitled to all the assets of the ceding corporation and shall assume all its liabilities.

SEC. 34. Section 11499.3 of the Insurance Code is amended to read:

11499.3. In the event of any transformation or merger and consolidation as provided by this chapter, contracts and contribution certificates issued under the provisions of this chapter and outstanding at the time of issue of certificate of authority or date of the merger and consolidation, may be continued in force, reinstated, renewed and repaid without change of provisions except as such change may be necessary or advisable at or following the next renewal or reinstatement.

SEC. 35. Section 11512.3 of the Insurance Code is amended to read:

11512.3. Every group master hospital service contract issued under the terms of Section 11512.2 shall contain the following provisions:

(a) A provision that the contract, the application of the employer, or executive officer or trustee of any association or trustees, and the individual applications, if any, of the employees or members covered shall constitute the entire contract between the parties, and that all statements made by the employer, or the executive officer, or trustee or trustees, or by the individual employee or members shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the contract, unless it is contained in a written application;

(b) A provision that the corporation will issue to the employer or to the executive officer or trustee of the association or to the trustees, for delivery to each of the employees or members who are covered under such contract, an individual certificate setting forth a statement as to the hospital service to which he is entitled;

(c) A provision that to the group or class thereof originally covered shall be added from time to time all new employees of the employer or members of the association eligible to and applying for coverage in such group or class;

(d) A statement that such contract is not in lieu of and does not affect any requirement or coverage by workmen's compensation insurance;

(e) Such provisions as may be promulgated by the commissioner from time to time.

SEC. 36. Section 5600 of the Labor Code is amended to read:

5600. The appeals board may, upon the filing of an application by or on behalf of an injured employee, his dependents, or any other party in interest, direct the county clerk of any county to issue writs of attachment authorizing the sheriff to attach the property of the defendant as security for the payment of any compensation which may be awarded in any case:

(a) Mentioned in Section 412 of the Code of Civil Procedure, or

(b) Where the employer has failed to secure the payment of compensation as required by Article 1 (commencing with Section 3700) of Chapter 4 of Part 1 of this division.

Such attachment shall be in an amount fixed by the appeals board, not exceeding the greatest probable award against the defendant in such matter.

SEC. 37. Section 6309 of the Labor Code is amended to read:

6309. Whenever the division learns or has reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings. However, when the division secures a complaint from an employee, the employee's representative, or an employer of an employee directly involved in an unsafe place of employment, that his employment or place of employment is not safe, it shall summarily investigate the same as soon as possible, but not later than three working days after receipt of such complaint, with or without notice of hearing. Complaints of serious hazards and conditions posing imminent danger to life and safety of employees will take priority over other complaints placed earlier in time, but otherwise the time limitations herein are applicable. The division may enter and serve any necessary order relative thereto. The division is not required to respond to any complaint within such period where, from the facts stated in the complaint, it determines that the complaint is intended to willfully harass an employer or is without any reasonable basis.

The division shall keep complete and accurate records of any such

complaints, whether verbal or written, and shall inform the complainant, whenever his identity is known, of any action taken by the division in regard to the subject matter of the complaint, and the reasons for such action. The division shall, pursuant to authorized regulations, conduct an informal review of any refusal by a representative of the division to issue a citation with respect to any such alleged violation. The division shall furnish the employee or the representative of employees requesting such review a written statement of the reasons for the division's final disposition of the case.

Any employee who is discharged, threatened with discharge, demoted, suspended or in any other manner discriminated against in the terms and conditions of such employment by his employer because such employee has made a bona fide complaint to the division of unsafe working conditions, or work practices, in his employment, or place of employment shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by such acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for such rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law, is guilty of a misdemeanor.

The name of any person who submits to the division a complaint regarding the unsafeness of an employment or place of employment shall be kept confidential by the division upon the request of that person.

The requirements of this section shall not relieve the division of its requirement to inspect and assure that all places of employment are safe and healthful for employees. The division shall maintain the capability to receive and act upon complaints at all times.

SEC. 38. Section 2053 of the Revenue and Taxation Code is amended to read:

2053. If the board makes any change in the local roll pursuant to Sections 1840 and 1841, the local roll as so changed, together with the board roll as transmitted to the auditor pursuant to Section 756 or the confirmed or changed estimate transmitted pursuant to Section 759, shall become the last equalized roll on the date the auditor receives notice of the action of the board, except for the purpose of computing any debt limit referred to in Section 2052.

SEC. 39. Section 9301 of the Revenue and Taxation Code is amended to read:

9301. The board shall transmit all money received by it under this part, except the amounts of overpayments of the fees required by Section 8707 and 8714 of this part, to the State Treasurer to be deposited in the State Treasury to the credit of the Motor Vehicle Fuel Account in the Transportation Tax Fund. The board shall at the same time furnish copies of the schedules covering the transmittals to the Controller.

SEC. 40 Section 9302 of the Revenue and Taxation Code is amended to read:

9302. All money deposited in the fund under this part is hereby appropriated as follows:

(a) To pay the refunds authorized in this part.

(b) To the Highway Users Tax Account in the Transportation Tax Fund as provided in this chapter.

SEC. 41. Section 9303 of the Revenue and Taxation Code is amended to read:

9303. The Controller shall transfer the balance of all money deposited in the Motor Vehicle Fuel Account in the Transportation Tax Fund under this part, after the payment of refunds, to the Highway Users Tax Account in the Transportation Tax Fund.

SEC. 42. Section 9304 of the Revenue and Taxation Code is amended to read:

9304. The Controller shall make the transfers at the same time as the transfers to the Highway Users Tax Account in the Transportation Tax Fund of moneys received under the Motor Vehicle Fuel License Tax Law are made.

SEC. 43. Section 23402 of the Revenue and Taxation Code is amended to read:

23402. When the income of a taxpayer subject to the tax imposed under this part is derived from or attributable to sources both within and without the state, the tax imposed by this chapter shall be measured by the tax preference income derived from or attributable to sources within this state in the manner prescribed in Chapter 17 (commencing with Section 25101) of this part.

SEC. 44. Section 3751 of the Unemployment Insurance Code is amended to read:

3751. The provisions of Article 4 (commencing with Section 1375) of Chapter 5 of Part 1 of, and of Article 5 (commencing with Section 2735) of Chapter 2 of Part 2 of, this division are modified in the following respects:

(a) In the absence of fraud, misrepresentation, or willful nondisclosure, the notice of overpayment of extended duration benefits shall be mailed or personally served by the Department of Employment Development not later than one year after the close of the extended duration period in which the overpayment was made.

(b) The Director of Employment Development may offset an overpayment of extended duration benefits, or federal-state extended benefits, or unemployment compensation benefits, or disability benefits against any of such four types of benefits to which the liable person may become entitled under this division. The Director of Employment Development may offset the amount of any such overpayments within any of the periods prescribed by subdivision (b) of Section 1379 or subdivision (b) of Section 2739, and further within the current extended duration period or current extended benefit period established under Part 4 (commencing with Section 4001) of this division or any extended benefit period or any extended duration period which begins during the three-year period next succeeding the date of the mailing or personal service of such

notice of overpayment.

SEC. 45. Any section of any act enacted by the Legislature during the 1974 portion of the 1973–74 Regular Session, which takes effect on or before January 1, 1975, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 545

An act relating to the maintenance of the various codes and general laws, as follows:

Education Code:

By amending Sections 6880, 6880.4, 6880.12, 6880.16, 6880.20, 6880.26, 6880.28, 6880.32, 7459, 7467.4, 13089, 13824.5, 13838.5, 13860, 14084, 14260, 14261, 17507, 20934, 20935, 24725, 25331, 25332, and 25333

By amending and renumbering Section 10854

By repealing and adding Section 30302

Food and Agricultural Code:

By amending Section 56532

Health and Safety Code:

By amending Sections 216, 429.78, 438.3, 458.5, 541, 1102, 1154, 1205, 1446, 1447, 1474, 1541, 3402, 3502, 4636, 4806.5, 5474.29, 6542, 10050, 10460, 11054, 11356, 11478, 11480, 11483, 11590, 12101.5, 13118, 13885, 17958, 18503, 19959, 24350.2, 24350.3, 24352.2, 24355.4, 24362, 25150, 25155, 25174, 25803, 25886, 25920, 26052, 26205, 26206, 26207, 26208, 26209, 28122, 28123, 28130, 28131, 28132, 28133, 28140, 28141, 28143, 28144, 28145, 28147, 28149, 28153, 28182, 28296, 28297, 28313, 28317, 28325, 28332, 28333, 28334, 28335, 28336, 28339, 28430, 28483, 28504, 28507, 28508, 28558, 28725, 28864, 33385, 33411.3, 34270, 34271, 34271.5, 34272, and 37106

By amending and renumbering Sections 429.65, 429.66, 429.67, and 429.68

By repealing Sections 429.63, 1751, 4640.5, 4764.1, 4764.2, 11482, 11644, 19878.7, and 24265.5

Public Resources Code:

By amending Sections 5022.5 and 5023

By amending and renumbering the heading of Chapter 7.5 (commencing with Section 2650) of Division 2

Public Utilities Code:

By amending Sections 30854 and 99209

Streets and Highways Code:

By amending Sections 118.6 and 2413

By amending and renumbering Sections 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, and 2411, as added by

Chapter 1153 of the Statutes of 1973
By amending and renumbering the heading of Chapter 8 (commencing with Section 2400) of Division 3, as added by Chapter 1153 of the Statutes of 1973
By repealing Section 2117.5
Vehicle Code:
By amending Sections 291, 627, 2600, 2809, 4005, 4006, 5016.5, 11111, 12522, 12806, 13352, 17300, 17301, 20014, 20016, 21102, 21104, 21109, 21112, 21350, 21352, 21353, 21356, 21359, 21361, 21364, 21365, 21370, 21372, 21400, 21401, 21459, 21460, 21460.5, 21467, 21654, 21655, 21655.5, 21960, 22101, 22354, 22356, 22363, 22364, 22400, 22402, 22403, 22404, 22405, 22500, 22501, 22503, 22504, 22506, 22508, 22510, 22512, 22651, 22654, 22655, 22656, 22855, 22856, 23105, 23251, 23252, 23253, 23254, 23270, 23271, 23272, 23273, 23300, 23303, 23330, 23332, 23333, 23334, 23335, 27454, 27459, 27460, 28106, 29201, 34043, 35107, 35414, 35650, 35651, 35652, 35653, 35654, 35655, 35702, 35705, 35708, 35709, 35714, 35720, 35750, 35751, 35755, 35780, 35782, 35783, 35785, 35787, 35788, 35790, 35791, 35792, 35793, 35794, 35795, 42233, 42271, 42272, and 42275
By amending the heading of Chapter 6 (commencing with Section 3000) of Division 2
Water Code:
By amending Sections 163, 1425, 20517, 22335, and 35532.
Chapter 1285 of the Statutes of 1972:
By amending Section 1.7

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6880 of the Education Code is amended to read:

6880. The purpose of the Legislature in enacting this chapter is to continue these centers for handicapped pupils having successfully demonstrated that there is a need for such facilities to help these children from an earlier age, that such centers prevent the breakup of homes through respite from continuous 24-hour care of severely handicapped pupils, that such centers effectively relieve parents to engage in work, that the centers reduce significantly the demand for institutional placement, and that the centers are accessible to families without causing the physical dislocation of pupils from their families.

SEC. 2. Section 6880.4 of the Education Code is amended to read:

6880.4. As used in this chapter, "parent" includes any person having legal custody of a child, "center" means a development center for handicapped pupils, "governing board of any school district" includes a county board of education, and "school district"

includes a county superintendent of schools, unless a different meaning clearly appears from the context.

SEC. 3. Section 6880.12 of the Education Code is amended to read:

6880.12. The governing board may enter into agreements with any city, county, or city and county or other public agency for the furnishing to, or use by, the governing board in carrying out the provisions of this chapter, of property, facilities, personnel, supplies, equipment and other necessary items, and such city, county, city and county, or other public agency is authorized to enter into such agreements.

Agreements for the furnishing of property, facilities, supplies, equipment, and other necessary items may be entered into between governing boards and private nonprofit entities.

SEC. 4. Section 6880.16 of the Education Code is amended to read:

6880.16. Pursuant to Sections 20501 to 21001, inclusive, the governing board of any school district or county superintendent of schools maintaining a center may include in its budget the amount necessary to carry out its program pursuant to this chapter and the board of supervisors shall levy a school district tax or county tax necessary to raise such amount. The tax shall be in addition to any other school district tax or county tax authorized by law to be levied.

Funds derived from such tax may be expended in addition to state funds, and shall not operate to affect the operation of the formula for apportioning state funds provided for in Section 6880.14.

Any tax funds raised pursuant to this section may be used to purchase land or buildings, to make alterations or additions to existing buildings, and to purchase furniture, apparatus or equipment for a center.

SEC. 5. Section 6880.20 of the Education Code is amended to read:

6880.20. The governing board shall establish in the county treasury a fund to be known as the "development center for handicapped pupils fund" into which shall be paid all funds received by the district for, or from the operation of, centers established under this chapter. The costs incurred in the maintenance and operation of centers shall be paid from the fund, except that any contributions, other than those described in Section 6880.22, authorized or required to be paid by the district on account of services of employees of a center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Section 6880.16, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of centers, may be expended for, or in

connection with, a center.

SEC. 6. Section 6880.26 of the Education Code is amended to read:

6880.26. The State Department of Education is hereby authorized to accept funds from the government of the United States and to apportion them to the governing board of such school districts as conduct centers which are hereby authorized to accept such funds or funds from any other source for any of the purposes of this chapter and all such funds may be accepted subject to such conditions as will further the purposes of this chapter.

SEC. 7. Section 6880.28 of the Education Code is amended to read:

6880.28. The Superintendent of Public Instruction shall establish standards for the issuance of permits for persons to be employed in centers established under this chapter. Such standards may be changed from time to time, but changes therein shall not affect then valid permits issued to persons.

SEC. 8. Section 6880.32 of the Education Code is amended to read:

6880.32. Each person employed in a center in a position requiring certification shall be subject to the same rules and regulations and eligible for the same benefits as provided for all teachers within the school district maintaining the center. Other personnel employed by a school district or a county superintendent of schools in a center under the provisions of this chapter shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications; provided, however, that any person who is a member of the State Teachers' Retirement System because of employment to perform duties which are requisite for membership and who subsequently is employed by a school district or a county superintendent of schools in a center under the provisions of this chapter shall continue to be a member of the State Teachers' Retirement System with respect to his duties as such employee in such a center upon assuming such duties, unless he elects by a writing filed in the office of the State Teachers' Retirement System within 90 days after such entry, not to continue as a member with respect to his new duties. The provisions of this section shall apply with equal effect to any member who shall have been employed by a school district or county superintendent of schools in a center under the provisions of this chapter prior to the effective date of this section. Continuance of his membership in the State Teachers' Retirement System of any person so employed prior to the effective date of this section, is hereby ratified, validated and confirmed, and for all purposes he shall be considered as having been a member without interruption as far as such employment is concerned, unless such person elects within 90 days after the date upon which notice of such right to elect, is mailed by the State Teachers' Retirement System to the member's latest address on file in the office of said system, not to be a member of the system with

respect to the duties which, but for the provisions of this section, otherwise would not be so requisite for membership therein.

SEC. 9. Section 7459 of the Education Code is amended to read:

7459. A regional occupational center established and maintained pursuant to a joint powers agreement pursuant to the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall receive in annual operating funds from the participating school districts an amount per unit of average daily attendance as follows:

(a) From each participating school district which is not eligible for state equalization aid, four hundred seventy-two dollars ($472).

(b) From each participating school district which is eligible for state equalization aid, but not eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, four hundred seventy-two dollars ($472).

(c) From each participating school district which is eligible for state equalization aid and is eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, four hundred ninety-two dollars ($492).

(d) From each participating school district which is eligible for state equalization aid and is not eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, but is eligible for supplemental support, five hundred twelve dollars ($512).

(e) From each participating school district which is eligible for state equalization aid, and is eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, and is eligible for supplemental support, five hundred thirty-two dollars ($532).

(f) Any adjustments in the state apportionment allowance formula for average daily attendance shall automatically be applied to the above subdivisions.

SEC. 10. Section 7467.4 of the Education Code is amended to read:

7467.4. The career guidance center shall appoint a local advisory committee composed of 11 members, at least seven of whom shall be representatives of business, industry and labor, and the general public, and one a member of the local area vocational committee established pursuant to Article 10.4 (commencing with Section 6268) of Chapter 6 of this division, provided that such a vocational committee is operational in the area of the career guidance project site selected.

SEC. 11. Section 10854 of the Education Code is amended and renumbered to read:

10604.5. The governing board of any school district shall adopt rules and regulations authorizing teachers, principals, and other certificated personnel to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure.

SEC. 12. Section 13089 of the Education Code is amended to read:

13089. All initial wage proposals of employee organizations representing certificated employees or a certificated employee council shall be presented to the public school employer or governing board thereof at a public meeting, and such proposals thereafter shall be a public record.

SEC. 13. Section 13824.5 of the Education Code is amended to read:

13824.5. "Annual salary" means salaries earned during a school year excluding salaries for overtime service. For purposes of determining the amount of family benefits under Section 14186 and disability benefits under Section 14260, salary shall include any disability or family benefits that are part of a grant established and paid monthly to the teacher or his dependents prior to the teacher's death or disability.

SEC. 14. Section 13838.5 of the Education Code is amended to read:

13838.5. "Improvement factor" means an increase of 2 percent in benefits for each year commencing on a September 1, following the first anniversary of the effective retirement date, or the date on which monthly benefits commenced to accrue to any beneficiary other than a retirant or such other periods as specifically stated in this chapter. Such factor shall not be compounded nor shall it be applicable to annuities payable from the Annuity Deposit Fund or tax-sheltered annuities. The Legislature reserves the right to adjust the amount of the "improvement factor" up or down as economic conditions dictate. No adjustments of the improvement factor shall reduce the monthly retirement allowance or benefit below that which would be payable to the recipient under this chapter had this section not been enacted.

SEC. 15. Section 13860 of the Education Code is amended to read:

13860. "Unmodified allowance" means the retirement allowance prior to a reduction under an option.

SEC. 16. Section 14084 of the Education Code is amended to read:

14084. This article details the provisions relating to the transfer of assets from the Los Angeles Unified School District Retirement System and the Los Angeles Community College District Retirement System to the State Teachers' Retirement System should the members of the above-named local systems elect to be wholly covered by the State Teachers' Retirement System, as well as the provisions of law covering the transfer of assets from the State Teachers' Retirement System to the above-named local systems should the members of the local systems elect to be wholly covered by the above-named local systems.

The purpose of the asset valuation method described in this article shall be to provide equality for each party.

The transfer of assets provided for in this article shall be in cash or in securities in kind. Without in any way limiting the definition of "securities" and so that it may be perfectly clear, this term shall

include notes secured by mortgages or real estate mortgages.

SEC. 17. Section 14260 of the Education Code is amended to read:

14260. Upon qualification for disability, a member shall receive a disability allowance which shall consist of an annual allowance, payable in monthly installments, equal to 50 percent of the highest annual salary earned in any one of the three school years immediately preceding the effective date of the allowance, increased by 10 percent of such salary for each child to a maximum of four such children. A stepchild or adopted child acquired subsequent to eligibility for disability benefits shall not be entitled to any benefit and shall be excluded in the calculation of benefits under this section.

SEC. 18. Section 14261 of the Education Code is amended to read:

14261. Allowances payable under Section 14260 shall be reduced by an amount equal to the unmodified benefits paid or payable under other public systems.

SEC. 19. Section 17507 of the Education Code is amended to read:

17507. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 17601.1 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964–65 and each

year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964–65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 17601.1 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

SEC. 20. Section 20934 of the Education Code is amended to read:

20934. For the purposes of this section, the unused portion of a voted override shall be determined as the difference between the total of the maximum tax rate approved by an election pursuant to Section 20803 added to the actual tax rates levied, in the same fiscal

year during which the election was held, for all other purposes except pursuant to Sections 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, and 25541.5 of the Education Code and Section 5302.5 of the Streets and Highways Code and the actual tax levied for the 1972–73 fiscal year, exclusive of the tax rates levied pursuant to Sections 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, and 25541.5 of the Education Code and Section 5302.5 of the Streets and Highways Code.

For the purposes of this section, the assessed valuation used in computing revenue limits and the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

(a) For the 1973–74 fiscal year only, the county superintendent of schools shall compute for each community college district in the county an amount equal to the sum of (1) the district's 1972–73 fiscal year tax rate plus the unlevied portion of any voted override and any special tax rate authorized as part of a district formation agreement, but exclusive of taxes provided in Section 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, or 25541.5 of the Education Code and Section 5302.5 of the Streets and Highways Code, multiplied by the assessed valuation on the secured roll of the district for the 1972–73 fiscal year, and the district's 1971–72 fiscal year tax rate, plus the unlevied portion of any voted override, but exclusive of taxes provided in Section 1905, 15517, 15518, 16633, 19443, 19619, 20755, 20801, 22101, or 25541.5 of the Education Code and Section 5302.5 of the Streets and Highways Code, multiplied by the assessed valuation on the unsecured roll of the district for the 1972–73 fiscal year, (2) 32½ percent of the residual retirement reserve transferred under Chapter 117 of the Statutes of 1972, (3) the total amount of basic state aid, equalization aid, and inflation cost adjustment which the districts received pursuant to the provisions of this code and the Budget Act of 1972 as computed by the Superintendent of Public Instruction, and (4) the amount of income from the equalization offset tax pursuant to Section 17263.1.

To the base revenue determined in this subdivision shall be added an amount of unrestricted balances used to fund expenditures; such amount shall be the average of the unrestricted balances used to fund expenditures during 1971–72 and 1972–73, but shall not exceed an amount equal to the proceeds of a tax at the rate of five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the district.

For purposes of this section, the unrestricted balance shall be determined as the difference between the ending balance, less restricted amounts, plus transfers of unrestricted amounts to other funds which remain as ending balances in other funds, and the beginning balance, less restricted amounts, in the general fund for

the 1972–73 fiscal year.

(b) The amount computed in subdivision (a) shall be divided by the foundation program average daily attendance in the second principal apportionment and shall be the 1972–73 base revenue per unit of average daily attendance.

(c) The 1972–73 fiscal year base revenue per unit of average daily attendance for each community college district shall be divided into one thousand one hundred sixty-five dollars ($1,165). If the result is greater than one it shall be deemed to be one.

(d) The quotient determined pursuant to subdivision (c) shall be multiplied by eighty-eight dollars ($88) per unit of average daily attendance.

(e) The product determined pursuant to subdivision (d) shall be added to the base revenue per unit of average daily attendance determined pursuant to subdivision (b) and multiplied by the estimated foundation program units of average daily attendance of the second principal apportionment of the community college district for the 1973–74 fiscal year. Average daily attendance for purposes of this subdivision shall include adult and other-than-adult resident students, but shall exclude the average daily attendance of nonresident students, nondistrict residents, and residents of other districts.

(f) The amount computed pursuant to subdivision (e) shall be compared with the sum of the amounts computed for the district pursuant to Sections 17666.2 and 17951. The larger of the amounts shall be the revenue limit of the district for the 1973–74 fiscal year but shall not exceed 115 percent of the 1972–73 base revenue per unit of average daily attendance multiplied by the 1973–74 estimated foundation program average daily attendance, excluding residents of other districts and nonresident students. If the 115 percent does not provide an increase amounting to at least eighty-eight dollars ($88) above the 1972–73 base revenue per unit of average daily attendance, then the revenue limit shall be the amount which will provide an increase equal to eighty-eight dollars ($88) above the 1972–73 base revenue per unit of average daily attendance.

Notwithstanding subdivision (f), if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per foundation program average daily attendance of the 1972–73 fiscal year and the estimated Public Law 81-874 income per foundation program average daily attendance of the 1973–74 fiscal year, if any, multiplied by the estimated foundation program average daily attendance of the 1973–74 fiscal year. Such increased revenue limit shall not exceed the foundation program of the 1973–74 fiscal year.

(g) From the revenue limit ascertained from the comparison

made pursuant to subdivision (f), there shall be subtracted the total amount of state basic aid and state equalization aid to be received by the district during the 1973–74 fiscal year, as adjusted by repayment of any advances made pursuant to Section 14701.5 and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(h) The amount determined pursuant to subdivision (g) shall be adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in 1972–73 pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111.

(i) The amount computed pursuant to subdivision (h) shall be the local revenue limit of the district for the 1973–74 fiscal year. From the local revenue limit, there shall be subtracted 32½ percent of the residual retirement reserve transferred under Chapter 117 of the Statutes of 1972.

(j) From the amount computed in subdivision (i), there shall be subtracted, (1) the amount of money collected or to be collected as taxes on property on the unsecured roll of the 1973–74 fiscal year, excluding the amounts collected through the levy of taxes provided in Sections 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, and 25541.5 of the Education Code and Section 5302.5 of the Streets and Highways Code, and (2) the income from prior years taxes.

(k) The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies pursuant to Section 20704. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, or 25541.5 of the Education Code and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (f) notwithstanding, in no case for districts receiving equalization aid, shall the tax rate be reduced below thirty-five cents ($0.35).

SEC. 21. Section 20935 of the Education Code is amended to read:

20935. (a) For the 1974–75 fiscal year and each fiscal year thereafter, the maximum general purpose tax rate shall be computed pursuant to this section by the county superintendent of schools for each community college district in the county.

(b) The foundation program for 1974–75 fiscal years and subsequent fiscal years is as prescribed in Sections 17666.2 and 17951.

(c) The revenue limit per foundation program unit of average daily attendance for the district for the prior fiscal year shall be divided into the appropriate inflated foundation program amount per unit of average daily attendance for the prior year. If the quotient is greater than 1, it shall be deemed to be 1.

(d) The foundation program per unit of average daily attendance

for the prior year used as the dividend in subdivision (c) shall be as specified pursuant to Section 17666.2 for the appropriate fiscal year.

(e) For the fiscal years 1974–75, 1975–76, 1976–77, and fiscal years thereafter, the increase in the foundation program amount per unit of average daily attendance for the budget year compared with the preceding year shall be determined for each district in accordance with Section 17666.2.

(f) The amount determined pursuant to subdivision (e) shall be multiplied by the quotient determined pursuant to subdivision (c). The resultant amount shall constitute the revenue limit inflation adjustment of the district.

(g) The revenue limit inflation adjustment for a district shall be added to the prior year revenue limit per foundation program unit of average daily attendance of the district. The sum shall be multiplied by the estimated foundation program units of average daily attendance of the budget year. The product shall be the revenue limit of the district for the budget year.

The average daily attendance for purposes of this subdivision shall include adults and other-than-adults resident students, but shall exclude residents of other districts, nondistrict residents, and nonresident students.

(h) Any district which has a revenue limit computed pursuant to subdivision (g) which is less than the foundation program computed for the budget year may increase its revenue limit computed pursuant to subdivision (g) to the lesser of the foundation program level of the district or the prior year revenue limit increased by 15 percent.

Notwithstanding the preceding paragraph if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the budget year foundation program, it shall be allowed to increase the revenue limit for fiscal years 1973–74, 1974–75, and 1975–76, by an amount equal to the difference between the Public Law 81-874 income per foundation program average daily attendance of the prior year and the estimated Public Law 81-874 income per foundation program average daily attendance of the budget year, if any, multiplied by the estimated foundation program average daily attendance of the budget year. Such increased revenue limit shall not exceed the foundation program of the budget year.

(i) From the amount computed pursuant to subdivision (g) or (h), there shall be subtracted the basic and equalization aid to be received for the budget year and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(j) The amount determined pursuant to subdivision (i) shall be adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in any prior year pursuant to Section 14111, shall not exceed the

revenue derived by the tax rate provided in Section 14111. The adjusted amount shall be the local revenue limit of the district for the budget year.

(k) From the amount computed pursuant to subdivision (j), there shall be subtracted the amount of money collected or to be collected as taxes on property on the unsecured roll of the budget year, excluding the amounts collected through the levy of taxes provided in Section 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, or 25541.5 of the Education Code and Section 5302.5 of the Streets and Highways Code.

(*l*) For the purposes of this subdivision, the assessed valuation used in computing the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

The amount determined pursuant to subdivision (k) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies, pursuant to Section 20704. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, or 25541.5 of the Education Code and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (h) notwithstanding, in no case for districts receiving equalization aid, shall the tax rate be reduced below thirty-five cents ($0.35).

SEC. 22. Section 24725 of the Education Code is amended to read:

24725. Notwithstanding any other provision of law, the Director of General Services, with the approval of the State Public Works Board and the Trustees of the California State University and Colleges, may rent, lease, sell, trade, or otherwise dispose of the property belonging to the state and used as California State University, Fresno, Ratcliffe Stadium, located on Blackstone Avenue between University Avenue and Cambridge Avenue in the City of Fresno, California.

All proceeds derived from such rental, lease, sale, trade, or other disposition shall be used for the acquisition, construction, improvement, or leasing of an athletic stadium for California State University, Fresno, and are hereby appropriated for the purposes described herein without regard to fiscal year.

SEC. 23. Section 25331 of the Education Code is amended to read:

25331. Every contract shall provide for the filing of separate performance and payment bonds by the contractor executed by an admitted surety insurer, subject to the approval of the trustees.

SEC 24. Section 25332 of the Education Code is amended to read:

25332. Each bond shall be in a sum equal to at least one-half of

the contract price, except as otherwise provided in Section 3248 of the Civil Code.

SEC. 25. Section 25333 of the Education Code is amended to read:

25333. The payment bond shall secure the payment of the claims of laborers, mechanics or materialmen employed on the work under the contract and shall contain all other provisions required by law.

SEC. 26. Section 30302 of the Education Code is repealed.

SEC. 27. Section 30302 is added to Article 2 (commencing with Section 30302) of Chapter 7 of Division 21 of the Education Code, to read:

30302. This chapter shall be known and may be cited as the California Educational Facilities Authority Act.

SEC. 28. Section 56532 of the Food and Agricultural Code is amended to read:

56532. The director, upon his own motion, after hearing, or upon a verified complaint which is signed and filed with him by any interested person, may suspend or revoke any such license, as the case may require, if he is satisfied that the licensee has violated any provision of this chapter.

The director may also, after hearing, suspend or revoke a license pursuant to Section 56531 if he is satisfied of the existence of any of the facts which Article 18 (commencing with Section 56602) of this chapter makes a violation of this chapter.

SEC. 29. Section 216 of the Health and Safety Code is amended to read:

216. (a) The Chief and such inspectors of the Bureau of Food and Drug as he may designate, are peace officers for the purpose only of carrying out the duties of their employment. The authority of any such peace officer shall extend to any place in the state as to any public offense committed, or which there is reasonable cause to believe has been committed, within this state which is a violation of any provision of Division 21 (commencing with Section 26000), Division 22 (commencing with Section 27000) of this code, Chapter 3 (commencing with Section 27951) of Part 4 of Division 12, or Chapter 4 (commencing with Section 41301) of Division 16, of the Food and Agricultural Code. Such authority shall further extend to violations of any penal provision of this code, the Business and Professions Code or the Penal Code which are discovered in the course of and arise in connection with the employment of such officers.

(b) Any inspector of the Bureau of Food and Drug shall have the authority, as a public officer, to arrest, without a warrant, any person who, in his presence, has violated, or as to whom there is probable cause to believe has violated, any provision of Division 21 (commencing with Section 26000) or Division 22 (commencing with Section 27000) of this code, Chapter 3 (commencing with Section 27951) of Part 4 of Division 12, or Chapter 4 (commencing with Section 41301) of Division 16, of the Food and Agricultural Code.

In any case in which an arrest authorized by this subdivision is

made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting inspector may, nstead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Sectio 1 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(c) There shall be no civil liability on the part of and no cause of action shall arise against any person, acting pursuant to subdivision (b) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting inspector, at the time of such arrest, had reasonable cause to believe was lawful. No such inspector shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(d) The Chief and inspectors of the Bureau of Food and Drug may serve all processes and notices throughout the state.

SEC. 30. Section 429.63 of the Health and Safety Code is repealed.

SEC. 31. Section 429.65 of the Health and Safety Code is amended and renumbered to read:

429.90. For the purpose of this chapter, "innovative programs of education in the health professions" means programs for the development of physicians, dentists, pharmacists, nurses, optometrists, and occupations in the allied health professions, which emphasize all of the following:

(a) The practice in the community on the part of graduates of the program.

(b) The utilization of existing teaching resources and clinical care facilities within the community in which the program is located.

(c) The development of curricular mechanisms which allow for movement from one occupational category to the next, up to and including the doctor of medicine level.

(d) The training of persons possessing previously acquired health care skills, for positions of greater responsibility, with an emphasis upon corpsmen honorably discharged from the military.

(e) The training of persons with little or no formal education but with a willingness and aptitude to acquire health care skills.

(f) The development of coordination with community health care facilities to insure quality education and satisfactory employment opportunities for graduates of the program.

SEC. 32. Section 429.66 of the Health and Safety Code is amended and renumbered to read:

429.91. The state department, in cooperation with the Coordinating Council for Higher Education, shall administer the program established pursuant to this chapter and shall for such purpose, adopt such rules and regulations as it determines are reasonably necessary to carry out the provisions of this chapter.

SEC. 33. Section 429.67 of the Health and Safety Code is amended and renumbered to read:

429.92. The state department is authorized to make grants, from funds appropriated by the Legislature for such purpose, to assist organizations in meeting the cost of special projects to plan, develop, or establish innovative programs of education in the health professions, or for research in the various fields related to education in such health professions, or to develop training for new types of health professions personnel, or to meet the costs of planning experimental teaching facilities.

In determining priority of project applications, the department shall give the highest priority to:

(1) Applicants able to obtain commitments for matching planning funds from other governmental and private sources.

(2) Applicants who develop a preliminary plan which conforms to the criteria stated hereinabove for innovative programs of education in the health sciences.

(3) Applicants which in its judgment are most able to translate a plan into a feasible program.

SEC. 34. Section 429.68 of the Health and Safety Code is amended and renumbered to read:

429.93. The state department shall conduct a survey to determine possible applicants for grants under this chapter and shall report annually to the Legislature beginning in January 1974 concerning all of the following:

(1) The number and characteristics of potential applicants for claims under this chapter.

(2) An evaluation of each possible applicant, and a ranking by priority of all possible applicants.

(3) Methods for evaluation of the effectiveness of the innovative training program proposed by each applicant.

(4) Recommendations as to the amount of funds needed to be appropriated for innovative programs of education in the health professions.

SEC. 35. Section 429.78 of the Health and Safety Code is amended to read:

429.78. The state department shall carry out periodic onsite visitations of each approved project and shall evaluate each project to determine the following:

(a) The new health skills taught or extent to which existing skills have been reallocated.

(b) Implication of the project for existing licensure laws with suggestions for changes in the law where appropriate.

(c) Implications of the project for health services curricula and for the health care delivery systems.

(d) Teaching methods used in the project.

(e) The quality of care and patient acceptance in the project.

(f) The extent to which persons with the new skills could find employment in the health care system, assuming laws were changed

to incorporate their skill.

The state department shall report to the Legislature and appropriate licensing boards annually beginning July 1, 1974, concerning the results of each evaluation.

SEC. 36. Section 438.3 of the Health and Safety Code is amended to read:

438.3. (a) An applicant may petition the Advisory Health Council for a hearing on the decision on appeal. A petition for hearing shall be made within 30 days of the appealed decision.

(b) The required number of members of the board of directors may petition the Advisory Health Council for a hearing on the decision of the voluntary area health planning agency or the decision or lack of decision of the consumer members of a voluntary area health planning agency acting as an appeals body.

(c) A petition for hearing shall be made within 30 days of the decision of the voluntary area health planning agency or the decision or lack of decision of the consumer members of a voluntary health planning agency acting as an appeals body.

(d) Notwithstanding subdivision (c), any member of the board of directors of a voluntary area health planning agency who has signed a petition for hearing by the Advisory Health Council may, by filing an affidavit with the council which states that he signed the petition by mistake or inadvertence and requests withdrawal of his signature from the petition, withdraw his signature from the petition at any time prior to the date on which the council grants a hearing pursuant to subdivision (e).

(e) The Advisory Health Council shall grant a hearing if the petition is still signed by the required number of members of the board of directors, and if at least one-third of the voting members of the council certify in writing that they agree to a hearing. Such certification shall be made within 60 days of the receipt of the petition for hearing.

(f) If the required number of voting members agree to a hearing, the council shall reach a decision within 90 days of the date of agreement. At least one hearing shall be held on the appeal, but it may be heard by a committee of the council composed of at least three voting members, a majority of whom shall be consumers. The final decision on the appeal shall be made by the full council.

SEC. 37. Section 458.5 of the Health and Safety Code is amended to read:

458.5. (a) By the 10th of each month, a person engaged in the business of pest control under the authority of a license issued pursuant to Article 1 (commencing with Section 11701), Chapter 4, Division 6 of the Food and Agricultural Code shall file a spray report with the county agricultural commissioner of each county in which such person has treated property during the previous month.

(b) The spray report shall include the name and address of such person and, for each property treated, the following information:

(1) The name and address of the owner of the property treated.

(2) The name and address of the owner of the crop treated.
(3) The type of crop treated.
(4) The date, time, and method of treatment.
(5) The type, quantity, and concentration of each pesticide used in the treatment.
(6) The type of insect or pest to be controlled.
(7) The number of trees or acres treated.
(8) Any other information which the state department may deem necessary in view of conditions which may constitute a menace to life, health, or safety of individuals living or working in areas where pesticides are applied.

(c) Spray reports filed pursuant to this section are public records which shall be made available by the county agricultural commissioners for public inspection.

SEC. 38. Section 541 of the Health and Safety Code is amended to read:

541. The governing body of a city, of a county, or of a local health district may employ on a full-time basis one or more sanitarians each of whom shall be a registered sanitarian as provided for in this article for the purpose of the enforcement of such state statutes relative to public health, and such rules and regulations of the State Department of Health, and any local ordinances of a city, county or local health district that relate to the inspection of food products, water supplies, sewage disposal, food establishments, general sanitation or housing; provided, however, that any person who shall be known as assistant sanitarian may without a certificate of registration be employed to work under the supervision of a registered sanitarian until such time as he may be qualified by examination as provided under subdivision (b) of Section 542, such time not to exceed two years of such employment.

SEC. 39. Section 1102 of the Health and Safety Code is amended to read:

1102. For the purposes of this chapter a "local health department" shall be interpreted to mean any one of the following public health administrative organizations:

(a) A local health district created pursuant to former Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code, which includes territory in one or more counties, and which includes at least all of the cities which have less than 50,000 population in such county or counties.

(b) A local health department serving one or more counties which shall on September 19, 1947, and thereafter provide services to all cities whose population is less than 50,000 in addition to the unincorporated territory of such county or counties.

(c) A county health department which does not serve all of the cities of less than 50,000 population, but which has the provisional approval of the State Department of Health, in accordance with Section 1140.

(d) The health department of a city of 50,000 or greater

population, except that the governing body of such city by resolution may declare its intention to be included under the jurisdiction of the county health department, or of the local health district serving other territory in such county, as provided by existing statutes.

(e) The local health department of any county which had under its jurisdiction on September 19, 1947, a population in excess of 1,000,000, or the local health department of any city and county.

SEC. 40. Section 1154 of the Health and Safety Code is amended to read:

1154. No funds appropriated for the purposes of this article shall be allocated to any local health department unless the governing body of such local health department has appropriated for the same period from local funds for the support of such local health department an amount equal to at least twice the per capita allotment provided in subdivision (b) of Section 1141, such local funds to be wholly exclusive of any state or federal funds received or receivable. Actual expenditures of local funds, exclusive of state or federal funds received, shall be not less than this proportion of the total expenditures.

SEC. 41. Section 1205 of the Health and Safety Code is amended to read:

1205. This chapter does not authorize any person other than a licensed practitioner of a healing art, or any corporation except charitable corporations as expressly provided in this chapter, to furnish to any person medical, or surgical advice, services, or treatment.

This chapter does not authorize any person, other than a licentiate of a healing art acting within the scope of his license, to engage directly or indirectly in the practice of medicine, or surgery, or dentistry, or optometry or podiatry or pharmacy.

This chapter does not regulate, govern, or affect in any manner the practice of medicine, surgery, pharmacy, dentistry, optometry, osteopathy, chiropractic, podiatry, or drugless healing by any person duly licensed to engage in such practice.

This chapter does not repeal, alter, modify, or otherwise affect Division 2 (commencing with Section 500) of the Business and Professions Code or any section thereof or any act defining, or governing, or regulating the practice of medicine, surgery, pharmacy, dentistry, optometry, osteopathy, chiropractic, podiatry or drugless healing.

SEC. 42. Section 1446 of the Health and Safety Code is amended to read:

1446. Except as otherwise provided in this chapter, a person, in order to be eligible for care, shall be a resident of the state and county wherein care is furnished as defined in Chapter 2 (commencing with Section 17100) of Part 5 of Division 9 of the Welfare and Institutions Code.

SEC. 43. Section 1447 of the Health and Safety Code is amended to read:

1447. Notwithstanding any other provisions of the Welfare and Institutions Code, the county which is responsible for the payment of public assistance to any person or group of persons under Chapter 2 (commencing with Section 11200), Chapter 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), Chapter 6 (commencing with Section 13500) of Part 3 of Division 9) of that code, and the needy relative in the case of aid to needy children, shall provide the necessary hospital or medical care, or both, if otherwise qualified for such care. If a recipient of public assistance moves from one county to another county within this state to make his home, the county to which such recipient removes shall become responsible for providing medical or hospital care or both upon notification by the first county that such recipient has moved to the second county for the purpose of making his home in said county, provided that the recipient is otherwise qualified for such care, except that he need not meet the residence qualifications set forth in Section 17105 of the Welfare and Institutions Code.

SEC. 44. Section 1474 of the Health and Safety Code is amended to read:

1474. In collecting charges for care rendered under this chapter, the board may exercise all powers provided in Chapter 5 (commencing with Section 17400) of Part 5 of Division 9 of the Welfare and Institutions Code, as enacted and as it may be amended thereafter.

SEC. 45. Section 1541 of the Health and Safety Code is amended to read:

1541. The director may bring an action to enjoin the violation or threatened violation of Section 1508 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or irreparable damage or loss. Upon a finding by the director that such violations threaten the health or safety of persons in, or served by, a community care facility, the agency contracted with pursuant to Section 1511 may bring an action to enjoin the violation, threatened violation, or continued violation by any community care facility which is located in an area for which it is responsible pursuant to the terms of the contract.

SEC. 46. Section 1751 of the Health and Safety Code is repealed.

SEC. 47. Section 3402 of the Health and Safety Code is amended to read:

3402. The county health officer of each county shall organize and operate an immunization program so that immunization is made available to all persons required by this chapter to be immunized. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons immunized, the cost shall be paid

by the county in the same manner as other expenses of the county are paid.

Immunization performed by a private physician shall be acceptable for admission to school if the immunization is performed and records are made in accordance with rules established by the State Department of Health.

SEC. 48. Section 3502 of the Health and Safety Code is amended to read:

3502. The county health officer of each county shall organize and operate a program so that annual treatment is made available to all persons specified in Section 3500. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons treated, the cost shall be paid by the county in the same manner as other expenses of the county are paid.

SEC. 49. Section 4636 of the Health and Safety Code is amended to read:

4636. The governing body of each city in which an improvement is being made or acquired pursuant to this chapter may make all needful rules and regulations for carrying out and maintaining the improvement, and may appoint all agents, superintendents, and engineers necessary properly to look after the construction and operation of the improvement. However, in any city operating under a charter framed pursuant to Sections 3 and 5 of Article XI of the Constitution of the state which has a board or department of public works, the powers and duties of the governing body which are stated in this section may be exercised and performed by the city board or department of public works.

SEC. 50. Section 4640.5 of the Health and Safety Code is repealed.

SEC. 51. Section 4764.1 of the Health and Safety Code is repealed.

SEC. 52. Section 4764.2 of the Health and Safety Code is repealed.

SEC. 53. Section 4806.5 of the Health and Safety Code is amended to read:

4806.5. As an alternative method of issuing bonds the district board may, after the approval and adoption of an engineer's report for a portion of the district, if it deems it necessary to incur a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report, by resolution so declare and state: (a) the general objects and purposes for which the proposed debt is to be incurred, including, but not limited to, the acquisition or construction or reconstruction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers; (b) the amount of debt to be incurred; (c) that the district board intends to form an improvement district of that portion of the district which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the board, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such improvement district on a date to be fixed, for the purpose of submitting to the

qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said improvement district; (d) that taxes for the payment of such bonds and the interest thereon shall be derived exclusively from an annual tax upon the real property in the improvement district; (e) that special rates or charges to finance the construction, reconstruction, maintenance, or operation of the improvement may be collected within the improvement district where, in the judgment of the board, the improvement will not be of districtwide benefit; (f) that the engineer's report, together with a map showing the exterior boundaries of such proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement, are on file with the district board and are available for inspection by any person interested; (g) the time and place for a hearing by the board on the questions of the formation of such proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (h) that at the time and place specified in the resolution any person interested, including all persons owning property in the district or in the proposed improvement district, will be heard.

This section shall only be applicable to a district within a county of the 13th class as defined in Section 28036 of the Government Code and Section 4806 shall not be applicable to a district within a county of the 13th class.

SEC. 54. Section 5474.29 of the Health and Safety Code is amended to read:

5474.29. The State Department of Health, after consultation with the State Departments of Food and Agriculture and Industrial Relations, may make and promulgate reasonable regulations in accordance with this chapter pursuant to Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 55. Section 6542 of the Health and Safety Code is amended to read:

6542. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

(a) "City council" and "council" mean board.

(b) "City" and "municipality" mean district.

(c) "Clerk" and "city clerk" mean secretary.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.

(e) "Tax collector" means county tax collector.

(f) "Treasurer" and "city treasurer" mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right-of-way" means any parcel of land in, on, under or through which a right-of-way or easement has been granted to the district for the purpose of constructing and maintaining any of the works or improvements mentioned in Section 6540.

(h) "Health officer" means the health officer appointed by the legislative body having jurisdiction over all or any portion of the territory to be served by any of the works mentioned in Section 6540, except that as to cities which have consented to or contracted for health administration by the county health officer pursuant to Article 2 (commencing with Section 476 or Article 2-A (commencing with Section 480) of Chapter 1 of Part 2 of Division 1, it shall mean the county health officer.

SEC. 56. Section 10050 of the Health and Safety Code is amended to read:

10050. The health officer of any approved local health department, as defined in Chapter 8 (commencing with Section 1100) of Part 2 of Division 1 and approved thereunder, is the local registrar in and for all registration districts within that health jurisdiction and shall perform all the duties of local registrar of births and deaths.

SEC. 57. Section 10460 of the Health and Safety Code is amended to read:

10460. (a) Whenever either of the parents of a minor child born in this state has his name changed by order of a court of this state, or whenever either of the parents of a minor child born in this state has his name changed by a court order in naturalization proceedings, an affidavit of that fact may be filed by the parent with the State Registrar upon a form provided for that purpose.

(b) Whenever a parent having custody or control of a minor child born in this state has had his name changed by order of a court of this state, and the other parent is dead or otherwise unavailable, whether before or after November 23, 1970, an affidavit of that fact may be filed by such parent having custody or control of the minor child with the State Registrar upon a form provided for that purpose.

SEC. 58. Section 11054 of the Health and Safety Code is amended to read:

11054. (a) The controlled substances listed in this section are included in Schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol.
(2) Allylprodine.
(3) Alphacetylmethadol.
(4) Alphameprodine.
(5) Alphamethadol.
(6) Benzethidine.
(7) Betacetylmethadol.
(8) Betameprodine.
(9) Betamethadol.
(10) Betaprodine.
(11) Clonitazene.

(12) Dextromoramide.
(13) Dextrorphan.
(14) Diampromide.
(15) Diethylthiambutene.
(16) Dimenoxadol.
(17) Dimepheptanol.
(18) Dimethylthiambutene.
(19) Dioxaphetyl butyrate.
(20) Dipipanone.
(21) Ethylmethylthiambutene.
(22) Etonitazene.
(23) Etoxeridine.
(24) Furethidine.
(25) Hydroxypethidine.
(26) Ketobemidone.
(27) Levomoramide.
(28) Levophenacylmorphan.
(29) Morpheridine.
(30) Noracymethadol.
(31) Norlevorphanol.
(32) Normethadone.
(33) Norpipanone.
(34) Phenadoxone.
(35) Phenampromide.
(36) Phenomorphan.
(37) Phenoperidine.
(38) Piritramide.
(39) Proheptazine.
(40) Properidine.
(41) Propiran.
(42) Racemoramide.
(43) Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine.
(2) Acetyldihydrocodeine.
(3) Benzylmorphine.
(4) Codeine methylbromide.
(5) Codeine-N-oxide.
(6) Cyprenorphine.
(7) Desomorphine.
(8) Dihydromorphine.
(9) Etorphine.
(10) Heroin.
(11) Hydromorphinol.
(12) Methyldesorphine.
(13) Methyldihydromorphine.

(14) Morphine methylbromide.
(15) Morphine methylsulfonate.
(16) Morphine-N-oxide.
(17) Myrophine.
(18) Nicocodeine.
(19) Nicomorphine.
(20) Normorphine.
(21) Phoclodine.
(22) Thebacon.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine.
(2) 5-methoxy-3,4-methylenedioxy amphetamine.
(3) 3,4,5-trimethoxy amphetamine.
(4) Bufotenine.
(5) Diethyltryptamine.
(6) Dimethyltryptamine.
(7) 4-methyl-2,5-dimethoxylamphetamine.
(8) Ibogaine.
(9) Lysergic acid diethylamide.
(10) Marijuana.
(11) Mescaline.
(12) Peyote.
(13) N-ethyl-3-piperidyl benzilate.
(14) N-methyl-3-piperidyl benzilate.
(15) Psilocybin.
(16) Psilocyn.
(17) Tetrahydrocannabinols.

SEC. 59. Section 11356 of the Health and Safety Code is amended to read:

11356. As used in this article "felony offense," and " offense punishable as a felony" refer to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

SEC. 60. Section 11478 of the Health and Safety Code is amended to read:

11478. The Attorney General may dispose of controlled substances, other than heroin or smoking opium, by gift to the medical superintendent of state prisons or state hospitals, for medical purposes. Marijuana shall be provided by the Attorney General to the heads of research projects which have been registered by the Attorney General, and which have been approved by the Research Advisory Panel pursuant to Section 11480.

The head of the approved research project shall personally receipt for such quantities of marijuana and shall make a record of their

disposition. The receipt and record shall be retained by the Attorney General. The head of the approved research project shall also, at intervals and in the manner required by the Research Advisory Panel, report the progress or conclusions of the research project.

SEC. 61. Section 11480 of the Health and Safety Code is amended to read:

11480. The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana and hallucinogenic drugs and to coordinate research efforts on such subjects.

There is a Research Advisory Panel which consists of a representative of the State Department of Health, the Chairman of the Interagency Council on Drug Abuse, a representative of the California State Board of Pharmacy, a representative of the Attorney General, a representative of the University of California who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences, and a representative of a private university in this state who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences. The Governor shall annually designate the private university represented on the panel. Members of the panel shall be appointed by the heads of the entities to be represented, and they shall serve at the pleasure of the appointing power.

The panel may hold hearings on, and in other ways study, research projects concerning marijuana or hallucinogenic drugs in this state. Members of the panel shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties.

The panel may approve research projects, which have been registered by the Attorney General, into the nature and effects of marijuana or hallucinogenic drugs, and shall inform the Chief of the Bureau of Narcotic Enforcement of the head of such approved research projects which are entitled to receive quantities of marijuana pursuant to Section 11478.

The panel may withdraw approval of a research project at any time, and when approval is withdrawn shall notify the head of the research project to return any quantities of marijuana to the Chief of the Bureau of Narcotic Enforcement.

The panel shall report annually to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project.

SEC. 62. Section 11482 of the Health and Safety Code is repealed.

SEC. 63. Section 11483 of the Health and Safety Code is amended to read:

11483. No provision of this division shall be construed to prohibit the establishment and effective operation of a methadone maintenance treatment program approved pursuant to Section 4351 of the Welfare and Institutions Code.

SEC. 64. Section 11590 of the Health and Safety Code is amended to read:

11590. (a) Any person who, on or after the effective date of this section, is convicted in the State of California of any offense defined in Section 11350, 11351, 11352, 11353, 11354, 11355, 11357, 11358, 11359, 11360, 11361, 11363, 11366, 11368, or 11550, or any person who is, on or after such date, discharged or paroled from a penal institution where he was confined because of the commission of any such offense, or any person who is, on or after such date, convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses, shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(b) Any person who, on or after the effective date of this section is convicted in any federal court of any offense which, if committed or attempted in this state would have been punishable as one or more of the offenses enumerated in subdivision (a) shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(c) This section does not apply to a misdemeanor conviction under Section 11357, or a conviction under Section 11550 involving marijuana.

SEC. 65. Section 11644 of the Health and Safety Code is repealed.

SEC. 66. Section 12101.5 of the Health and Safety Code is amended to read:

12101.5. This chapter does not apply to any possession or use by a person licensed as a pyrotechnic operator—special effects first class of 20 pounds or less of smokeless powder, or one pound or less of black sporting powder, if all of the following requirements are satisfied:

(a) All such powder is for use in the pursuit of the lawful business of such licensee and not for resale, and, in the case of black sporting powder, there shall be no gift, delivery or other disposition to another person who is not licensed as a pyrotechnic operator—special effects first class. Any such licensee may sell, give, deliver, or otherwise dispose of any smokeless or black sporting powder to another such licensee.

(b) The storage, use and handling of such smokeless and black powder conforms to rules, regulations, or ordinances of authorities having jurisdiction for fire prevention and suppression in the area of such storage, use, and handling of such explosives.

SEC. 67. Section 13118 of the Health and Safety Code is amended

to read:

13118. All solvents offered for sale at retail having a flash point below 120 degrees F., closed cup test, shall have on the container a label, in legible type in contrast with the background of said label, words indicating that said solvent is flammable.

Any person, firm or corporation in violation of the provisions of this section shall be guilty of a misdemeanor.

SEC. 68. Section 13885 of the Health and Safety Code is amended to read:

13885. All contracts for the construction or completion of any building, structure, or improvement, when the expenditure required for the work exceeds three thousand dollars ($3,000), shall be contracted for and let to the lowest responsible bidder after notice. The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the district, or if there is none, it shall be posted in at least three public places in the district that have been designated by the district board as the places for posting such notice. The notice shall distinctly state the work to be done.

In its discretion, the district board may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the district board may accept the one it chooses.

The district board may, subject to the provisions of Chapter 7 (commencing with Section 3247) of Title 15 of Part 4 of Division 3 of the Civil Code, require the posting of such bonds as it deems desirable as a condition to the filing of a bid or the letting of a contract.

In case of an emergency, the district board may adopt a resolution by a two-thirds vote of all the members of the district board declaring that the public interest and necessity demand immediate expenditure of public money to safeguard life, health or property. The district board may expend any sum required in the emergency without submitting such expenditure to bid.

Cost records of the work shall be kept in the manner provided in Sections 4000 to 4007, inclusive, of the Government Code.

SEC. 69. Section 17958 of the Health and Safety Code is amended to read:

17958. The governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted pursuant to Section 17922 within one year after November 23, 1970. If any city or county does not adopt such ordinances or regulations, the provisions of this part and the rules and regulations promulgated thereunder shall be applicable within one year after November 23, 1970.

After March 7, 1973, any city or county shall have one year from the effective date of any changes in the regulations thereafter adopted pursuant to Section 17922 in which to amend, add, or repeal

ordinances or regulations to impose the same requirements as are contained in the regulations adopted pursuant to Section 17922. If any city or county does not amend, add, or repeal ordinances or regulations to impose such requirements by such time, the regulations promulgated pursuant to Section 17922 shall be applicable to it.

SEC. 70. Section 18503 of the Health and Safety Code is amended to read:

18503. (a) Except as otherwise provided in subdivision (b), the commission by administrative rule and regulation shall establish a schedule of fees relating to construction permits for construction, mechanical and electrical installations. The fees shall apply to and be paid to the enforcement agency. Fees established for construction, mechanical and electrical installations shall be reasonably consistent with the current edition of the Uniform Building Code as published by the International Conference of Building Officials, the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and the Uniform Electrical Code as published by the Pacific Coast Electrical Bureau.

(b) Fees for construction, mechanical, and electrical installations in temporary trailer parks shall be determined by the enforcement agency for each such project, based on the cost of administration and enforcement, including the cost of determining the amount of fees to be charged.

SEC. 71. Section 19878.7 of the Health and Safety Code is repealed.

SEC. 72. Section 19959 of the Health and Safety Code is amended to read:

19959. Every existing public accommodation constructed prior to July 1, 1970, which is not exempted by Section 19956, shall be subject to the requirements of this chapter when any alterations, structural repairs or additions are made to such public accommodation. This requirement shall only apply to the area of specific alteration, structural repair or addition and shall not be construed to mean that the entire building or facility is subject to this chapter.

SEC. 73. Section 24265.5 of the Health and Safety Code is repealed.

SEC. 74. Section 24350.2 of the Health and Safety Code is amended to read:

24350.2. The district shall transact business and exercise its powers under this chapter in the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

SEC. 75. Section 24350.3 of the Health and Safety Code is amended to read:

24350.3. At any time, the Board of Supervisors of the County of Napa, of the County of Solano, or of the County of Sonoma may adopt a resolution declaring that a portion of their respective county is in an air basin other than the air basin presently under the jurisdiction

of the Bay Area Air Pollution Control District. The resolution adopted by the board of supervisors shall declare that it is in the interest of that county to include such territory within an air pollution control district that could effectively control air pollution in that territory. The resolution adopted by the board of supervisors shall be presented to the State Air Resources Board for its approval. The State Air Resources Board may approve such resolution based upon the facts of the situation. If the State Air Resources Board approves the resolution, the Bay Area Air Pollution Control District shall not transact business or exercise its powers under this chapter in such territory effective the next July 1 following the approval of the resolution by the State Air Resources Board. If a regional air pollution control district exists in the same air basin as the territory excluded from the Bay Area Air Pollution Control District and such regional air pollution control district has a common boundary line with any portion of the excluded territory, such territory shall, on the first day of July next following the approval of the resolution by the State Air Resources Board, be transferred to and shall become part of such a regional air pollution control district. If no regional air pollution control district exists in the same air basin as the territory excluded from the Bay Area Air Pollution Control District or if no regional air pollution control district exists in such air basin with a common boundary line with any portion of the excluded territory, such territory shall be automatically included in any regional air pollution control district within such air basin which shall subsequently have a common boundary line with any portion of the excluded territory.

SEC. 76. Section 24352.2 of the Health and Safety Code is amended to read:

24352.2. Any member of the board may be recalled from his office of member of the board of supervisors or of mayor or member of the legislative body of a city pursuant to Division 14 (commencing with Section 27000) of the Elections Code, in which event his office as member of the board shall be vacant.

SEC. 77. Section 24355.4 of the Health and Safety Code is amended to read:

24355.4. The control officer may observe and enforce, and, if funds are subvented to the district pursuant to Chapter 8 (commencing with Section 39280) of Part 1 of Division 26, the control officer shall observe and enforce, all provisions of Division 12 (commencing with Section 24000) of the Vehicle Code relating to the emission or control of air contaminants, except Sections 27157, 27157.5, 27158, and 27158.5.

SEC. 78. Section 24362 of the Health and Safety Code is amended to read:

24362. The board may by resolution declare it necessary that the district adopt rules and regulations to control the release of air contaminants in order to reduce or alleviate air pollution within the district. Such determination shall be based on surveys and studies

made by the district and such other information as may be available to the district. The determination shall be made only after the board has considered the matter at a public hearing at which all interested persons are afforded the opportunity to appear and urge or oppose adoption of the resolution. The board shall give notice of its intention to adopt the resolution and give notice of the hearing by publication pursuant to Section 6061 of the Government Code in each of the counties within the district not less than 10 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting. The hearing may be adjourned from time to time in order to permit presentation of all pertinent testimony.

Upon the conclusion of the hearing, if the board determines it to be necessary to adopt rules and regulations to control the release of air contaminants, the board shall so declare by resolution.

SEC. 79. Section 25150 of the Health and Safety Code is amended to read:

25150. The department shalll adopt, and may revise when appropriate, minimum standards and regulations for the handling, processing, and disposal of hazardous and extremely hazardous wastes to protect against hazards to the public health, to domestic livestock, and to wildlife. Before adoption of such standards and regulations the department shall consult with all agencies of interested local governments and secure technical assistance from the Department of Food and Agriculture, the Department of the California Highway Patrol, the Department of Fish and Game, the Department of Industrial Relations, Division of Industrial Safety, the State Air Resources Board, the State Water Resources Control Board and the State Fire Marshal.

SEC. 80. Section 25155 of the Health and Safety Code is amended to read:

25155. No extremely hazardous waste as listed by the department pursuant to Section 25140, may be disposed of without prior processing to remove its harmful properties or as specified by the regulations of the department for the handling and disposal of the particular extremely hazardous waste.

SEC. 81. Section 25174 of the Health and Safety Code is amended to read:

25174. Each operator of any site at which hazardous wastes are disposed shall pay a fee to the director for each list or other document which such operator receives pursuant to Article 6 (commencing with Section 25160). The director shall establish a schedule of the fees to be paid to the director by such operator for each disposal of hazardous waste listed in such a list or document, which shall provide revenues which shall not exceed the amount necessary, but shall be sufficient, to cover all costs incurred in the administration of this chapter. Such fees shall be deposited each month in the Hazardous Waste Control Account in the General Fund. The funds deposited in

such account are continuously appropriated for expenditure without regard to fiscal years to the Department of Health to carry out the provisions of this chapter.

SEC. 82. Section 25803 of the Health and Safety Code is amended to read:

25803. Rules and regulations adopted under this chapter shall be adopted in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, and Sections 25733 and 25734 of this code.

SEC. 83. Section 25886 of the Health and Safety Code is amended to read:

25886. (a) It shall be unlawful to manufacture or import for sale in this state any glazed ceramic tableware which releases lead in excess of 7 parts per million or cadmium in excess of 0.5 parts per million when tested according to the test procedures specified by the Food and Drug Administration test procedure LIB-834. A sample of ceramic tableware so tested shall be deemed to be in violation of this section if any sample tested contains more than 7 micrograms of lead per milliliter of leaching solution or 0.5 micrograms of cadmium per milliliter of leaching solution.

(b) The state department shall require that a certificate of acceptability be obtained by a manufacturer or importer of any pattern of glazed ceramic tableware which glaze contains lead or cadmium, and which is manufactured for sale or imported for sale within the state. The state department shall issue a certificate of acceptability upon receipt of satisfactory evidence that each manufacturer or importer is not in violation of subdivision (a) if (i) the manufacturer or importer maintains his own testing program for glazed ceramic tableware which is acceptable to the state department and he submits his testing results to the state department; or (ii) the manufacturer or importer submits the results obtained from tests conducted by an independent laboratory which is acceptable to the state department. In addition to the foregoing, where deemed necessary by the state department, it may require that the manufacturer or importer submit such finished samples of ceramic tableware and appropriate accompanying data to the state department as it may reasonably require.

(c) In order to obtain such certificate a manufacturer or importer shall make application to the state department. The application shall be on a form provided by the state department and shall be accompanied by results of any tests required under subdivision (b).

SEC. 84. Section 25920 of the Health and Safety Code is amended to read:

25920. No person shall sell or offer for sale charcoal intended for use in the cooking or preparation of food, unless the package containing such charcoal has affixed a warning label on the outside visible surface pursuant to Section 25922.

SEC. 85. Section 26052 of the Health and Safety Code is amended to read:

26052. The provisions of this division shall be so construed as to not be in conflict with the provisions of the Food and Agricultural Code of this state, or with the provisions of the Alcoholic Beverage Control Act, Division 9 (commencing with Section 23000) of the Business and Professions Code, and the rules and regulations adopted pursuant thereto.

SEC. 86. Section 26205 of the Food and Agricultural Code is amended to read:

26205. All pesticide regulations and any amendments to such regulations adopted pursuant to the federal act or the Food and Agricultural Code of this state, which are in effect on November 23, 1970, or which are adopted on or after such date, are the pesticide regulations in this state. The department may, by regulation, prescribe tolerances for pesticides in processed foods in this state whether or not such tolerances are in accordance with the regulations adopted pursuant to the federal act or the Food and Agricultural Code of this state.

SEC. 87. Section 26206 of the Health and Safety Code is amended to read:

26206. All food additive regulations and any amendments to such regulations adopted pursuant to the federal act which are in effect on November 23, 1970, or which are adopted on or after such date, are the food additive regulations of this state. The department may, by regulation, prescribe conditions under which a food additive may be used in this state whether or not such conditions are in accordance with the regulations adopted pursuant to the federal act.

SEC. 88. Section 26207 of the Health and Safety Code is amended to read:

26207. All color additive regulations and any amendments to such regulations adopted pursuant to the federal act, which are in effect on November 23, 1970, or which are adopted on or after such date, are the color additive regulations of this state. The department may, by regulation, prescribe conditions under which a color additive may be used in this state whether or not such conditions are in accordance with regulations adopted pursuant to the federal act.

SEC. 89. Section 26208 of the Health and Safety Code is amended to read:

26208. All special dietary use regulations and any amendments to such regulations adopted pursuant to the federal act, which are in effect on November 23, 1970, or which are adopted on or after such date, are the special dietary use regulations of this state. If the department finds that it is necessary to inform purchasers of the value of a food for special dietary use, it may adopt any special dietary use regulation, whether or not such regulation is in accordance with the regulations adopted pursuant to the federal act.

SEC. 90. Section 26209 of the Health and Safety Code is amended to read:

26209. All good manufacturing practices regulations for any food, drug, device, or cosmetic and any amendments to such regulations

adopted pursuant to the federal act which are in effect on November 23, 1970, or which are adopted on or after such date, are the good manufacturing practices regulations of this state. If the department finds that it is necessary for the protection of consumers, it may adopt interpretative regulations as necessary to define "current good manufacturing practice" as used in this division.

SEC. 91. Section 28122 of the Health and Safety Code is amended to read:

28122. If it finds the plant to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the state department, upon the payment of the license fee specified in this chapter, shall issue a license authorizing the applicant to operate a cold storage or refrigerating warehouse for a period of not more than one year.

SEC. 92. Section 28123 of the Health and Safety Code is amended to read:

28123. No person, firm, or corporation shall engage in the operation of a cold storage or refrigerating warehouse for storing articles of food without having obtained from the state department a license for each such place of business. This license is nontransferable.

SEC. 93. Section 28130 of the Health and Safety Code is amended to read:

28130. If any place or portion of a place for which a license is issued is deemed by the state department to be in an unsanitary condition, the state department shall give written notification to the licensee of the condition, stating in particular the matters found to be unsanitary.

SEC. 94. Section 28131 of the Health and Safety Code is amended to read:

28131. Upon failure of the licensee to correct the situation within a designated time the state department shall prohibit the licensee from using the place or specified portion until such time as it is restored to a sanitary condition.

SEC. 95. Section 28132 of the Health and Safety Code is amended to read:

28132. Every licensee shall keep an accurate record of receipts and withdrawals of articles of food, and the state department shall have free access to these records at any time.

SEC. 96. Section 28133 of the Health and Safety Code is amended to read:

28133. When requested by the state department or an agent thereof, any licensee shall within a reasonable time submit a report setting forth in itemized particulars the quantity of food products held by him in cold storage.

SEC. 97. Section 28140 of the Health and Safety Code is amended to read:

28140. No storer shall place in cold storage any article of food whose keeping qualities have been impaired by disease, taint, or

deterioration, or which has not been slaughtered, handled, and prepared for storage in accordance with food laws pertaining thereto and such rules and regulations as may be prescribed by the state department for the sanitary preparation of food products for cold storage.

SEC. 98. Section 28141 of the Health and Safety Code is amended to read:

28141. Any article of food intended for use other than human consumption shall, before being cold stored, be marked by the owner in accordance with forms prescribed by the state department in such a way as to indicate plainly that the article is not to be sold for human food.

SEC. 99. Section 28143 of the Health and Safety Code is amended to read:

28143. The state department shall inspect and supervise all cold storage or refrigerating warehouses, and make such inspection of the entry of articles of food therein as it deems necessary to secure the proper enforcement of this chapter.

SEC. 100. Section 28144 of the Health and Safety Code is amended to read:

28144. The state department and its duly authorized employees shall be permitted access to cold storage or refrigerating warehouses at all reasonable times for purposes of inspection and enforcing the provisions of this chapter.

SEC. 101. Section 28145 of the Health and Safety Code is amended to read:

28145. The state department may also appoint at such salary as it may designate, any person it deems qualified to make any inspection required by this chapter.

SEC. 102. Section 28147 of the Health and Safety Code is amended to read:

28147. The state department shall, upon application, grant permission to extend the period of storage beyond 12 months for a particular consignment of goods, if the goods in question are found, upon examination, to be in proper condition for further storage at the end of 12 months. The length of time for which further storage is allowed shall be specified in the order granting the permission.

SEC. 103. Section 28149 of the Health and Safety Code is amended to read:

28149. For the purpose of determining whether or not food locker plants come under the provisions of this chapter, the operators or owners of all such frozen food locker plants shall make available, upon request to any agent of the State Department of Health, the names and addresses of any and all persons, firms, or corporations renting, leasing or occupying such lockers or compartments.

SEC. 104. Section 28153 of the Health and Safety Code is amended to read:

28153. The state department may make rules and regulations to secure the proper enforcement of this chapter, including rules and

regulations with respect to the sanitary preparation of articles of food for cold storage, the use of marks, tags, or labels, and the display of signs.

SEC. 105. Section 28182 of the Health and Safety Code is amended to read:

28182. The state department may make rules and regulations to secure the proper enforcement of this chapter, including rules and regulations with respect to the sanitary preparation of articles of food for freezing, the use of containers, marks, tags, or labels, and the display of signs.

SEC. 106. Section 28296 of the Health and Safety Code is amended to read:

28296. The state department, its inspectors and agents, and all local health officers and inspectors may at all times enter any building, room, basement, cellar, or other place occupied or used, or suspected of being occupied or used, for the production, preparation, manufacture, storage, sale, or distribution of food, and inspect the premises and all utensils, implements, receptacles, fixtures, furniture, and machinery used.

SEC. 107. Section 28297 of the Health and Safety Code is amended to read:

28297. If upon inspection any such building, room, basement, cellar, or other place, or any vehicle, employer, employee, or other person is found to be in violation of or violating any of the provisions of this article, or if the production, preparation, manufacture, packing, storing, sale, or distribution of food is being conducted in a manner detrimental to the health of the employees or to the character or quality of the food being produced, prepared, manufactured, packed, stored, sold, distributed, or conveyed, the person making the inspection shall at once make a written report of the violation to the district attorney of the county, who shall prosecute the violator. He shall make a like report to the state department. The state department, from time to time, may publish such reports in its monthly bulletin.

SEC. 108. Section 28313 of the Health and Safety Code is amended to read:

28313. The state department shall issue a license to an applicant therefor upon the receipt of such evidence as the state department may require showing that the applicant is properly equipped for the cleansing and sterilization of bottles as herein provided, or at its option upon the recommendation of a city, county or city and county health officer. This license is nontransferable.

The license provisions of this article shall not apply to food, drug or liquor manufacturers or packers who buy bottles for their own use and purposes, but do apply to any other person, firm or corporation engaged in the business of cleaning, sterilizing and reselling bottles to such manufacturers or packers except as hereinabove provided.

SEC. 109. Section 28317 of the Health and Safety Code is amended to read:

28317. If any licensee fails to maintain his equipment and to cleanse or sterilize any bottle in the manner required by this article, and issues a certificate knowing its contents to be untrue the state department may revoke or suspend his license after a hearing. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the state department shall have all the powers granted therein.

SEC. 110. Section 28325 of the Health and Safety Code is amended to read:

28325. Except when sold in bulk for manufacturing purposes, it is unlawful to sell or otherwise dispose of at retail jams, jellies, preserves, marmalades, peanut butter, horse-radish, mayonnaise, or salad dressings other than in closed containers approved by the state department, when the state department determines that any other method of sale or disposition of any such food or food product is conducive to its contamination by flies, insects, dust, dirt, or foreign material of any kind whatsoever.

SEC. 111. Section 28332 of the Health and Safety Code is amended to read:

28332. No license shall be issued except upon application and after inspection by the state department of the premises for which the license is requested, and only if the state department finds that the premises comply with the standards prescribed in Sections 28280 to 28287, both inclusive, and 28295 of this chapter.

SEC. 112. Section 28333 of the Health and Safety Code is amended to read:

28333. The state department shall inspect the premises within 10 days after the date of the filing of the application.

SEC. 113. Section 28334 of the Health and Safety Code is amended to read:

28334. A license issued by the state department shall not be for a period of more than one year, and shall expire at the end of the period for which it is issued. This license is nontransferable.

SEC. 114. Section 28335 of the Health and Safety Code is amended to read:

28335. At any time after the issuance of the license the premises covered thereby may be reinspected by the state department, and the license may be revoked or suspended after a hearing by the state department if it finds that the premises no longer comply with the standards prescribed by Sections 28280 to 28287, both inclusive, and 28295 of this chapter. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the state department shall have all the powers granted therein.

SEC. 115. Section 28336 of the Health and Safety Code is amended to read:

28336. All licensees and others subject to Section 28337 shall keep

accurate and sufficient records showing their respective shelling, cleaning, grading, packing, preparing, purchasing, and receiving operations in shelled walnuts, and the names and addresses of their employees and agents. Such records shall be kept in the form prescribed by the state department, and are subject to inspection at any time by the state department.

Failure to keep any records required by this section is unlawful.

SEC. 116. Section 28339 of the Health and Safety Code is amended to read:

28339. The state department may issue and enforce all rules and regulations necessary to carry out this article, and may prescribe forms and accounting methods to be used by licensees with respect to operations subject to license under this article.

SEC. 117. Section 28430 of the Health and Safety Code is amended to read:

28430. No person shall permit another to operate a steam-controlled retort used in the commercial canning industry for the sterilization of food products, unless the latter first obtains a permit from the state department. The state department may pass upon and determine the qualifications of the applicant with a view to the preservation of the public health.

Any permit granted is revocable by the state department whenever in its judgment the public health requires such action.

SEC. 118. Section 28483 of the Health and Safety Code is amended to read:

28483. All records of those licensed under the provisions of this chapter which concern the amounts of olive oil produced, purchased, or produced and purchased, or the sale, distribution, or sale and distribution of any olive oil, shall be open to inspection upon demand of any agent of the state department.

SEC. 119. Section 28504 of the Health and Safety Code is amended to read:

28504. The state department shall prescribe the form of the tags or labels to be used.

SEC. 120. Section 28507 of the Health and Safety Code is amended to read:

28507. The state department shall enforce the provisions of this chapter.

SEC. 121. Section 28508 of the Health and Safety Code is amended to read:

28508. The state department shall prescribe and enforce such rules and regulations as it may deem necessary to carry into effect the full intent and meaning of this chapter.

SEC. 122. Section 28558 of the Health and Safety Code is amended to read:

28558. A two-compartment metal sink, having metal drainboards, with a chemical sanitizer, which is in use in a restaurant on September 15, 1961, may be continued in use until replaced because of deterioration thereof or modernization of the premises.

In all new restaurants, or where replacement of existing equipment takes place, if the use of a chemical sanitizer is proposed, there shall be provided a three-compartment metal sink, with metal drainboards.

SEC. 123. Section 28725 of the Health and Safety Code is amended to read:

28725. This chapter shall be known as the "Frozen Food Locker Plant Act of 1951."

SEC. 124. Section 28864 of the Health and Safety Code is amended to read:

28864. It shall be unlawful for any person to operate any food establishment unless, in addition to any other permit, he has a valid permit issued by the local health officer.

SEC. 125. Section 33385 of the Health and Safety Code is amended to read:

33385. The legislative body of a city or county shall call upon the residents and existing community organizations in a redevelopment project area, within which a substantial number of low- and moderate-income families are to be displaced by the redevelopment project, to form a project area committee. The project area committee shall include, when applicable, residential owner occupants, residential tenants, businessmen, and members of existing organizations within the project area. The members of the committee shall serve without compensation.

The legislative body shall approve a representative project area committee in each project area within 60 days after the project area is selected.

For project areas selected prior to March 7, 1973, the legislative body may, but shall not be required to, call upon the residents and existing community organizations to form a project area committee.

If the project will not displace a substantial number of low- and moderate-income families the agency shall either call upon the residents and existing community organizations to form a project area committee or the agency shall consult with, and obtain the advice of, residents and community organizations as provided for project area committees in Section 33386 and provide such persons and organizations with the redevelopment plan prior to submitting it to the legislative body.

Nothing contained in this section shall prevent an agency, or the legislative body of any city or county, from creating any other committee for a project area.

SEC. 126. Section 33411.3 of the Health and Safety Code is amended to read:

33411.3. Whenever all or any portion of a redevelopment project is developed with low- or moderate-income housing units the agency shall require by contract or other appropriate means that such housing be made available for rent or purchase to the persons and families of low and moderate income displaced by the redevelopment project. Such persons and families shall be given

priority in renting or buying such housing; provided, however, failure to give such priority shall not affect the validity of title to real property.

As used in this article, "low- and moderate-income families and persons" means those persons who would qualify as low- and moderate-income persons and families under Sections 1715z and 1715z-1 of Title 12 of the United States Code as those definitions in those sections now exist or may be amended, replaced, or superseded.

SEC. 127. Section 34270 of the Health and Safety Code is amended to read:

34270. When the governing body of a city adopts a resolution declaring the need for an authority, it shall promptly notify the mayor of the adoption. Upon receiving the notice and if his office is one filled by election by the people, the mayor, subject to the confirmation of a majority of the members of the governing body, shall appoint either five or seven persons as commissioners of the authority. The mayor may appoint two additional commissioners to increase the number of commissioners of an authority which is in existence and transacting business and exercising its powers on March 7, 1973. If seven, rather than five, commissioners are appointed, the two additional commissioners shall be project tenants and one shall be a senior citizen over 62 years of age. If the office of the mayor is not elective, the city governing body shall make the appointments.

SEC. 128. Section 34271 of the Health and Safety Code is amended to read:

34271. When the governing body of a county adopts such a resolution it shall appoint either five or seven persons as commissioners of the authority. The governing body may appoint two additional commissioners to increase the number of commissioners of an authority which is in existence and transacting business and exercising its powers on March 7, 1973. If seven, rather than five, commissioners are appointed, the two additional commissioners shall be project tenants and one shall be a senior citizen over 62 years of age.

SEC. 129. Section 34271.5 of the Health and Safety Code is amended to read:

34271.5. (a) The governing body of a county of the 10th class may appoint two additional commissioners to increase the number of commissioners of an authority which is in existence and transacting business and exercising its powers on March 7, 1973.

(b) One of the two additional commissioners shall be a project tenant and the other shall be a senior citizen over 62 years of age who may be a tenant. The two additional commissioners first appointed shall not be or have been commissioners of such authority.

(c) The two additional commissioners shall serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be

filled for the unexpired term.

(d) Under this section, four commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes.

(e) All of the provisions of this part shall apply to an authority of a county of the 10th class, except those provisions which conflict with the provisions of this section.

SEC. 130. Section 34272 of the Health and Safety Code is amended to read:

34272. In the case of a commission of five persons, three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. In the case of a commission of seven persons, four of the commissioners first appointed shall be designated to serve for terms of one, two, three, and four years, respectively, and three shall be designated to serve for terms of four years from the date of their appointments. If two commissioners are added to increase the number of commissioners of an authority which is in existence and transacting business and exercising its powers on March 7, 1973, such commissioners shall serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. If a tenant commissioner ceases to be a tenant of the authority, he shall be disqualified as commissioner and another tenant shall be appointed to fill the unexpired term. Notwithstanding any other law, and subject to the conditions in this section, a commissioner may be an officer or employee of the county or city for which the authority is created, or he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community. An officer or employee of a city or county in which an authority is established may serve as a commissioner only if such officer or employee does not exercise powers or duties in his office or employment that may conflict with the exercise of the independent judgment required to carry out the purposes of an authority. Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

SEC. 131. Section 37106 of the Health and Safety Code is amended to read:

37106. The department may assist the State Office of Planning with the local planning assistance program vested in the Council on Intergovernmental Relations by Article 2 (commencing with Section 34211) of Chapter 3 of Division 1 of Title 4 of the Government Code.

Nothing in this part shall be construed to repeal or supersede any of the provisions of Article 2 (commencing with Section 34211) of Chapter 3 of Division 1 of Title 4 of the Government Code.

SEC. 132. The heading of Chapter 7.5 (commencing with Section 2650) of Division 2 of the Public Resources Code is amended and renumbered to read:

CHAPTER 7.6. STATE MINING AND MINERALS POLICY

SEC. 133. Section 5022.5 of the Public Resources Code is amended to read:

5022.5. There shall be two categories of places of historical significance: the registered historical landmark and the registered point of historical interest. The location of the point of historical interest shall be designated by a sign indicating "Point of Historical Interest" with an appropriate direction, which sign shall be erected and maintained by the Department of Transportation, as to state highways, or the county authorities or city authorities, as to streets or highways under their jurisdictions. A local historical group or organization may raise a marker or plaque at a registered point of historical interest. Nothing herein shall require the signing of such points where parking is not available or where such signing would cause a traffic safety hazard or would interfere with the normal flow of traffic.

SEC. 134. Section 5023 of the Public Resources Code is amended to read:

5023. (a) It shall be the duty of the Department of Transportation to keep in repair all objects or markers adjacent to a state highway which have been erected to mark registered historical places and to keep such monuments or markers free from vegetation which may obscure them from view.

(b) It shall be the duty of the county authorities, in charge of county highways, and all city authorities, with respect to streets and highways under their respective jurisdictions, to keep in repair or cause to be kept in repair all objects or markers adjacent to a public highway which have been erected to mark registered historical places and to keep such markers and monuments free from all vegetation which may obscure them from view.

(c) It shall be the duty of the department to keep in repair or cause to be kept in repair all objects, markers and monuments designating any registered historical places in respect to which no obligation in respect thereto is imposed on other governmental agencies by this section, and the department shall keep such markers and monuments free from all vegetation which may obscure them from view.

SEC. 135. Section 30854 of the Public Utilities Code is amended to read:

30854. No taxes authorized by this article shall be levied unless

the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by a majority of the votes cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board, in such ordinance, shall state the nature of the tax to be imposed, shall provide the tax rate or rates or the maximum tax rate or rates, and shall specify that the revenue derived from the tax will be used for the purposes set forth in Section 30852. The board is authorized to levy a maximum tax rate of ½ percent under this article and the board may state the maximum tax rate in terms of not to exceed ½ percent, or any lesser percentage thereof, notwithstanding Section 37021 of the Revenue and Taxation Code. The district shall not levy the tax at a rate other than ½ or ¼ percent, unless specifically authorized by the Legislature.

SEC. 136. Section 99209 of the Public Utilities Code is amended to read:

99209. "Municipal operator" means a city or county, including any nonprofit corporation or other legal entity wholly owned or controlled by the city or county, which operates a public transportation system, or which on July 1, 1972, financially supported, in whole or in part, a privately owned public transportation system, and which is not included, in whole or in part, within an existing transit district.

SEC. 137. Section 118.6 of the Streets and Highways Code is amended to read:

118.6. The department shall, to the greatest extent possible, offer to sell or exchange excess real property within one year from the date that it is determined by the department to be excess.

"Excess real property," for the purposes of this section, means all land and improvements situated outside of calculated highway right-of-way lines not needed or used for highway or other public purposes, including, but not limited to, those leased to public agencies pursuant to Section 104.15, and available for sale or exchange.

The department shall adopt rules and regulations to determine which real property outside of calculated right-of-way lines is no longer needed or used for highway or other public purposes, and which is available for sale or exchange. The department is authorized to lease all real property not presently needed or used for highway purposes pending the sale or exchange of such property.

Excess real property which consists of lands of notable environmental value, such as, but not limited to, lands of extraordinary scenic beauty, lands fronting on waterway, lakes, and marshes, lands within the boundaries of parks, recreational areas, wildlife preserves or refuges, and lands providing wildlife habitat shall first be offered for sale or exchange to public agencies operating parks and recreational areas as follows:

(a) To any park or recreation department of any city within which the land may be situated.

(b) To any park or recreation department of the county within which the land is situated.

(c) To any regional park authority having jurisdiction within the area in which the land is situated.

(d) To the State Resources Agency or any agency which may succeed to its powers.

The public agency desiring to purchase such land for park or recreation use shall notify the department within 60 days of its intent to purchase the land after receipt of the department's notification of intent to sell the land. If the public agency desiring to purchase the land and the department are unable to arrive at a mutually satisfactory sales price for the land during the 60-day period, the land may be disposed of in the normal manner.

The failure of the department to first offer excess real property which consists of lands of notable environmental value to public agencies operating parks and recreational areas shall not affect the validity of any conveyance of such excess real property to any person or entity unaware of the failure of the department to do so; however, this shall in no way be construed as releasing the department from its responsibility in offering such property to such public agencies first.

The department shall submit a report to the Legislature not later than January 30, 1974, and biennially thereafter, as to the program and procedures developed and progress made in disposing of excess real property.

SEC. 138. Section 2117.5 of the Streets and Highways Code is repealed.

SEC. 139. The heading of Chapter 8 (commencing with Section 2400) of Division 3 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

CHAPTER 10. GRADE SEPARATION PROJECTS

SEC. 140. Section 2400 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2450. For purposes of this chapter:

(a) "Grade separation" means the structure which actually separates the vehicular roadway from the railroad tracks.

(b) "Project" means the grade separation and all approaches, ramps, connections, drainage, and other construction required to make the grade separation operable and to effect the separation of grades. Such grade separation project may include provision for separation of nonmotorized traffic from the vehicular roadway and the railroad tracks. On any project where there is only one set of railroad tracks in existence, the project shall be built so as to provide for expansion to two sets of tracks when the Director of Transportation determines that the project is on an existing or

potential major railroad passenger corridor. Such project may consist of:

(1) The alteration or reconstruction of existing grade separations.

(2) The construction of new grade separations to eliminate existing or proposed grade crossings.

(3) The removal or relocation of highways or railroad tracks to eliminate existing grade crossings.

(c) "Highway" means city street, a county highway, or a state highway which is not a freeway as defined in Section 257.

(d) "Railroad" means a railroad corporation.

SEC. 141. Section 2401 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2451. For purposes of this chapter, "local agency" includes city, county, and any other public entity which provides rail passenger transportation services.

SEC. 142. Section 2402 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2452. Prior to July 1 of each year, commencing with 1974, the Public Utilities Commission shall establish a list, in order of priority, of projects which the commission determines to be most urgently in need of separation or alteration. Such priority list shall be determined on the basis of criteria established by the Public Utilities Commission. Where a project involves the relocation of railroad tracks or highways and the closure of grade crossings, the Public Utilities Commission shall indicate on the priority list which of the grade crossings eliminated would have been considered urgently in need of a grade separation.

SEC. 143. Section 2403 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2453. From the funds set aside pursuant to Section 190, as well as from any other funds that may be set aside for purposes of this chapter, the California Highway Commission shall make allocations for projects contained in the latest priority list established pursuant to Section 2452. Such allocations shall be made for preconstruction costs and construction costs; provided, that where allocations are made to a local agency, the requirements of Sections 2456 and 2457 shall first be met.

SEC. 144. Sections 2404 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2454. Allocations made pursuant to Section 2453 shall be made on the basis of the following:

(a) An allocation of 80 percent of the estimated cost of the project shall be made.

(b) An allocation of 50 percent of the estimated cost of the project shall be made for a proposed crossing.

(c) No allocation shall be made in excess of 50 percent of the estimated cost of the project unless the grade crossing to be eliminated has been in existence for at least 10 years prior to the date of allocation.

(d) On projects which eliminate an existing crossing, no allocation shall be made unless the railroad agrees to contribute 10 percent of the cost of the project.

(e) Where a project does not include a grade separation, but eliminates existing grade crossing or crossings, the allocation shall not exceed the estimated allocation that would have been made for the grade separation which is no longer needed because of the elimination of the grade crossing by the project and which are indicated on the priority list to be urgently in need of grade separation.

(f) Where the project includes the separation of a highway and a railroad passenger service operated by a city or county, the operating agency shall contribute 20 percent of the cost of the project. The priority listing for such projects shall be in accordance with criteria established for such railroad passenger service by the Public Utilities Commission.

Notwithstanding any of the above provisions of this section or any other provision of law, when the state or local agency uses funds derived from federal sources in financing its share of project costs, the railroad contribution, where required by federal law or regulation, shall be computed pursuant to federal law. However, the allocation made pursuant to this chapter shall be computed as though such matching contribution was derived from nonfederal sources and shall be computed as though the railroad had made its contribution pursuant to state law rather than pursuant to federal law. Provided however, that where the contribution of the railroad is computed according to federal law or regulation because of the use of federal funds in the allocation for a project, the allocation shall be increased by the amount the share of the railroad is reduced below 10 percent of the estimated cost of the project.

SEC. 145. Section 2405 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2455. After an allocation is made to a local agency by the commission, the local agency and the department shall enter into an agreement concerning the handling and accounting of funds, including procedures to permit prompt payment for the work accomplished, and relative to any other phase of the work. The procedures providing for prompt payment of work accomplished shall be drawn in such a manner as to avoid the necessity for the local agency to utilize funds in an amount greater than the local agency's share of the project costs. Such agreement may establish procedures for the programming of the work of the project in order to assure optimum cash flow utilization of funds made available by the Legislature for purposes of this chapter.

SEC. 146. Section 2406 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2456. An allocation for construction costs, including preconstruction costs if not already allocated, shall be made only to a local agency that furnishes evidence satisfactory to the department that all necessary orders of the Public Utilities Commission have been executed, that sufficient local funds will be made available as the work of the project progresses, that all necessary agreements with affected railroad or railroads have been executed, that, if required, all environmental impact reports have been prepared and approvals obtained, and that all other matters prerequisite to the award of the construction contract can be accomplished within one year after the allocation. Local funds shall be deemed available to the amount of any general obligation bonds authorized but unsold if it is determined that such bonds may be issued and sold by the local agency at any time.

SEC. 147. Section 2407 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2457. Preconstruction costs (engineering, right-of-way, preparation of environmental impact reports, and utility relocation) expended by a local agency prior to any allocation shall be included in the total cost of the project even though expended prior to an allocation. Allocations shall be made for preconstruction costs to a local agency that submits evidence satisfactory to the department that the local agency will be able to meet the requirements for an allocation for construction costs, and that preconstruction costs will exceed the local share of the cost of the project. A local agency may also proceed with the advertising for bids and the construction of a project without prejudice to its right to receive an allocation if an allocation is, in fact, made for such project within the same fiscal year that the construction contract was awarded.

SEC. 148. Section 2408 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2458. Except as provided in this section, allocations shall remain available until expended. If a construction contract has not been awarded within one year after an allocation for construction costs, the commission may order the allocation canceled and such funds shall revert to the fund set aside for purposes of this chapter. All or any part of an allocation for preconstruction costs may be canceled and such funds shall revert to the fund set aside for purposes of this chapter upon a finding that insufficient progress is being made to complete the project. Where an allocation is canceled pursuant to this section, the local agency shall reimburse the fund set aside for purposes of this chapter the portion of the allocation which is not reverted as set forth in this section. The department shall determine, with the local agency, as to the time of repayment.

SEC. 149. Section 2409 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2459. If the actual cost of the project is less than estimated, the allocations made for such project shall be reduced accordingly and the excess shall revert to the fund set aside for the purposes of this chapter. If the actual and necessary cost of the project exceeds the estimate, the allocations made for such project shall be augmented proportionately by a supplemental allocation. An allocation, however, need not be made for a supplemental allocation, unless the commission is satisfied that funds would have been allocated for the project had the actual costs been used in determining its ranking on the priority list.

SEC. 150. Section 2410 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2460. If more projects comply with the requirements of this chapter than can be financed from funds set aside for purposes of this chapter, allocations shall be made to those projects highest on the priority list established pursuant to Section 2452. The commission may make allocations for any project when it determines, at the time of allocation, that sufficient funds are available for all projects which are higher on the priority list and which are, or are reasonably expected to become, eligible during the fiscal year.

SEC. 151. Section 2411 of the Streets and Highways Code, as added by Chapter 1153 of the Statutes of 1973, is amended and renumbered to read:

2461. Allocations for specific projects on the state highway system only shall be deemed expenditures within the county in which the project is situated for the purpose of compliance by the department and the commission with Sections 188, 188.8, and 188.9.

SEC. 152. Section 2413 of the Streets and Highways Code is amended to read:

2413. (a). The department may allocate to the counties and the cities federal funds received for approved bridge reconstruction or replacement projects on county roads or city streets in accordance with procedures promulgated by the director in cooperation with the counties and the cities and approved by the commission.

(b) Expenditures of funds apportioned under the Special Bridge Replacement Program, as well as funds used to match federal funds, shall be exempt from the provisions of Sections 188, 188.8, and 188.9.

(c) The cities and the counties may use any funds available to them to match funds made available to them under this chapter, if the use of funds for such matching purposes is not prohibited by federal law. "Match," as used in this chapter, means to provide for the payment of the cost of any project to the extent that such cost is not to be reimbursed from federal funds.

SEC. 153. Section 291 of the Vehicle Code is amended to read:

291. The Department of Transportation is part of the Business

and Transportation Agency, as provided by Section 13975 of the Government Code.

SEC. 154. Section 627 of the Vehicle Code is amended to read:

627. Engineering and traffic survey, as used in this code, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities.

An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of the following:

(a) Prevailing speeds as determined by traffic engineering measurements.

(b) Accident records.

(c) Highway, traffic and roadside conditions not readily apparent to the driver.

SEC. 155. Section 2600 of the Vehicle Code is amended to read:

2600. The Reciprocity Commission is composed of the Lieutenant Governor, the Director of Motor Vehicles, the Director of Transportation, the State Controller, and the Commissioner of the California Highway Patrol.

SEC. 156. Section 2809 of the Vehicle Code is amended to read:

2809. All scales and weighing instruments used by any member of the California Highway Patrol to enforce the provisions of this code with respect to weight limitations shall be inspected and certified as to accuracy at least once in each calendar year by the Bureau of Weights and Measures of the Department of Food and Agriculture or by a county sealer of weights and measures.

SEC. 157. The heading of Chapter 6 (commencing with Section 3000) of Division 2 of the Vehicle Code is amended to read:

CHAPTER 6. NEW MOTOR VEHICLE BOARD

SEC. 158. Section 4005 of the Vehicle Code is amended to read:

4005. Any vehicle subject to registration may be operated within a disaster area or region for the purpose of assisting in disaster relief work, under a special permit to be issued by the department for such purpose, without the registration of such vehicle.

Said permit shall be issued only if the Department of Transportation or the responsible local authority has determined that the vehicle is necessary for such purpose, and shall be valid only during a period of a state of emergency as proclaimed by the Governor under the provisions of the California Emergency Services Act.

SEC. 159. Section 4006 of the Vehicle Code is amended to read:

4006. A vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another in accordance with a permit issued by the Department of Transportation is exempt from registration.

SEC. 160. Section 5016.5 of the Vehicle Code is amended to read:

5016.5. A manufacturer or dealer of special construction equipment, special mobile equipment, or cemetery equipment may operate or move such equipment upon the highways during the delivery of or during the demonstration for the sale of such piece of equipment upon condition that any such equipment display thereon an identification plate issued to such manufacturer or dealer pursuant to Section 5016; provided, that special permits have been obtained in accordance with the provisions of Article 6 (commencing with Section 35780) of Chapter 5 of Division 15 for the operation or movement of any such equipment of a size, weight, or load exceeding the maximum specified in this code.

SEC. 161. Section 11111 of the Vehicle Code is amended to read:

11111. (a) Every licensee under this chapter is entitled to notice and hearing prior to cancellation, suspension or revocation of the license of the licensee by the department except that the department shall forthwith suspend such license without a hearing for failure of the licensee to meet and maintain the requirements of paragraph (3) of subdivision (a) of Section 11102, or Section 11103 or subdivision (e) of Section 11104.

(b) Before reinstatement of any license suspended for failure of the licensee to meet and maintain the requirements of paragraph (3) of subdivision (a) of Section 11102, or Section 11103, or subdivision (e) of Section 11104, the licensee shall pay to the department a reinstatement fee of five dollars ($5).

(c) The notice and hearings provided for in this division shall be pursuant to and governed by the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

(d) Any action of the department in suspending, canceling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction.

SEC. 162. Section 12522 of the Vehicle Code is amended to read:

12522. (a) Every person who operates a schoolbus in the transportation of school pupils shall, in addition to any other requirement for a schoolbus driver's certificate, qualify by an examination on first aid practices deemed necessary for schoolbus operators as determined and prescribed by the State Department of Health after consultation with the Departments of Education, Motor Vehicles, and California Highway Patrol. The local school authority employing the applicant shall provide a course of instruction concerning necessary first aid practices.

(b) The California Highway Patrol shall conduct the first aid examination as part of the examination of applicants for a schoolbus driver's certificate and shall certify to the Department of Motor Vehicles that the applicant has satisfactorily demonstrated his qualifications in first aid practices, knowledge of schoolbus laws and regulations, and ability to operate a schoolbus. The first aid certifications shall be valid for the term of the schoolbus driver's certificate.

(c) The first aid examination may be waived if the applicant holds a first aid certificate issued by the American Red Cross or United States Bureau of Mines that will remain valid throughout the term of the schoolbus driver's certificate.

(d) No person shall be denied a schoolbus driver's certificate if he is in the process of completing a first aid course which will satisfy the requirements of this section. If the course or examination given pursuant to this section is not satisfactorily completed within 90 days from the issuance of the certificate, the certificate becomes invalid on the 91st day after the date of issuance.

SEC. 163. Section 12806 of the Vehicle Code is amended to read:

12806. (a) Any physical or mental defect of the applicant which in the opinion of the department does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway shall not prevent the issuance of a license to the applicant.

(b) An applicant addicted to the use of narcotic drugs who is participating in a methadone maintenance program approved pursuant to Article 3 (commencing with Section 4350) of Chapter 3 of Part 1 of Division 4 of the Welfare and Institutions Code may be issued a license subject to reasonable terms and conditions of probation if such drug usage does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway.

(c) Any suspension or revocation by a state which is not a party to the Driver License Compact provided for in Chapter 6 (commencing with section 15000) of Division 6 shall not prevent the issuance of a license to the applicant if in the opinion of the department it will be safe to issue such license.

SEC. 164. Section 13352 of the Vehicle Code is amended to read:

13352. The department shall, except for a conviction or finding described in subdivision (a) where the court does not order the department to suspend, immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105, or upon receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed the offense of operating a vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105. The suspension or revocation shall be as follows:

(a) Upon a first such conviction or finding, other than under Section 23101 or 23106 such privilege shall be suspended for a period of six months, if the court orders the department to suspend such

privilege.

(b) Upon a first such conviction or finding under Section 23101 or 23106 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105, or any combination of such convictions or findings within five years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction or finding under Section 23101 or 23106 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105, or any combination of such convictions or findings within seven years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

For the purposes of subdivision (c), (d), and (e), the finding of the juvenile court judge, the juvenile traffic hearing officer, or the referee of a juvenile court, specified in the first paragraph of this section shall also be considered a conviction.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 165. Section 17300 of the Vehicle Code is amended to read:

17300. Any person who willfully or negligently damages any street, highway, or appurtenances, including, but not limited to, guard rails, signs, traffic signals, and similar facilities, is liable for the cost of the repair or replacement thereof.

The liability stated in this section applies to an owner of a vehicle operated with his permission, as provided in Article 2 (commencing with Section 17150) and shall include liability for the cost of necessary safety precautions, such as warning traffic, the removal of debris resulting from accidents, or providing detours.

The Department of Transportation and local authorities in respect to highways under their respective jurisdictions are authorized to present claims for liability under this section and to bring actions for recovery thereon, and to settle and compromise in their discretion claims arising under this section.

SEC. 166. Section 17301 of the Vehicle Code is amended to read:

17301. (a) Any person driving any vehicle, object, or contrivance over a highway or bridge is liable for all damages which the highway

or bridge may sustain as a result of any illegal operation, driving or moving of the vehicle, object, or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance weighing in excess of the maximum weight specified in this code which is operated under a special permit issued by the Department of Transportation.

(b) Whenever the driver is not the owner of the vehicle, object, or contrivance but is operating, driving, or moving the same with the express or implied permission of the owner, the owner and driver are jointly and severally liable for the damage.

SEC. 167. Section 20014 of the Vehicle Code is amended to read:

20014. All required accident reports and supplemental reports and all reports made to the Department of the California Highway Patrol by any peace officer, member of the Department of the California Highway Patrol, or other employee of the Department of Motor Vehicles and the Department of the California Highway Patrol, shall be immediately available for the confidential use of any division in the department needing the same, for confidential use of the Department of Transportation, and, with respect to accidents occurring on highways other than state highways, for the confidential use of the local authority having jurisdiction over the highway.

SEC. 168. Section 20016 of the Vehicle Code is amended to read:

20016. Any peace officer, any member of an organized fire department or fire protection district, any employee of the Department of Transportation assigned to maintenance operations, or any member of the California Highway Patrol may transport or arrange for the transportation of any person injured in an accident upon any highway to a physician and surgeon or hospital, if the injured person does not object to such transportation. Any officer, member, or employee exercising ordinary care and precaution shall not be liable for any damages due to any further injury or for any medical, ambulance, or hospital bills incurred in behalf of the injured party.

SEC. 169. Section 21102 of the Vehicle Code is amended to read:

21102. Local authorities may adopt rules and regulations by ordinance or resolution closing to vehicular traffic that portion of any street or highway crossing or dividing any school ground or grounds when in the opinion of the legislative body having jurisdiction such closing is necessary for the protection of persons attending such school or school grounds. The closing to vehicular traffic may be limited to such hours and days as the legislative body may specify. No such ordinance or resolution shall be effective until appropriate signs giving notice thereof are posted along the street or highway affected, nor in the case of state highways, until such ordinance or resolution is approved by the Department of Transportation.

SEC. 170. Section 21104 of the Vehicle Code is amended to read:

21104. No ordinance or resolution proposed to be enacted under Section 21101 or subdivision (d) of Section 21100 is effective as to any

highway not under the exclusive jurisdiction of the local authority enacting the same, except that an ordinance or resolution which is submitted to the Department of Transportation by a local legislative body in complete draft form for approval prior to the enactment thereof is effective as to any state highway or part thereof specified in the written approval of the department. No such ordinance or resolution enacted under subdivision (c) of Section 21101 which applies to any state highway included in the national system of interstate and defense highways, shall subsequently be disapproved until such disapproval has been concurred in by a four-fifths vote of the California Highway Commission except that no such ordinance or resolution enacted prior to January 1, 1969, under subdivision (c) of Section 21101 which applies to any state highway included in the national system of interstate and defense highways, shall subsequently be disapproved until such disapproval has been concurred in by both the local authority and by a four-fifths vote of the California Highway Commission.

SEC. 171. Section 21109 of the Vehicle Code is amended to read:

21109. Local authorities may adopt rules and regulations by ordinance or resolution regulating vehicular and pedestrian traffic in subways, tubes, and tunnels or upon bridges or viaducts. The proposed ordinance or resolution shall not be effective as to any state highway until approved in writing by the Department of Transportation.

The rules or regulations shall not be effective until appropriate signs have been posted giving notice thereof to drivers and pedestrians approaching the highway structures.

SEC. 172. Section 21112 of the Vehicle Code is amended to read:

21112. Local authorities may by ordinance license and regulate the location of stands on streets and highways for use by taxicabs and other public carriers for hire in their respective jurisdictions. No such ordinance shall be effective as to any state highway until approved in writing by the Department of Transportation. Where maintenance of any state highway is delegated by such department to a city, such approval is not required.

SEC. 173. Section 21350 of the Vehicle Code is amended to read:

21350. The Department of Transportation shall place and maintain, or cause to be placed and maintained, with respect to highways under its jurisdiction, appropriate signs, signals and other traffic control devices as required hereunder, and may place and maintain, or cause to be placed and maintained, such appropriate signs, signals or other traffic control devices as may be authorized hereunder, or as may be necessary properly to indicate and to carry out the provisions of this code, or to warn or guide traffic upon the highways. The Department of Transportation may, with the consent of the local authorities, also place and maintain, or cause to be placed and maintained, in or along city streets and county roads, appropriate signs, signals and other traffic control devices, or may perform, or cause to be performed, such other work on city streets

and county roads, as may be necessary or desirable to control or direct traffic, or to facilitate traffic flow, to or from state highways.

SEC. 174. Section 21352 of the Vehicle Code is amended to read:

21352. The Department of Transportation may erect stop signs at any entrance to any state highway and whenever the department determines that it is necessary for the public safety and the orderly and efficient use of the highways by the public, the department may erect and maintain, or cause to be erected and maintained, on any state highway any semaphore or traffic control signaling device or any official traffic control device regulating or prohibiting the turning of vehicles upon the highway, allocating or restricting the use of specified lanes or portions of the highway by moving vehicular traffic, establishing crosswalks at or between intersections or restricting use of the right-of-way by the public for other than highway purposes.

SEC. 175. Section 21353 of the Vehicle Code is amended to read:

21353. No local authority, except by permission of the Department of Transportation, shall erect or maintain any stop sign, semaphore or other traffic control signaling device in such manner as to require the traffic on any state highway to stop before entering or crossing any intersecting highway or any railroad grade crossing.

SEC. 176. Section 21356 of the Vehicle Code is amended to read:

21356. The Department of Transportation or local authorities with respect to highways under their respective jurisdictions, may erect yield right-of-way signs at the entrances to intersections or highways but such yield right-of-way signs shall not be erected upon the approaches to more than one of the intersecting streets and shall not be erected at locations where the entering speed may safely exceed 15 miles per hour.

Yield right-of-way signs shall be located at or near the entrance to the intersection or highway where motorists are required to yield the right-of-way.

SEC. 177. Section 21359 of the Vehicle Code is amended to read:

21359. Whenever the Department of Transportation or a local authority as authorized by this code determines and declares a speed limit different from the limit otherwise applicable under Sections 22349 and 22352, appropriate speed restriction signs shall be erected and maintained at the outside entrance of the highway or portion thereof upon which the special speed limit is applicable. The special speed limit is not effective until appropriate signs have been erected.

SEC. 178. Section 21361 of the Vehicle Code is amended to read:

21361. (a) When the outermost boundaries of two or more intersections are confined within a distance of 200 feet, the Department of Transportation in respect to state highways, and a local authority with respect to highways under its jurisdiction, shall have the power to designate a single intersection by the installation and operation of traffic signals which may be supplemented by signs or markings. When so designated, the single intersection shall be the legal intersection for the purposes of traffic movement and

regulation.

(b) Whenever a single intersection has been designated by the Department of Transportation or by local authorities as set forth in subdivision (a), the department or such authorities may designate marked crosswalks at certain locations within the intersection or contiguous thereto, and when the marked crosswalks are established, they shall constitute the only crosswalks at the intersection. The department or the local authorities shall erect signs prohibiting pedestrian crossing at locations which, except for the provisions of this section, would constitute unmarked crosswalks.

SEC. 179. Section 21364 of the Vehicle Code is amended to read:

21364. The Department of Transportation may authorize an owner of land adjacent to a state highway to erect and maintain signs to indicate the existence of those places where livestock regularly and frequently cross a state highway, and any sign so erected and maintained shall be an official sign. The department shall prescribe the size, shape and character of the signs, which shall be uniform.

SEC. 180. Section 21365 of the Vehicle Code is amended to read:

21365. The Department of Transportation, with respect to state highways in open range country, and the board of supervisors of each county, with respect to county highways under its jurisdiction, may place and maintain appropriate signs indicating that the territory traversed is open livestock range and warning against the danger of livestock on the highway.

SEC. 181. Section 21370 of the Vehicle Code is amended to read:

21370. The Department of Transportation, or its duly authorized representatives with the approval of the department, while engaged in the construction of a state highway upon new alignment may restrict the use of and regulate the movement of traffic upon any highway intersecting the project at or near the place of intersection whenever such work interferes with or endangers the safe movement of traffic through the work.

SEC. 182. Section 21372 of the Vehicle Code is amended to read:

21372. The Department of Transportation and local authorities shall, with respect to highways under their respective jurisdictions, establish and promulgate warrants to be used as guidelines for the placement of traffic control devices near schools for the purpose of protecting students going to and from school. Such devices may include flashing signals. Such warrants shall be based upon, but need not be limited to, the following items: pedestrian volumes, vehicle volumes, width of the roadway, physical terrain, speed of vehicle traffic, horizontal and vertical alignment of the roadway, the distance to existing traffic control devices, proximity to the school, and the degree of urban or rural environment of the area.

SEC. 183. Section 21400 of the Vehicle Code is amended to read:

21400. The Department of Transportation shall, after consultation with local agencies, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to the provisions of this code,

including, but not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs placed pursuant to Section 21364.

The Department of Transportation shall determine and publicize the specifications for uniform types of warning signs, lights, and devices to be placed upon a highway by any person engaged in performing work which interferes with or endangers the safe movement of traffic upon such highway.

Only those signs, lights, and devices as are provided for in this section shall be placed upon a highway to warn traffic of work which is being performed on such highway.

SEC. 184. Section 21401 of the Vehicle Code is amended to read:

21401. Only those official traffic control devices that conform to the uniform standards and specifications promulgated by the Department of Transportation shall be placed upon a street or highway.

SEC. 185. Section 21459 of the Vehicle Code is amended to read:

21459. (a) The Department of Transportation in respect to state highways and a local authority with respect to highways under its jurisdiction, is authorized to place and maintain upon highways distinctive roadway markings as described and with the effect set forth in Section 21460.

(b) The distinctive roadway markings shall be employed to designate any portion of a highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of the marking or to indicate no driving to the left as provided in Section 21460, and shall not be employed for any other purpose.

(c) Any pavement marking other than as described in this section placed by the Department of Transportation or any local authority shall not be effective to indicate no driving over or to the left of the marking.

SEC. 186. Section 21460 of the Vehicle Code is amended to read:

21460. (a) When double parallel solid lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in this section.

(b) When the double parallel lines, one of which is broken, are in place, no person driving a vehicle shall drive to the left thereof, except that the driver on that side of the roadway in which the broken line is in place may cross over the double line or drive to the left thereof when overtaking or passing other vehicles.

(c) Either of the markings as specified in subdivision (a) or (b) shall not prevent a driver from turning to the left across any such marking at any intersection or into or out of a driveway, or making a U-turn under the rules governing such movement, and either of the markings shall be disregarded when authorized signs have been erected designating offcenter traffic lanes as permitted under Section 21657.

(d) Raised pavement markers may be used to simulate painted lines described in this section when such markers are placed in accordance with standards established by the Department of Transportation.

SEC. 187. Section 21460.5 of the Vehicle Code is amended to read:

21460.5. (a) The Department of Transportation and local authorities in their respective jurisdictions may designate a two-way left-turn lane on a highway. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the highway.

(b) Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel dashed double yellow lines on each side of the lane. The Department of Transportation may determine and prescribe standards and specifications governing length, width, and positioning of the distinctive pavement markings in accordance with the procedures set forth in the Administrative Procedure Act (commencing with Section 11370 of the Government Code). Pavement markings designating a two-way left-turn lane shall conform to such standards and specifications.

(c) A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a highway. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated.

(d) This section shall not prohibit driving across a two-way left-turn lane.

SEC. 188. Section 21467 of the Vehicle Code is amended to read:

21467. Every prohibited sign, signal, device, or light is a public nuisance, and the Department of Transportation, members of the California Highway Patrol, and local authorities are hereby authorized and empowered without notice to remove the same, or cause the same to be removed, or the Director of Transportation, the commissioner, or local authorities may bring an action as provided by law to abate such nuisance.

SEC. 189. Section 21654 of the Vehicle Code is amended to read:

21654. (a) Notwithstanding the prima facie speed limits, any vehicle proceeding upon a highway at a speed less than the normal speed of traffic moving in the same direction at such time shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(b) If a vehicle is being driven at a speed less than the normal speed of traffic moving in the same direction at such time, and is not being driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, it shall constitute prima facie evidence that the driver is operating the vehicle in violation of subdivision (a) of this section.

(c) The Department of Transportation, with respect to state

highways, and local authorities, with respect to highways under their jurisdiction, may place and maintain upon highways official signs directing slow-moving traffic to use the right-hand traffic lane except when overtaking and passing another vehicle or preparing for a left turn.

SEC. 190. Section 21655 of the Vehicle Code is amended to read:

21655. (a) Whenever the Department of Transportation or local authorities with respect to highways under their respective jurisdictions determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of vehicles required to travel at reduced speeds would facilitate the safe and orderly movement of traffic, the department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of Section 22406 and shall erect signs at reasonable intervals giving notice thereof.

(b) Any vehicle subject to the provisions of Section 22406 shall be driven in the lane or lanes designated pursuant to subdivision (a) whenever signs have been erected giving notice of such designation. When specific lane or lanes have not been so designated, any such vehicle shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb. When overtaking and passing another vehicle proceeding in the same direction, such drivers shall use either the designated lane, the lane to the immediate left of the right-hand lane, or the right-hand lane for traffic as permitted under the provisions of this code.

This subdivision shall not apply to a driver who is preparing for a left- or right-hand turn or who is in the process of entering into or exiting from a highway or to a driver who must necessarily drive in a lane other than the right-hand lane to continue on his intended route.

SEC. 191. Section 21655.5 of the Vehicle Code is amended to read:

21655.5. The Department of Transportation may, by regulation, or in cooperation with any other public agency, authorize or permit exclusive or preferential use of freeway lanes for high-occupancy vehicles.

Such exclusive or preferential use of freeway lanes shall be based upon competent traffic engineering and surveys and estimates developed or supported by the continuing comprehensive transportation planning processes of the urbanized area involved. Such lanes shall be subject to such geometric design standards, scheduling, reservations, restrictions, and conditions as the department deems necessary or desirable to increase the effectiveness of the highway system for the safe and efficient movement of people and goods, to assure adequate protection for the safety of operation of all motor vehicle traffic, and to protect the adequacy of the facilities to meet traffic needs.

To the extent they are available, the Department of Transportation may apply for and use federal-aid funds appropriated

for the design, construction, and use of such exclusive or preferential freeway lanes.

It is the intent of the Legislature in enacting this section to stimulate and encourage the development of ways and means of relieving traffic congestion on the California freeways during those periods of the day when the freeways are most heavily traveled and, at the same time, to encourage individual citizens to pool their vehicular resources and thereby to lessen emission of air pollutants. The Department of Transportation shall keep the Legislature informed of any progress in achieving such intent by submitting annual progress reports on or before December 31 of each year beginning in 1971, and by submitting a final report on or before December 31, 1975, outlining the projects which it has undertaken, its findings, and its recommendations.

SEC. 192. Section 21960 of the Vehicle Code is amended to read:

21960. (a) The Department of Transportation and local authorities may, by order, ordinance, or resolution, with respect to freeways or designated portions thereof under their respective jurisdictions, to which all rights of access have been acquired, prohibit or restrict the use of the freeways or any portion thereof by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle. Notwithstanding any provisions of any order, ordinance, or resolution to the contrary, the driver or passengers of a disabled vehicle stopped on a freeway may walk to the nearest exit, in either direction, on that side of the freeway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available.

(b) Such prohibitory regulation shall be effective when appropriate signs giving notice thereof are erected upon any freeway and the approaches thereto.

(c) No ordinance or resolution of local authorities shall apply to any state highway until the proposed ordinance or resolution has been presented to, and approved in writing by, the Department of Transportation.

SEC. 193. Section 22101 of the Vehicle Code is amended to read:

22101. (a) The Department of Transportation or local authorities in respect to highways under their respective jurisdictions, may cause official traffic control devices to be placed or erected within or adjacent to intersections to regulate or prohibit turning movements at such intersections.

(b) When turning movements are required at an intersection notice of such requirement shall be given by erection of a sign, unless an additional clearly marked traffic lane is provided for the approach to the turning movement, in which event notice as applicable to such additional traffic lane shall be given by any official traffic control device.

(c) When right- or left-hand turns are prohibited at an intersection notice of such prohibition shall be given by erection of a sign.

(d) When official traffic control devices are placed as required in subdivisions (b) or (c), it shall be unlawful for any driver of a vehicle to disobey the directions of such official traffic control devices.

SEC. 194. Section 22354 of the Vehicle Code is amended to read:

22354. Whenever the Department of Transportation determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than reasonable or safe upon any portion of a state highway where the limit of 65 miles is applicable, the department may determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30 or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon the highway.

SEC. 195. Section 22356 of the Vehicle Code is amended to read:

22356. Whenever the Department of Transportation, after consultation with the Department of the California Highway Patrol, determines upon the basis of an engineering and traffic survey on existing freeway segments, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed freeway segments, that a speed greater than 65 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway or portion thereof which is a freeway with full control of access and without crossings at grade otherwise subject to a maximum speed limit of 65 miles per hour, the Secretary of the Business and Transportation Agency may declare a higher maximum speed of 70 miles per hour, and shall cause appropriate signs to be erected giving notice thereof.

No person shall drive a vehicle upon such highway at a speed greater than 70 miles per hour.

SEC. 196. Section 22363 of the Vehicle Code is amended to read:

22363. Notwithstanding any speed limit that may be in effect upon the highway, the Department of Transportation in respect to state highways, or a local authority with respect to highways under its jurisdiction, may determine and declare a prima facie speed limit of 40, 35, 30, or 25 miles per hour, whichever is found most appropriate and is reasonable and safe based on the prevailing snow or ice conditions upon such highway or any portion thereof. Signs may be placed and removed as snow or ice conditions vary.

SEC. 197. Section 22364 of the Vehicle Code is amended to read:

22364. Whenever the Department of Transportation determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway will be facilitated by the establishment of different speed limits for the various lanes of traffic, the department may place signs upon the state highway, or any portion thereof, which signs shall designate the speed limits for each of the lanes of traffic.

SEC. 198. Section 22400 of the Vehicle Code is amended to read:

22400. (a) No person shall drive upon a highway at such a slow

speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or because upon a grade or in compliance with law.

(b) Whenever the Department of Transportation determines on the basis of an engineering and traffic survey that slow speeds on any part of a state highway consistently impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law, when appropriate signs giving notice thereof are erected along the part of the highway for which a minimum speed limit is established.

Subdivision (b) of this section shall apply only to vehicles subject to registration.

SEC. 199. Section 22402 of the Vehicle Code is amended to read:

22402. The Department of Transportation may, in the manner provided in Section 22404 determine the maximum speed, not less than five miles per hour, which can be maintained with safety to any bridge, elevated structure, tube, or tunnel on a state highway. Said department may also make a determination with reference to any other highway upon receiving a request therefor from the board of supervisors or road commissioner of the county, the governing body of the local authority having jurisdiction over the bridge, elevated structure, tube, or tunnel.

SEC. 200. Section 22403 of the Vehicle Code is amended to read:

22403. Any local authority may, in the manner provided in Section 22404, determine the maximum speed, not less than five miles per hour, which can be maintained with safety to any bridge, elevated structure, tube, or tunnel under its jurisdiction, or may request the Department of Transportation to make such determination.

SEC. 201. Section 22404 of the Vehicle Code is amended to read:

22404. The Department of Transportation or local authority making a determination of the maximum safe speed upon a bridge, elevated structure, tube, or tunnel shall first make an engineering investigation and shall hold a public hearing.

Notice of the time and place of the public hearing shall be posted upon the bridge, elevated structure, tube, or tunnel at least five days before the date fixed for the hearing. Upon the basis of the investigation and all evidence presented at the hearing, the department or local authority shall determine by order in writing the maximum speed which can be maintained with safety to the bridge, elevated structure, tube or tunnel. Thereupon, the authority having jurisdiction over the bridge, elevated structure, tube, or tunnel shall erect and maintain suitable signs specifying the maximum speed so determined at a distance of not more than 500 feet from each end of the bridge, elevated structure, tube, tunnel, or any approach thereto.

SEC. 202. Section 22405 of the Vehicle Code is amended to read:

22405. (a) No person shall drive a vehicle on any bridge, elevated structure, tube, or tunnel constituting a part of a highway, at a speed which is greater than the maximum speed which can be maintained with safety to such structure.

(b) Upon the trial of any person charged with a violation of this section with respect to a sign erected under Section 22404, proof of the determination of the maximum speed by the Department of Transportation or local authority and the erection and maintenance of the speed signs shall constitute prima facie evidence of the maximum speed which can be maintained with safety to the bridge, elevated structure, tube, or tunnel.

SEC. 203. Section 22500 of the Vehicle Code is amended to read:

22500. No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(a) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

(b) On a crosswalk, except that a bus engaged as a common carrier or a taxicab may stop in an unmarked crosswalk to load or unload passengers when authorized by the legislative body of any city pursuant to ordinance.

(c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, which sign or paint was erected or placed by local authorities pursuant to ordinance.

(d) Within 15 feet of the driveway entrance to any fire station. This paragraph shall not apply to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

(e) In front of a public or private driveway, except that a bus engaged as a common carrier, schoolbus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to ordinance.

In unincorporated territory, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a private road or driveway entrance, shall constitute a driveway.

(f) On a sidewalk, except electric carts when authorized by local ordinance, as specified in Section 21114.5.

(g) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

(h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway.

(i) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb

erected or painted by local authorities pursuant to ordinance.

(j) In a tube or tunnel, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility.

(k) Upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that a bus engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to ordinance, and except that local authorities pursuant to ordinance or the Department of Transportation pursuant to order, within their respective jurisdictions, may permit parking on bridges having sidewalks, and shoulders of sufficient width to permit parking without interfering with the normal movement of traffic on the roadway. Local authorities may by ordinance or resolution permit parking on such bridges on state highways in their respective jurisdictions if the ordinance or resolution is first approved in writing by the Department of Transportation. Parking shall not be permitted unless there are signs in place as may be necessary to indicate the provisions of local ordinances or the order of the Department of Transportation.

SEC. 204. Section 22501 of the Vehicle Code is amended to read:

22501. No ordinance enacted by local authorities pursuant to subdivisions (e) and (k) of Section 22500 shall become effective as to any state highway without prior submission to and approval by the Department of Transportation in the same manner as required by Section 21104. Nothing contained in this section and Section 22500 shall be construed as authorizing local authorities to enact legislation which is contrary to the provisions of Sections 22512 and 25301.

SEC. 205. Section 22503 of the Vehicle Code is amended to read:

22503. Local authorities may by ordinance permit angle parking on any roadway, or left-hand parking upon one-way roadways of divided highways, except that no ordinance is effective with respect to any state highway until the proposed ordinance has been submitted to and approved in writing by the Department of Transportation.

SEC. 206. Section 22504 of the Vehicle Code is amended to read:

22504. (a) Upon any highway in unincorporated areas no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park, or leave the vehicle off such portion of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the highway. This section shall not apply upon a highway where the roadway is bounded by adjacent curbs.

(b) This section shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway.

(c) When, in the judgment of the governing board of a school district, it is necessary for the safety of pupils being transported to and from schools to authorize a schoolbus stop at a place where there is not a clear view of the stop from a distance of 200 feet in each direction along the highway, such stop may be authorized by and with the approval of the California Highway Patrol. The Department of Transportation, in respect to state highways, and local authorities, in respect to highways under their jurisdiction, shall place sufficient signs along the highway to give adequate notice to motorists that they are approaching such bus stops.

SEC. 207. Section 22506 of the Vehicle Code is amended to read:

22506. Local authorities may by ordinance or resolution prohibit or restrict the parking of vehicles on a state highway, in their respective jurisdictions, if the ordinance or resolution is first submitted to and approved in writing by the Department of Transportation, except that where maintenance of any state highway is delegated by the Department of Transportation to a city, the department may also delegate to the city the powers conferred on the department.

SEC. 208. Section 22508 of the Vehicle Code is amended to read:

22508. Local authorities shall not establish parking meter zones or fix the rate of fees for such zones except by ordinance. An ordinance establishing a parking meter zone shall describe the area which would be included within the zone.

Local authorities may by ordinance cause streets and highways to be marked with white lines designating parking spaces and require vehicles to park within the parking spaces.

No ordinance adopted by any local authority pursuant to this section with respect to any state highway shall become effective until the proposed ordinance has been submitted to and approved in writing by the Department of Transportation. The proposed ordinance shall be submitted to the department only by action of the local legislative body and the proposed ordinance shall be submitted in complete draft form.

Any ordinance adopted pursuant to this section establishing a parking meter zone or fixing rates of fees for such a zone shall be subject to local referendum processes in the same manner as if such ordinance dealt with a matter of purely local concern.

SEC. 209. Section 22510 of the Vehicle Code is amended to read:

22510. Where any highway has been cleared of snow by snowplows, and the width of the highway is restricted by reason of snow conditions, the Department of Transportation, in respect to state highways, and local authorities, in respect to highways under their jurisdiction, may place and maintain signs indicating those areas within which parking is prohibited on either or both sides of the highways. No person shall stop, park, or leave standing any vehicle within the areas marked by signs, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or peace

officer.

SEC. 210. Section 22512 of the Vehicle Code is amended to read:

22512. Except as otherwise indicated in subdivision (b), none of the following provisions shall apply to the driver or owner of any service vehicle owned or operated by or for or operated under contract with a utility or public utility, whether privately, municipally, or publicly owned, used in the construction, operation, removal, or repair of utility or public utility property or facilities, when the vehicle is stopped, standing, or parked at the site of work involving the construction, operation, removal, or repair of such utility or public utility property or facilities upon, in, over, under, or adjacent to a highway, or of a vehicle, whether privately, municipally, or publicly owned, engaged in authorized work on the highway and warning devices are displayed:

(a) Sections 21112, 21707, 21708, 24605, 25253, 25300, 27700, 27907, and 41102.

(b) This chapter, except Sections 22507, 22509, 22511, 22515, and 22517.

(c) Chapter 10 (commencing with Section 22650).

SEC. 211. Section 22651 of the Vehicle Code is amended to read:

22651. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located, or any regularly employed and salaried officer of the University of California Police Department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California on or in which a vehicle is located, or any regularly employed and salaried officer of a California state university and college police department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State University and Colleges on or in which a vehicle is located, may remove a vehicle from a highway under the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is left standing upon a highway in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic upon the highway.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take and does take the person arrested before a magistrate without unnecessary delay.

(i) When any vehicle registered in a foreign jurisdiction is found upon a highway and it is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has failed to respond, the vehicle may be impounded until such person furnishes to the impounding police agency evidence of his identity and an address within this state at which he can be located. A notice of a parking violation issued to such vehicle shall be accompanied by a warning that repeated violations may result in the vehicle being impounded.

(j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding police agency evidence of his identity and an address within this state at which he can be located.

SEC. 212. Section 22654 of the Vehicle Code is amended to read:

22654. (a) Whenever any peace officer finds a vehicle standing upon a highway in violation of Sections 22500 and 22504, the officer may move the vehicle or require the driver or other person in charge of the vehicle to move the same to the nearest available position off the roadway or to the nearest parking location, or may remove and store the vehicle if moving it off the roadway at a parking location is impracticable.

(b) Whenever a peace officer finds a vehicle standing upon a street in violation of a traffic ordinance enacted by local authorities to prevent flooding of adjacent property, he may move the vehicle or require the driver or person in charge of the vehicle to move the same to the nearest available location in the vicinity where parking is permitted.

(c) Any state, county, or city authority charged with the maintenance of any highway may move any vehicle which is disabled or abandoned or which constitutes an obstruction to traffic from the place where located on a highway to the nearest available position on the same highway as may be necessary to keep the highway open

or safe for public travel. In addition, employees of the Department of Transportation may remove any disabled vehicle which constitutes an obstruction to state freeway traffic from the place where located to the nearest available location where parking is permitted; and if the vehicle is unoccupied, the department shall comply with the notice requirements of subdivision (d) of this section.

(d) Any state, county or city authority charged with the maintenance or operation of any highway, highway facility or public works facility, in cases necessitating the prompt performance of any work on or service to such highway, highway facility or public works facility, may move to the nearest available location where parking is permitted, any unattended vehicle which obstructs or interferes with the performance of such work or service or may remove and store such a vehicle if moving it off the roadway to a location where parking is available would be impractical. If the vehicle is moved to another location where it is not readily visible from its former parked location or it is stored, the person causing such movement or storage of the vehicle shall immediately, by the most expeditious means, notify the owner of the vehicle of its location. If for any reason the vehicle owner cannot be so notified, the person causing the vehicle to be moved or stored shall immediately, by the most expeditious means, notify the police department of the city in which the vehicle was parked, or, if the vehicle had been parked in an unincorporated area of a county, notify the sheriff's department and nearest office of the California Highway Patrol in that county. No vehicle may be removed and stored pursuant to this subdivision unless signs indicating that no person shall stop, park, or leave standing any vehicle within the areas marked by the signs because such work or service would be done, were placed at least 24 hours prior to such movement or removal and storage.

SEC. 213. Section 22655 of the Vehicle Code is amended to read:

22655. When any member of the California Highway Patrol, or any regularly employed and salaried officer of a police department in a city, or sheriff's department authorized to enforce the provisions of this code pursuant to Section 26613 of the Government Code, or any regularly employed and salaried officer of the University of California Police Department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California, or any regularly employed and salaried officer of a California state university and college police department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State University and Colleges, has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20002, through 20006, inclusive, the officer may remove the vehicle from the highway for the purpose of inspection.

Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner.

SEC. 214. Section 22656 of the Vehicle Code is amended to read:

22656. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located or any regularly employed and salaried officer of the University of California Police Department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California on or in which a vehicle is located or any regularly employed and salaried officer of a California state university and college police department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State University and Colleges on or in which a vehicle is located, may remove a vehicle from a railroad right-of-way if the vehicle is parked upon any railroad track or within 7½ feet of the nearest rail.

SEC. 215. Section 22855 of the Vehicle Code is amended to read:

22855. The following persons shall have the authority to make appraisals of the value of vehicles for purposes of this chapter, subject to the conditions stated in this chapter:

(a) Any member of the California Highway Patrol designated by the commissioner.

(b) Any regularly employed and salaried deputy sheriff or other employee designated by the sheriff of any county.

(c) Any regularly employed and salaried police officer or other employee designated by the chief of police of any city.

(d) Any officer or employee of the Department of Motor Vehicles designated by the director of said department.

(e) Any member of the California State Police designated by the chief thereof.

(f) Any regularly employed and salaried police officer or other employee of the University of California Police Department designated by the chief thereof.

(g) Any regularly salaried employee of a city, county, or city and county designated by a board of supervisors or a city council pursuant to subdivision (a) of Section 22702.

(h) Any regularly employed and salaried police officer or other employee of a California State University and College Police Department designated by the chief thereof.

SEC. 216. Section 22856 of the Vehicle Code is amended to read:

22856. The commissioner, Chief of the California State Police, Chief of the University of California Police Department, Chief of any California State University and College Police Department, or any sheriff or chief of police who designates a person authorized to make appraisals or the board of supervisors or city council who designates

a regularly salaried employee of a city, county, or city and county to make appraisals shall certify the name of every such person or employee to the Department of Motor Vehicles in Sacramento.

SEC. 217. Section 23105 of the Vehicle Code is amended to read:

23105. (a) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) It is unlawful for any person who is addicted to the use of any drug, except such a person who is participating in a methadone maintenance treatment program approved pursuant to Article 3 (commencing with Section 4350) of Chapter 1 of Part 1 of Division 4 of the Welfare and Institutions Code, to drive a vehicle upon any highway.

(d) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment. If, however, any person so convicted consents to participate, and does participate and successfully completes, a driver improvement program or a treatment program for persons who are habitual users of drugs, or both such programs, as designated by the court, a court shall punish such person by a fine of not less than one hundred fifty dollars ($150) nor more than five hundred dollars ($500) or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.

(e) Any person convicted under this section shall be punished upon a second or any subsequent conviction, within five years of a prior conviction, by imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second or subsequent conviction if the person has previously been convicted of a violation of driving a vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug.

(f) If any person is convicted of a second or subsequent offense under this section within five years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 48 hours but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than one thousand dollars ($1,000).

(g) In no event does the court have the power to absolve a person who is convicted of a second or subsequent offense under this section within five years of a prior conviction from the obligation of spending at least 48 hours in confinement in the county jail and of paying a fine

of at least two hundred fifty dollars ($250) except as provided in subdivision (h).

(h) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement in the county jail and the minimum fine, as provided in subdivision (g).

When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order.

On appeal by the people from such an order striking such a prior conviction it shall be conclusively presumed that such order was made only for the reasons specified in such order and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

(i) The court may order that any person convicted under this section who is punished by imprisonment in jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(j) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

SEC. 218. Section 23251 of the Vehicle Code is amended to read:

23251. The Department of the California Highway Patrol shall provide for proper and adequate policing of all vehicular crossings to insure the enforcement thereon of this code and of any other law relating to the use and operation of vehicles upon highways or vehicular crossings, and of the rules and regulations of the Department of Transportation in respect thereto, and to cooperate with the Department of Transportation to the end that vehicular crossings be operated at all times in such manner as to carry traffic efficiently. Such authority of the Department of the California Highway Patrol is exclusive except as to the authority conferred by law upon the Department of Transportation in respect to vehicular crossings.

SEC. 219. Section 23252 of the Vehicle Code is amended to read:

23252. The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Transportation shall have the powers and authority of peace officers as listed in Section 830.4 of the Penal Code while so employed on any vehicular crossing or as may be necessary to the performance of their duties while not upon such vehicular crossing. Captains, lieutenants, and sergeants so employed shall wear, while on duty, a uniform which shall be distinctly different from that of the California Highway Patrol, to be specified by the Director of Transportation.

SEC. 220. Section 23253 of the Vehicle Code is amended to read:

23253. All persons in or upon any vehicular crossing must at all

times comply with any lawful order, signal, or direction by voice or hand of any member of the California Highway Patrol or an employee of the Department of Transportation who is a peace officer.

SEC. 221. Section 23254 of the Vehicle Code is amended to read:

23254. A "vehicular crossing" is any toll bridge or toll highway crossing and the approaches thereto, constructed or acquired by the Department of Transportation under the provisions of the California Toll Bridge Authority Act.

SEC. 222. Section 23270 of the Vehicle Code is amended to read:

23270. (a) No person shall commence to tow any vehicle or other object on any vehicular crossing unless authorized to do so by the Department of Transportation and unless such towing is done by means of a tow car as defined in Section 615. No person other than a member of the California Highway Patrol or an employee of the Department of Transportation shall by means of pushing with another vehicle propel any vehicle or object on a vehicular crossing. No person other than an employee of the Department of Transportation shall on any vehicular crossing, tow any vehicle or other object except a vehicle or object constructed and designed to be towed by a vehicle of a type similar to that being used for such purpose.

(b) The California Toll Bridge Authority shall, by regulation, establish the maximum towing fee which may be charged by any person authorized to tow a vehicle pursuant to subdivision (a). No such authorized person shall charge a fee for towing a vehicle which is in excess of such maximum fee established by the California Toll Bridge Authority.

(c) The Director of Transportation may grant a special permit to any person to tow any vehicle or object over and completely across any vehicular crossing when in his judgment the towing vehicle is so constructed and equipped that the vehicle or object can be towed across the vehicular crossing without endangering persons or property and without interrupting the orderly traffic across the vehicular crossing.

(d) The prohibitions of this section shall apply only on those vehicular crossings upon which a towing service is maintained by the Department of Transportation.

SEC. 223. Section 23271 of the Vehicle Code is amended to read:

23271. A towing service may be maintained on each vehicular crossing by the Department of Transportation, and said department may furnish such service as is necessary to permit the orderly flow of traffic upon such crossing. The Department of Transportation shall prescribe and collect reasonable rates for towing services furnished.

SEC. 224. Section 23272 of the Vehicle Code is amended to read:

23272. When any vehicle or object on any vehicular crossing, upon which towing service is maintained, is stopped for any reason and is obstructing or may obstruct traffic, such vehicle or object shall be towed by the towing service either to the nearest property of the

California Toll Bridge Authority designated for the parking or storing of vehicles, or to a suitable parking location on a public street or highway and thereupon left in the custody of the owner or operator of the vehicle or object, or his agent, or, in the event no such owner, operator, or agent is present, or if such owner, operator, or agent so requests, to a public garage or off-street parking facility. The Department of Transportation may prescribe the limits within which the towing service authorized herein shall be operated.

Notwithstanding the foregoing provisions, the department may furnish and deliver fuel to vehicles, the supply of which is exhausted, or change tires, and may charge a reasonable sum for the services and materials furnished, or if the department deems it safe and advisable, and the owner or operator of the vehicle or object so requests, it may be towed from the vehicular crossing.

SEC. 225. Section 23273 of the Vehicle Code is amended to read:

23273. Sections 24605, 25253, 27700, and 27907 do not apply to vehicles operated by the Department of Transportation pursuant to this article.

SEC. 226. Section 23300 of the Vehicle Code is amended to read:

23300. The Department of Transportation shall erect appropriate signs at each entrance to a vehicular crossing to notify traffic that it is entering upon a vehicular crossing.

SEC. 227. Section 23303 of the Vehicle Code is amended to read:

23303. The Department of Transportation shall have a lien and may enforce such lien, as provided in Chapter 6.5 (commencing with Section 3067) of Title 14 of Part 4 of Division 3 of the Civil Code, for all tolls and charges provided by this chapter.

SEC. 228. Section 23330 of the Vehicle Code is amended to read:

23330. Except where a special permit has been obtained from the Department of Transportation under the provisions of Article 6 (commencing with Section 35780) of Chapter 5 of Division 15, none of the following shall be permitted on any vehicular crossing:

(a) Animals while being led or driven, even though tethered or harnessed.

(b) Bicycles, unless the department by signs indicates that bicycles are permitted upon all or any portion of the vehicular crossing.

(c) Vehicles carrying explosives in any amount or carrying more than 10 gallons of corrosive liquids.

(d) Vehicles having a total width of vehicle or load exceeding 102 inches.

(e) Vehicles carrying items prohibited by regulations promulgated by the Department of Transportation.

SEC. 229. Section 23332 of the Vehicle Code is amended to read:

23332. It is unlawful for any person to be upon any portion of a vehicular crossing which is not intended for public use without the permission of the Department of Transportation. This section does not apply to a person engaged in the operation, maintenance, or repair of a vehicular crossing or any facility thereon nor to any person

attempting to effect a rescue.

SEC. 230. Section 23333 of the Vehicle Code is amended to read:

23333. No vehicle shall stop, stand, or be parked in or upon any vehicular crossing except:

(a) When necessary to avoid injury or damage to persons or property.

(b) When necessary for the repair, maintenance or operation of a publicly owned toll bridge.

(c) In compliance with the direction of a member of the California Highway Patrol or an employee of the Department of Transportation who is a peace officer or with the direction of a sign or signal.

(d) In such places as may be designated by the Director of Transportation.

SEC. 231. Section 23334 of the Vehicle Code is amended to read:

23334. The Department of Transportation may adopt rules and regulations not inconsistent with this chapter for the control of traffic on any vehicular crossing to aid and insure the safe and orderly flow of traffic, and shall, so far as practicable, notify the public of the rules and regulations by signs on the vehicular crossing.

SEC. 232. Section 23335 of the Vehicle Code is amended to read:

23335. The Department of Transportation shall cause to be published and made available to the public at the tollgates of each vehicular crossing copies of those traffic laws and rules and regulations particularly applicable thereto.

SEC. 233. Section 27454 of the Vehicle Code is amended to read:

27454. No tire on any vehicle upon any state highway shall have on its periphery any block, stud, flange, cleat, ridge, bead, or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire.

This section does not apply to the following:

(a) Tire chains of reasonable size used to prevent skidding when upon wet surfaces or when upon snow or ice.

(b) Pneumatic tires which have embedded therein wire not to exceed 0.075 inches in diameter and which are so constructed that under no conditions will the percentage of metal in contact with the roadway exceed 5 percent of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of any such tire, the metal in contact with the roadway may exceed 5 percent of the tire area in contact with the roadway, but shall in no event exceed 20 percent of such area.

(c) Vehicles operated upon unimproved roadways when necessary in the construction or repair of highways.

(d) Traction engines or tractors when operated under the conditions of a permit first obtained from the Department of Transportation.

(e) Pneumatic tires containing metal-type studs of tungsten carbide or other suitable material and which are so inserted or constructed that under no conditions will the number of studs or the

percentage of metal in contact with the roadway exceed 3 percent of the total tire area in contact with the roadway, between the first day of October and the first day of May. This subdivision shall remain in effect until May 1, 1975, and shall have no force or effect after that date.

SEC. 234. Section 27459 of the Vehicle Code is amended to read:

27459. No person shall operate any motor vehicle, trailer or semitrailer upon any portion of a highway without tire chains when such portion of the highway is signed for the requirement of such chains. In any case where a passenger vehicle or motor truck having an unladen weight of 5,000 pounds or less may be required by the Department of Transportation or local authorities to be equipped with tire chains such chains shall be placed on at least two drive wheels or, the department or local authorities may provide, in the alternative, that the vehicle may be equipped with snow-tread tires on at least two drive wheels when the weather and surface conditions at the time are such that the stopping, tractive, and cornering abilities of the tires are adequate. The snow-tread tires shall be of a type and design manufactured for use on ice and snow as a replacement for tire chains and shall be in good condition.

SEC. 235. Section 27460 of the Vehicle Code is amended to read:

27460. Any passenger vehicle or motor truck having an unladen weight of 5,000 pounds or less and operated and equipped with four-wheel drive and with snow tread tires on all four drive wheels may be operated upon any portion of a highway without tire chains, notwithstanding the fact that such highway is signed for the requirement of chains and provided that tire chains for at least one set of drive wheels are carried in or upon such vehicle. The snow tread tires shall meet the requirements specified in Section 27459 and such vehicle shall not, when so operated, tow another vehicle except as may be necessary to move a disabled vehicle from the roadway.

No person shall use such tires on four-wheel drive vehicles in place of tire chains whenever weather and roadway conditions at the time are such that the stopping, tractive and cornering abilities of the tires are not adequate or whenever the Department of Transportation or local authorities, in their respective jurisdictions, place signs prohibiting their operation unless equipped with tire chains.

SEC. 236. Section 28106 of the Vehicle Code is amended to read:

28106. Filing of documents as required by Article III(j) of the compact shall be with the Secretary of State. Any and all notices required by commission bylaws to be given pursuant to Article III(j) of the compact shall be given to the commissioner of this State, his alternate, if any, and the Director of Motor Vehicles, the Commissioner of the California Highway Patrol and the Director of Transportation.

SEC. 237. Section 29201 of the Vehicle Code is amended to read:

29201. The provisions of this chapter do not apply to the transportation of poles on a pole dolly by public utility companies or

local public agencies engaged in the business of supplying electricity or telephone service, by the Department of Transportation, or by a licensed contractor in the performance of work for a utility, the Department of Transportation, or a local public agency, when such transportation is between storage yards or between a storage yard and job location where such poles are to be used, but in no event shall more than nine poles be transported on any dolly if any such pole exceeds a length of 30 feet. If poles 30 feet or less in length are transported by pole or pipe dolly, not more than 18 poles shall be so transported. Poles shall be adequately secured when being transported on a dolly to prevent shifting or spilling of loads.

SEC. 238. Section 34043 of the Vehicle Code is amended to read:

34043. The original and renewal registration shall be for two consecutive years, or remaining portion thereof, commencing on January 1 of each numerically even calendar year and expiring midnight of December 31 of the next succeeding year. Application for renewal registration shall be made on or before November 1 of the year in which the current registration expires.

SEC. 239. Section 35107 of the Vehicle Code is amended to read:

35107. "Urban and suburban service" means a service performed in urban or suburban areas, or between municipalities in close proximity, except that:

(a) The one-way route mileage of the service shall not be more than 50 miles.

(b) Designated motor coach routes over state highways outside limits of incorporated cities where the one-way route mileage is over 25 miles, but does not exceed 50 miles, shall be approved by the Department of Transportation.

SEC. 240. Section 35414 of the Vehicle Code is amended to read:

35414. (a) The limitations of this chapter as to length of vehicles and loads shall not apply when only poles, timbers, pipes, or integral structural materials not exceeding 80 feet in length are being transported:

(1) Upon a pole or pipe dolly or otherwise lawful trailer used as a pole or pipe dolly in connection with a motor vehicle.

(2) Upon a semitrailer, except for the limitations provided in Section 35410.

(3) Upon a semitrailer and a pole or pipe dolly used in connection with a truck tractor to haul flexible integral structure material.

The provisions of this subdivision shall not apply unless the load cannot be transported within the length limitations otherwise applicable in this chapter.

(b) Tools and materials incidental to the work to be performed may be transported on a single-axle pole or pipe dolly or otherwise lawful single-axle semitrailer used as a pole or pipe dolly, transporting not more than three poles not exceeding 80 feet in length and when used by public utility companies or local public agencies engaged in the business of supplying electricity or telephone service, by the Department of Transportation, or by a

licensed contractor in the performance of work for a utility, the department, or a local public agency, when such transportation is between a storage yard and job location where such tools and materials are to be used, in which event the limitations of this chapter as to length of vehicles and loads shall not apply.

SEC. 241. Section 35650 of the Vehicle Code is amended to read:

35650. The Department of Transportation, whenever it determines after an engineering investigation that any highway under its jurisdiction will with safety to itself sustain vehicles and loads weighing more than the maximum weight limits set forth in this code, shall have authority to declare and to fix a weight limit for the highway greater than the maximum weight limit set forth in this code. Thereafter it shall be lawful to operate or move vehicles and loads of a gross weight upon the highways designated, equal to but not in excess of the maximum weight limit fixed by the department.

SEC. 242. Section 35651 of the Vehicle Code is amended to read:

35651. Whenever in the judgment of the Department of Transportation any state highway will not with safety to itself sustain the maximum weights permitted under this code for the highway, the department shall determine, after a public hearing, the maximum weight which the highway will sustain.

SEC. 243. Section 35652 of the Vehicle Code is amended to read:

35652. The Department of Transportation shall give notice of the time and place of the hearing by posting a notice in the county seat of each county in which any affected portion of the highway is located and shall also post copies of the notice at intervals of not more than one mile along said highway and a notice at each end of the affected portion thereof. Notice of the hearing shall be given for not less than 10 days and the hearing shall be had at the county seat of the county in which the affected highway is situated or at some other place convenient to the portion of the highway affected.

SEC. 244. Section 35653 of the Vehicle Code is amended to read:

35653. The hearing shall be conducted by one or more engineers appointed by the Director of Transportation. The engineers shall hear all evidence presented at the time and place mentioned in the notice and shall report findings made in writing to the Director of Transportation. Upon the basis of the findings, the Director of Transportation shall declare in writing the maximum weight which can be maintained with safety upon the state highway. In no event shall the weight be less than 16,000 pounds.

SEC. 245. Section 35654 of the Vehicle Code is amended to read:

35654. Following the declaration of maximum weight as provided in this article, the Department of Transportation shall erect suitable signs at each end of the affected portion of the highway and at such other points as the department deems necessary to give adequate notice of the weight limits.

SEC. 246. Section 35655 of the Vehicle Code is amended to read:

35655. (a) No person shall drive a vehicle on any state highway when the weight of the vehicle and load is greater than the

maximum weight which the highway will sustain.

(b) Upon the trial of any person charged with a violation with respect to signs erected under Section 35654, proof of the determination and the maximum weight by the Department of Transportation and the existence of the signs constitutes prima facie evidence of the maximum weight which the state highway will sustain.

SEC. 247. Section 35702 of the Vehicle Code is amended to read:

35702. No ordinance proposed under Section 35701 is effective with respect to any highway which is not under the exclusive jurisdiction of the local authority enacting the ordinance, or, in the case of any state highway, until the ordinance has been submitted by the governing body of the local authority to, and approved in writing by, the Department of Transportation. In submitting a proposed ordinance to the department for approval, the governing body of the local authority shall designate therein, an alternate route for the use of vehicles, which route shall remain unrestricted by any local regulation as to weight limits or types of vehicles so long as the ordinance proposed shall remain in effect. The approval of the proposed ordinance by the Department of Transportation shall constitute an approval by it of the alternate route so designated. No such ordinance which applies to any state highway included in the national system of interstate and defense highways, shall subsequently be disapproved until such disapproval has been concurred in by a four-fifths vote of the California Highway Commission.

SEC. 248. Section 35705 of the Vehicle Code is amended to read:

35705. Section 35701 shall not be applicable to any city street on which money from the State Highway Account in the State Transportation Fund has been or is used for construction or maintenance except in such cases as the legislative body of the city, after notice and hearing, determines to reduce weight limits on such streets. Notice of the hearing shall be published as provided in Section 6064 of the Government Code. The notice shall advise all interested parties that they may submit written and oral objections to the proposed action and shall designate a time and place for presentation of such objections. The time for submission of objections shall not expire, and the hearing may not be held, less than 60 days after the first publication of notice. The hearing shall be held before the legislative body of the city. All objections shall be considered and interested parties shall be afforded an adequate opportunity to be heard in respect to their objections.

SEC. 249. Section 35708 of the Vehicle Code is amended to read:

35708. In the event any person protests in writing to the clerk of the board of supervisors within 15 days after the adoption of an ordinance reducing the permissible gross weight upon an improved highway, the reduction in weight shall not become final until the Department of Transportation after a hearing approves the action of the board of supervisors in making such reduction.

SEC. 250. Section 35709 of the Vehicle Code is amended to read:

35709. The hearing shall be held in the county in which the highway is located within 25 days after a request therefor, and shall be conducted by one or more engineers of the Department of Transportation to be designated by the Director of Transportation. The engineers shall hear all evidence presented and report their findings in writing to the director. Such director shall, upon the basis of the findings, declare in writing the approval or disapproval of the reduction.

SEC. 251. Section 35714 of the Vehicle Code is amended to read:

35714. No ordinance adopted pursuant to Section 35712 shall be effective with respect to:

(a) Any vehicle which is subject to the provisions of Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(b) Any highway, any portion of which is also under the jurisdiction of a city, unless the consent of the governing body of the city is first obtained.

(c) Any commercial vehicle coming from an unrestricted highway having ingress and egress by direct route to and from the restricted highway when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted highway or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted highway for which a building permit has previously been obtained.

(d) The operation of ambulances or hearses.

(e) Any vehicle owned, operated, controlled, or used by a public utility in connection with the construction, installation, operation, maintenance, or repair of any public utility facilities.

(f) Any state highway, until the proposed ordinance has been submitted by the board of supervisors of the county to and approved in writing by the Department of Transportation. In submitting a proposed ordinance to the department for approval, the board of supervisors shall designate therein, an alternate route for the use of the vehicles which shall remain unrestricted by any local regulation as to commercial vehicles so long as the ordinance proposed shall remain in effect. The approval of the proposed ordinance by the Department of Transportation shall constitute an approval by the department of the alternate route so designated. No such ordinance which applies to any state highway included in the national system of interstate and defense highways, shall subsequently be disapproved until such disapproval has been concurred in by a four-fifths vote of the California Highway Commission.

(g) Vehicles operated as an incident to any industrial, commercial or agricultural enterprise conducted within the boundaries of the unincorporated residential subdivision area.

SEC. 252. Section 35720 of the Vehicle Code is amended to read:

35720. No ordinance adopted pursuant to Section 35717 shall be effective with respect to:

(a) Any vehicle which is subject to the provisions of Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code or any farm labor truck or farm labor bus.

(b) Any street, road or highway which is not under the exclusive jurisdiction of the board of supervisors enacting such ordinance, except as otherwise provided in Section 35719, or, in the case of any state highway, until such proposed ordinance has been submitted by the board of supervisors to and approved in writing by the Department of Transportation. In submitting such a proposed ordinance to the department for approval, the board of supervisors shall designate therein, an alternate route or routes for the use of such vehicles which shall remain unrestricted by any local regulation as to weight limits or types of vehicles so long as the ordinance proposed shall remain in effect. The approval of such proposed ordinances by the Department of Transportation shall constitute an approval by the department of such alternate route or routes so designated.

(c) Any commercial vehicle coming from an unrestricted street, road or highway having ingress and egress by direct route to and from such restricted streets, roads, and highways when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, roads or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted street, road or highway for which a building permit, if required, has previously been obtained therefor, or vehicles, machinery, or construction equipment used in connection with, the construction, repair or maintenance of such restricted street or public work projects located thereon.

(d) Any vehicle operated as an incident to any industrial, commercial or agricultural enterprise conducted upon any such street, road or highway.

(e) Any vehicle owned, operated, controlled, or used by a public utility or licensed contractor in connection with the construction, installation, operation, maintenance, or repair of any public utility facilities or public works projects.

(f) The operation of ambulances or hearses.

SEC. 253. Section 35750 of the Vehicle Code is amended to read:

35750. (a) The Department of Transportation may, in the manner provided in Section 35751, determine the maximum weight of vehicle and load, lower than the maximum weight otherwise permitted under this code which a bridge or other structure with safety to itself will sustain.

(b) The city council or the board of supervisors of a city or county with a population of 1,100,000 or more, as determined by the 1970

federal decennial census, may, in the manner provided in Section 35751, determine the maximum weight of vehicle and load, lower than the maximum weight otherwise permitted under this code which a bridge or other structure under its jurisdiction with safety to itself will sustain.

SEC. 254. Section 35751 of the Vehicle Code is amended to read:

35751. (a) The Department of Transportation or the city council or board of supervisors of a city or county with a population of 1,100,000 or more, as determined by the 1970 federal decennial census, as the case may be, shall make an engineering investigation and hold a public hearing whenever such a determination appears necessary.

(b) Notice of the time and place of the hearing shall be posted upon the bridge or other structure at least five days before the date fixed for the hearing. Upon the basis of the investigation and all evidence presented at the hearing, the department or the city council or board of supervisors, as the case may be, shall determine by order in writing the maximum weight of vehicle and load which the bridge or other structure with safety to itself will sustain.

(c) With respect to any bridge or other structure not under its jurisdiction, the department shall not proceed under subdivisions (a) and (b) unless it first receives a request to do so from the city council or the board of supervisors having jurisdiction over the bridge or other structure.

SEC. 255. Section 35755 of the Vehicle Code is amended to read:

35755. Whenever a state highway bridge is in a dangerous or weak condition, the Department of Transportation may temporarily erect suitable signs at all entrances to such bridge specifying the maximum weight which the bridge may safely sustain. Under no circumstances shall the maximum weight limit so fixed and posted pursuant to this section remain in effect for more than 90 days.

SEC. 256. Section 35780 of the Vehicle Code is amended to read:

35780. The Department of Transportation or local authorities with respect to highways under their respective jurisdictions may at their discretion upon application in writing and if good cause appears issue a special permit in writing authorizing the applicant:

(a) To operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in this code.

(b) To use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting upon the roadway but by means of a flexible band or chain.

(c) Under emergency conditions, to operate or move a type of vehicle otherwise prohibited hereunder, upon any highway under the jurisdiction of the party granting the permit and for the maintenance of which the party is responsible.

(d) To operate or move a vehicle or combination of vehicles transporting loads composed of logs only for the purpose of crossing

a highway from one private property to another without complying with any or all of the equipment requirements of Division 12 (commencing with Section 24000) and Division 13 (commencing with Section 29000). Such crossings shall be as near to a right angle to the roadway as is practical and shall not include any travel parallel to the roadway. The Department of Transportation shall determine standards and conditions upon which such permits shall be issued and any permit not in compliance with such standards and conditions shall be invalid, except that a permit may contain more restrictive conditions if the issuing authority deems it appropriate.

SEC. 257. Section 35782 of the Vehicle Code is amended to read:

35782. The Department of Transportation or local authority is authorized to issue or withhold the permit at its discretion, or, if the permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle or vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of the vehicle, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require the undertaking or other security as may be deemed necessary to protect the highways and bridges from injury, or to provide indemnity for any injury resulting from the operation of the vehicle.

SEC. 258. Section 35783 of the Vehicle Code is amended to read:

35783. Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection of any peace officer, traffic officer, authorized agent of the Department of Transportation, or any other officer or employee charged with the care or protection of such highways.

SEC. 259. Section 35785 of the Vehicle Code is amended to read:

35785. (a) The axle weight limitations imposed in Sections 35550 and 35551 shall not apply to the transportation of a single saw log which does not exceed 8 feet in diameter and 21 feet in length or 6 feet in diameter and 33 feet in length, if such log is hauled on a combination of vehicles consisting of a three-axle truck and a two-axle logging dolly under permit issued by the Department of Transportation or by local authorities with respect to highways under their respective jurisdictions. Such permit may be granted for not more than thirty (30) days and may be revocable upon notice by the department or local authorities, as the case may be. (b) When so transported, the vehicle shall not be operated over any bridge or causeway at a speed of more than 15 miles per hour or on the highway at more than 25 miles per hour, on routes designated in the permit. Diameter measurements of the logs shall be made on the large end.

SEC. 260. Section 35787 of the Vehicle Code is amended to read:

35787. The Department of Transportation or local authority, as the case may be, shall issue a truck booster power unit permit only if in its opinion the proposed operation would not tend to endanger the traveling public or to damage the highway, bridge or any

highway structure.

The Department of Transportation and local authorities, in issuing a permit, may make such conditions and requirements as in their opinion are necessary or desirable for the safety of the traveling public and of the highway, including bridges and other highway structures.

SEC. 261. Section 35788 of the Vehicle Code is amended to read:

35788. Upon application to the Director of Transportation for permission to use and operate on highways private or contract vehicles for the purpose of hauling loads which weigh in excess of the maximum load weight limits, the director may enter into an agreement with the applicant, permitting such overloads, specifying protective restrictions and providing for the payment of a financial contribution for the issuance of such permission, except that the overload shall not exceed 25 percent of the maximum load weight limitation, in pounds, set forth in this code. The agreement shall not permit the applicant to transport such excess weight loads on highways for distances exceeding 75 miles. All contributions received by the Department of Transportation shall be used for the construction, improvement, or maintenance of the highway designated in the permission to operate overweight loads. Sections 188 and 188.8 of the Streets and Highways Code shall not apply to contributions received pursuant to this section, and any expenditures of the contributions by the department shall not be credited against amounts required to be expended pursuant to Sections 188 and 188.8 of the Streets and Highways Code.

SEC. 262. Section 35790 of the Vehicle Code is amended to read:

35790. (a) The Department of Transportation or local authorities with respect to highways under their respective jurisdictions may upon application in writing and if good cause appears issue a special or annual permit in writing authorizing the applicant to move any trailer coach in excess of the maximum width but not exceeding 10 feet in width, exclusive of lights and devices provided for in Sections 35112, 35109, and 35110, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches, and in considering the individual circumstances of each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for a special permit shall specifically describe the trailer coach to be moved and the particular highways over which the permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

The application for an annual permit shall specifically describe the power unit to be used to tow the overwidth trailers and the particular highways over which the permit to operate is requested. The annual permit shall be subject to all of the conditions of this section and any additional conditions imposed by the public agency.

(d) The Department of Transportation or local authority is authorized to establish seasonal or other time limitations within which a trailer coach may be moved on the highways indicated, and may require an undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation.

(e) Permits for the movement of trailer coaches as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

1. The power unit used to tow overwidth trailers having a gross weight of 18,000 pounds or less must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels. The power unit used to tow an overwidth trailer having a gross weight of more than 18,000 pounds must be a ton-and-one-half truck or tractor or truck or tractor of greater power, equipped with dual wheels.

2. The trailer coach for which the permit is issued shall comply with the provisions of Sections 35550 and 35551 of this code.

3. A permit which has been issued for the movement of any trailer coach shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on Monday following, nor on any days declared to be legal holidays by the state.

(f) The Department of Transportation or local authority shall have the authority to establish additional reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with this section.

(g) Every permit shall be carried in the trailer coach or power unit to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Transportation or any other officer or employee charged with the care and protection of the highways.

(h) It is unlawful for any person to violate any of the terms or conditions of any such permit.

(i) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-Aid Highway Act of 1956) would cause this state to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

SEC. 263. Section 35791 of the Vehicle Code is amended to read:

35791. The Department of Transportation and any local authority may, with respect to such highways as may be agreed upon under their respective jurisdictions which traverse any area within the boundaries of the local authority, contract for the issuance by either authority of a single permit authorizing the operation or movement of a vehicle or a combination of vehicles or special mobile equipment in the same manner as if each authority had issued separate permits pursuant to Section 35780.

SEC. 264. Section 35792 of the Vehicle Code is amended to read:

35792. The Department of Transportation or local authorities with respect to highways under their respective jurisdictions may at their discretion upon application in writing and if good cause appears issue a special permit in writing on either an individual trip or seasonal basis authorizing the applicant to move a vehicle containing a load consisting solely of cans or other receptacles which vehicle and load is in excess of 13 feet and 6 inches in height but does not exceed 14 feet in height measured from the surface upon which the vehicle stands. Such permits shall be issued only for the movement of the vehicle from the place of manufacture or storage of the cans to canneries, shall be operative only from June 1 to October 31 of each year and shall not be issued on routes where bridges, overpasses or other structures would render the movement unsafe.

SEC. 265. Section 35793 of the Vehicle Code is amended to read:

35793. The Department of Transportation or local authorities with respect to highways under their respective jurisdictions may at their discretion upon application in writing issue a special permit in writing on either an individual trip or annual basis authorizing the applicant to move a vehicle or combination of vehicles containing a load consisting solely of vehicles or boats which vehicle or combination of vehicles and load is in excess of 13 feet and 6 inches in height but does not exceed 14 feet in height measured from the surface upon which the vehicle or combination of vehicles stands.

SEC. 266. Section 35794 of the Vehicle Code is amended to read:

35794. The Department of Transportation or local authorities with respect to highways under their respective jurisdictions may, at their discretion, upon application in writing, issue a special permit, on either an individual trip or annual basis, authorizing the applicant to move a combination of vehicles when used on the highway for the exclusive purpose of transporting produce from a farm to a processing facility and returning to such farm, so long as such combination of vehicles does not exceed a total length of 65 feet.

SEC. 267. Section 35795 of the Vehicle Code is amended to read:

35795. The Department of Transportation may charge a fee for the issuance of permits pursuant to the provisions of this article.

The fee schedule established by the Department of Transportation pursuant to this section shall be established by a regulation adopted pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code), and shall not produce a total estimated revenue in excess of the estimated total cost to that department for administering the provisions of this article.

The funds collected pursuant to the provisions of this section shall be deposited in the State Highway Account in the State Transportation Fund.

SEC. 268. Section 42233 of the Vehicle Code is amended to read:

42233. (a) Whenever any fee or penalty subject to refund under Section 42231 after application therefor has not been paid into the

State Treasury, the department shall refund the fee or penalty.

(b) Whenever any fee or penalty subject to refund under Section 42231 after application therefor or Section 10901 of the Revenue and Taxation Code has been paid into the State Treasury to the credit, in whole or in part, of the Motor Vehicle License Fee Account in the Transportation Tax Fund (hereafter referred to in this section as the Motor Vehicle License Fee Account), or to the credit, in whole or in part, of the Motor Vehicle Account in the Transportation Tax Fund (hereafter referred to in this section as the Motor Vehicle Account), the department shall prepare a claim setting forth the facts pertaining to the fee or penalty sought to be refunded, and the Controller shall draw his warrant upon the account or accounts to which the fee or penalty was credited. In lieu of filing claims for refund against both the Motor Vehicle Account and the Motor Vehicle License Fee Account when an amount has been determined to be due from both accounts, the director may file a single claim with the State Controller, drawn against the Motor Vehicle Account covering the amount of both refunds, and the Controller shall thereupon draw his warrant on the Motor Vehicle Account. At least quarterly, the director shall certify to the State Controller the amounts paid from the Motor Vehicle Account which are properly chargeable to the Motor Vehicle License Fee Account supported by such detail as the Controller may require. Upon order of the State Controller, the amounts so required shall be transferred from the Motor Vehicle License Fee Account to the credit of the Motor Vehicle Account.

(c) This section is an appropriation of any and all amounts necessary to refund and repay any excessive or erroneous fees and penalties collected under this code, and the procedure prescribed in this article for refunds shall be deemed a compliance with the requirements of the Government Code relating to the refund of excessive or erroneous fees or penalties.

SEC. 269. Section 42271 of the Vehicle Code is amended to read:

42271. (a) The Motor Vehicle Account in the State Transportation Fund is hereby created.

(b) The moneys deposited to the credit of the Motor Vehicle Account in the State Transportation Fund which are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of Motor Vehicles shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways.

Regularly employed peace officers of the department may, when authorized by the director, expend such sums as authorized for the purchase of counterfeit, false, forged, or fictitious certificates of ownership, registration card, certificate, license or special plate or permit, or driver's license provided for by this code as evidence, or for expenditures related to the procurement of such evidence, or for expenditures made to investigate other violations of laws administered by the department. When approved by the director,

the identity of a peace officer who submits a claim need not be disclosed if the disclosure might materially prejudice the investigation.

The sums so expended shall be repaid to the peace officer making the expenditure upon claims approved by the director. The claims, when approved, shall be paid out of funds appropriated or made available by law for the support of the department.

(c) The moneys deposited to the credit of the Motor Vehicle Account in the State Transportation Fund which are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of the California Highway Patrol shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways. The Department of California Highway Patrol may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars ($100,000), the sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

(d) All moneys deposited to the credit of the Motor Vehicle Account in the State Transportation Fund in excess of the amount the State Controller determines is necessary to meet appropriations therefrom shall be transferred, on order of the Controller, to the credit of the State Highway Account in the State Transportation Fund. If the amount retained to the credit of the Motor Vehicle Account in the State Transportation Fund pursuant to this subdivision should prove to be insufficient to pay costs incurred against an appropriation from such account, the Controller shall redetermine the matter and may, after giving at least 15 days prior notice to the Department of Transportation, transfer back, from time to time, sufficient amounts from the State Highway Account in the State Transportation Fund to the Motor Vehicle Account as are necessary to pay such appropriations.

SEC. 270. Section 42272 of the Vehicle Code is amended to read:

42272. Section 11006 of the Government Code does not apply to the Motor Vehicle Account in the Transportation Tax Fund and Motor Vehicle Account in the State Transportation Fund.

SEC. 271. Section 42275 of the Vehicle Code is amended to read:

42275. Notwithstanding any other provision in this chapter, the State Controller may at any time after the 20th day of January of each calendar year transfer in advance moneys not needed for immediate use from the Motor Vehicle Account in the Transportation Tax Fund to the State Highway Fund for the purpose of leveling, as nearly as possible, the monthly cash received in a fiscal year by the State Highway Account in the State Transportation Fund, thereby providing the opportunity for more efficient use by the California Highway Commission of moneys appropriated for state highway

purposes, such transfers shall be made at times and in amounts mutually agreed to by the State Controller and the Director of Transportation. However, if necessary, the Controller may, after at least 15 days' prior notice, transfer back to the Motor Vehicle Account in the Transportation Tax Fund amounts transferred to the State Highway Account in the State Transportation Fund under this section to pay costs incurred against other appropriations from the Motor Vehicle Account.

SEC. 272. Section 163 of the Water Code is amended to read:

163. The commission may employ an executive officer, exempt from civil service, under subdivision (e) of Section 4 of Article XXIV of the Constitution, and a staff engineer from the staff of the department who shall be responsible to the commission. The commission may also employ such clerical assistants as may be necessary for the proper discharge of its duties and may purchase or rent necessary supplies, instruments, tools, equipment and conveniences.

SEC. 273. Section 1425 of the Water Code is amended to read:

1425. When the board finds that an applicant has an urgent but only temporary need to appropriate water for a period not to exceed six months, and that such water may be appropriated without injury to any lawful user of water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses, the board may issue to the applicant a conditional, temporary permit, without requiring compliance with other procedures or provisions of this division, but subject to all requirements of this chapter; provided, that no temporary permit may be issued pursuant to the provisions of this chapter unless it is first determined that unappropriated water is available and that the appropriation could not adversely affect the rights of downstream users. The board may delegate to any employee of the board all or any of its functions under this chapter; provided, that the board shall, at its next regular meeting, review and validate any temporary or emergency permit issued by an employee.

SEC. 274. Section 20517 of the Water Code is amended to read:

20517. "Land" except in Chapter 2A (commencing with Section 23800) of Part 7 and Chapter 2 (commencing with Section 26875) of Part 11 means land in the district or proposed district involved.

SEC. 275. Section 22335 of the Water Code is amended to read:

22335. During the construction of any works of a district to be paid for out of the proceeds of any bond issue which has been certified by the State Treasurer, the department shall have access to all plans, specifications, and records of the construction and shall from time to time make any investigations and reports to the board the department deems to be in the interest of the public or of the district.

SEC. 276. Section 35532 of the Water Code is amended to read:

35532. The district may contract with any private utility as defined in Sections 1502 and 1506 of the Public Utilities Code, to waive all or any portion of the provisions of Sections 1501 to 1506,

inclusive, of the Public Utilities Code. Contracts containing such provisions shall be entered into only upon approval of the State Treasurer and the Public Utilities Commission.

SEC. 277. Section 1.7 of Chapter 1285 of the Statutes of 1972 is amended to read:

SEC. 1.7. Notwithstanding any other provision of law, the State Board of Optometry shall permit a person who meets all the following requirements to take the examination for a certificate of registration as an optometrist:

(a) Is over the age of 18 years.

(b) Is of good moral character.

(c) Has a degree as a doctor of optometry issued by a school located in another state that was not accredited by the board at the time of the issuance of the degree and that was subsequently merged into a school that is so accredited at the time of application.

(d) Has been licensed to practice optometry in the state in which the school from which he graduated is located.

(e) Pays the fee specified in subdivision (b) of Section 3152 of the Business and Professions Code.

(f) Has been a resident of California for five years at the time of the application.

The provisions of this section shall be operative until December 31, 1975, and on such date shall be repealed.

SEC. 278. Any section of any act enacted by the Legislature during the 1974 portion of the 1973–74 Regular Session, which takes effect on or before January 1, 1975, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 546

An act relating to the maintenance of various codes, as follows:

Business and Professions Code:

By amending Sections 101, 1636, 1680, 2142.10, 2533.1, 5090, 10223, 11641, 18801, and 19627.7.

By repealing the heading of Article 5 (commencing with former Section 7360) of Chapter 10 of Division 3.

Civil Code:

By amending Sections 1861 and 5125.

Elections Code:

By amending Section 8662.

Evidence Code:

By amending Section 1010.

Penal Code:

By amending Sections 626.9, 12090, and 12403.

By amending and renumbering Section 1463.5.

Welfare and Institutions Code:
By amending Sections 3003, 11026, 11034, 14115.1, and 19813.
By amending and renumbering Sections 11008.8 and 11250.5, and Chapter 5.5 (commencing with Section 18325) of Part 6 of Division 9 and Article 1 (commencing with Section 19450) of Chapter 5 of Part 2, of Division 10.
By adding an article heading immediately preceding Section 19400.
By repealing Section 10813.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Business and Professions Code, as amended by Section 1 of Chapter 863 of the Statutes of 1973, is amended to read:

101. The department is comprised of:
(a) The Board of Dental Examiners of California.
(b) The Board of Medical Examiners of the State of California.
(c) The State Board of Optometry.
(d) The California State Board of Pharmacy.
(e) The Board of Examiners in Veterinary Medicine.
(f) The State Board of Accountancy.
(g) The California State Board of Architectural Examiners.
(h) The State Board of Barber Examiners.
(i) The State Board of Registration for Professional Engineers.
(j) The Contractors' State License Board.
(k) The State Board of Cosmetology.
(*l*) The State Board of Funeral Directors and Embalmers.
(m) The Structural Pest Control Board.
(n) The Bureau of Home Furnishings.
(o) The California Board of Nursing Education and Nurse Registration.
(p) The State Board of Fabric Care.
(q) The Board of Chiropractic Examiners.
(r) The Board of Behavioral Science Examiners.
(s) The State Athletic Commission.
(t) The Cemetery Board.
(u) The State Board of Guide Dogs for the Blind.
(v) The Bureau of Collection and Investigative Services.
(w) The Certified Shorthand Reporters Board.
(x) The Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
(y) The California State Board of Landscape Architects.
(z) The Bureau of Repair Services.
(aa) The Bureau of Employment Agencies.
(ab) The Board of Osteopathic Examiners.

(ac) The Division of Investigation.

(ad) The Bureau of Automotive Repair.

(ae) The State Board of Registration for Geologists and Geophysicists.

(af) Any other boards, offices, or officers subject to its jurisdiction by law.

This section shall remain in effect until July 1, 1977, and on such date is repealed.

SEC. 2. Section 101 of the Business and Professions Code, as amended by Section 2 of Chapter 863 of the Statutes of 1973, is amended to read:

101. The department is comprised of:

(a) The State Board of Accountancy.

(b) The California State Board of Architectural Examiners.

(c) The State Board of Barber Examiners.

(d) The State Board of Registration for Professional Engineers.

(e) The Contractors' State License Board.

(f) The State Board of Cosmetology.

(g) The State Board of Funeral Directors and Embalmers.

(h) The Structural Pest Control Board.

(i) The Bureau of Home Furnishings.

(j) The State Board of Fabric Care.

(k) The State Athletic Commission.

(*l*) The Cemetery Board.

(m) The State Board of Guide Dogs for the Blind.

(n) The Bureau of Collection and Investigative Services.

(o) The Certified Shorthand Reporters Board.

(p) The California State Board of Landscape Architects.

(q) The Bureau of Automotive Repair.

(r) The Bureau of Repair Services.

(s) The Bureau of Employment Agencies.

(t) The Division of Investigation.

(u) The State Board of Registration for Geologists and Geophysicists.

(v) Any other boards, offices, or officers subject to its jurisdiction by law.

This section shall become operative on July 1, 1977.

SEC. 3. Section 1636 of the Business and Professions Code is amended to read:

1636. Notwithstanding the provisions of subdivision (c) of Section 1628, a person who has had issued to him a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school listed by the World Health Organization, or by a foreign dental school approved by the Board of Dental Examiners, shall be eligible for examination as hereinafter provided upon complying with subdivisions (a) and (b) of Section 1628 and furnishing all of the following documentary evidence satisfactory to the board, that:

(a) He has completed in a dental school or schools a resident course of professional instruction in dentistry for the full number of

academic years of undergraduate courses required for graduation.

(b) Subsequent thereto, he has had issued to him by such dental school, a dental diploma or a dental degree, as evidence of the completion of the course of dental instruction required for graduation.

(c) He has been admitted or licensed to practice dentistry in the country wherein is located the institution from which the applicant was graduated.

Examination by the board of a foreign-trained dental applicant shall be a progressive examination given in the following sequence:

(1) Examination in writing which shall be comprehensive and sufficiently thorough to test the knowledge, skill and competence of the applicant to practice dentistry, and both questions and answers shall be written in the English language. The board shall waive the written examination for any person who has successfully passed the National Board of Dental Examiners' examination and received a certificate from that board.

(2) Demonstration of applicant's judgment in diagnosis-treatment planning.

(3) Demonstration of applicant's skill in prosthetic dentistry.

(4) Demonstration of applicant's skill in restorative technique and operative dentistry. However, the board shall not permit an applicant to perform a dental operation on a patient until the applicant has successfully completed the requirements of paragraphs (1), (2), and (3) of this subdivision and has successfully demonstrated his skill in restorative technique.

When an applicant for a license under this section has received a passing grade equivalent to that required of other applicants in the examinations of the kind set forth in paragraphs (1), (2), and (3) of this subdivision he shall be exempt from reexamination in that subject in subsequent examinations before the board held within a two-year period from the date of the examination in which he obtained such passing grade.

The licensure examination for foreign-trained dental applicants shall be held by the board at least once a year with such additional examinations as the board desires to hold. The time and place of the examination shall be fixed by the board at least six months prior to the date that the examination is to be held.

SEC. 4. Section 1680 of the Business and Professions Code is amended to read:

1680. Unprofessional conduct is defined to be any one of the following:

(a) The employment of persons known as cappers or steerers, to obtain business.

(b) The obtaining of any fee by fraud or misrepresentation.

(c) The willful betrayal of professional secrets.

(d) The employment directly or indirectly of any student or suspended or unlicensed dentist to practice dentistry as defined in this chapter.

(e) The aiding or abetting of any unlicensed person to practice dentistry.

(f) The aiding or abetting of a licensed person to practice dentistry unlawfully.

(g) Habitual intemperance.

(h) Gross immorality.

(i) The use of any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any name other than the name under which he is licensed to practice, in advertising or in any other manner indicating that he is practicing or will practice dentistry.

(j) The practicing or accepting or receiving any commission or the rebating in any form or manner on fees for professional services, radiograms, prescriptions or other services or articles supplied to patients.

(k) The making use of any advertising statements of a character tending to deceive or mislead the public.

(*l*) The advertising of professional superiority or the performance of professional services in a superior manner.

(m) The advertising of definite or fixed prices for professional services.

(n) The use of advertising containing as a part thereof the representation of a tooth, teeth, bridgework or any portion of the human head.

(o) The employing or the making use of solicitors.

(p) The advertising of any free dental work, or free examination.

(q) The advertising to guarantee any dental service, or to perform any dental operation painlessly.

(r) The willful violation of any of the provisions of law regulating the dispensing and administration of dangerous drugs or narcotics, or the willful violation of any of the provisions of this chapter except the payment of fees.

(s) The failure to certify, or the false certification, to the board on or after January 1, 1972, that he or any person employed by the licentiate, who operates dental radiographic equipment, has passed an examination in radiation safety conducted by the board, or the equivalent of such examination as required by Section 1656; or the permitting of any person employed by him to operate dental radiographic equipment who has not passed an examination or the equivalent of such examination in radiation safety as required by Section 1656.

(t) The clearly excessive prescribing or administering of drugs or treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities which are detrimental to the patient as determined by the customary practice and standards of the local community of licensees.

SEC. 5. Section 2142.10 of the Business and Professions Code is amended to read:

2142.10. Any person who represents or holds himself out as a

"physician" or who represents or holds himself out as a "physician" in any combination with any other designation without, at the time of so doing, having a valid, unrevoked and unsuspended certificate as a physician and surgeon under this chapter, is guilty of a misdemeanor.

SEC. 6. Section 2533.1 of the Business and Professions Code is amended to read:

2533.1. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order a license be suspended or revoked, or may decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 7. Section 5090 of the Business and Professions Code is amended to read:

5090. A candidate who fails an examination provided for herein shall have the right to any number of reexaminations at subsequent examinations held by the board. A candidate, except one who qualifies for admission to the examination under subdivision (d) of Section 5081.1, who passes an examination in two or more subjects or in the subject of accounting practice alone shall have the right to be reexamined in the remaining subject or subjects only, at subsequent examinations held by the board, and if he passes in the remaining subject or subjects within a period of time specified in the rules of the board, he shall be considered to have passed the examination. A candidate who qualifies for admission to the examination under subdivision (d) of Section 5081.1 and who passes an examination in one or more subjects shall have the right to be reexamined in the remaining subject or subjects only, at subsequent examinations held by the board, and if he passes in the remaining subject or subjects within a period of five years, he shall be considered to have passed the examination.

The board may give credit to a candidate who has passed all or part of the examination in another state or territory, if the certified public accountant members of the board determine that the standards under which the examination was held are as high as the standards established for the examination in this chapter.

SEC. 8. The heading of Article 5 (commencing with former Section 7360) of Chapter 10 of Division 3 of the Business and Professions Code is repealed.

SEC. 9. Section 10223 of the Business and Professions Code is amended to read:

10223. The fee for filing an application for a permit required by

Section 10238.3 shall be computed in accordance with Section 25608 of the Corporations Code. The fee for filing an application for an amendment to an existing permit shall be the amount provided for *in subdivision (m) of Section 25608 of the Corporations Code.*

SEC. 10. Section 11641 of the Business and Professions Code is amended to read:

11641. The governing body of the city, city and county, or county having jurisdiction of the land under this chapter may establish a fee for processing revocations pursuant to this article in an amount which will reimburse such governing body for all costs incurred in processing such revocations. The person requesting the governing body having jurisdiction to proceed pursuant to this article shall pay *the fee established pursuant to this section before any action to* proceed under the provisions of this article is initiated by the governing body.

SEC. 11. Section 18801 of the Business and Professions Code is amended to read:

18801. (a) The commission shall, consistent with the purposes of this article, establish a pension plan for professional boxers who engage in boxing contests in this state.

(b) The commission shall, consistent with the purposes of this article, *establish a schedule of contributions to finance such pension* plan to be paid by professional boxers, managers, and promoters on an equitable basis, as determined by the commission, in an amount sufficient to finance such pension plan. In establishing such schedule, the commission shall consider, but not be limited in its consideration to, the relative profits derived from a boxing contest by the professional boxer, his manager, and the promoter.

(c) Any pension plan established by the commission shall be actuarially sound.

(d) All contributions from boxers, managers, and promoters to finance the plan shall be deposited in and credited to the Boxer's Pension Account, which is hereby created in the General Fund. The money in the Boxer's Pension Account shall be used exclusively for purposes of the pension plan

(e) Except as otherwise provided in this subdivision, the commission or its designee shall invest the money contained in such pension account as other trust funds in the state are invested. The commission or its designee may also invest money from such account in group annuity contracts.

SEC. 12. Section 19627.7 of the Business and Professions Code is amended to read:

19627.7. There is in the Department of Food and Agriculture a Fair Budget Review Board to advise the Director of Food and Agriculture on the following:

(a) Allocation of state support to county, district, combined county and district, or citrus fruit fairs, for operational purposes.

(b) The types and amount of capital outlay projects approved for each eligible fair.

As used in this section, "board" means the Fair Budget Review Board.

The board shall act as a review board making recommendations to the Director of Food and Agriculture relative to proposed legislation affecting fairs.

The board of directors of the fairs in each fair area designated in Section 4532 of the Food and Agricultural Code shall nominate three persons to serve on the board. The director shall appoint one person from among the nominees of each such area to serve on the board. Each member of the board shall be subject to confirmation by the Senate.

Any member of the board initially appointed from a fair area designated by Section 4532 of the Food and Agricultural Code as 1, 3, 5, or 7 shall serve a term of office of four years, and any member initially appointed from a fair area 2, 4, or 6 shall serve a term of office of six years. Each appointment made thereafter from any of such fair areas shall be for six-year terms.

Any appointment made to fill a vacancy on the board of any unexpired term, shall be made only for the remainder of the unexpired term.

The board shall, from time to time, elect a chairman and vice chairman from among its members. The board shall meet at the call of its chairman, at the request of the Director of Food and Agriculture, or upon request of a majority of its members.

The members of the board shall be reimbursed for any necessary expenses incurred in the performance of their duties, in accordance with the rates set by the Board of Control for boards and commissions.

SEC. 13. Section 1861 of the Civil Code is amended to read:

1861. Hotel, motel, inn, boardinghouse, and lodginghouse keepers shall have a lien upon the baggage and other property belonging to or legally under the control of their guests, boarders, tenants, or lodgers which may be in such hotel, motel, inn, or boarding or lodging house for the proper charges due from such guests, boarders, tenants, or lodgers, for their accommodation, board and lodging and room rent, and such extras as are furnished at their request, and for all money paid for or advanced to such guests, boarders, tenants, or lodgers, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property until such charges and moneys are paid; and unless such charges and moneys shall be paid within 60 days from the time when the same become due, said hotel, motel, inn, boardinghouse or lodginghouse keeper may sell said baggage and property at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said hotel, motel, inn, boardinghouse or lodginghouse is situated and also by mailing, at least fifteen (15) days before such

sale, a copy of such notice addressed to such guest, boarder, tenant, or lodger at his post office address, if known, and if not known, such notice shall be addressed to such guest, boarder, tenant, or lodger at the place where such hotel, motel, inn, boardinghouse or lodginghouse is situated; and after satisfying such lien out of the proceeds of such sale together with any reasonable costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall upon demand made within six months after such sale, be paid by said hotel, motel, inn, boardinghouse or lodginghouse keeper to such guest, boarder, tenant, or lodger; and if not demanded within six months from the date of such sale, such residue shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county; and such sale shall be a perpetual bar to any action against said hotel, motel, inn, boardinghouse or lodginghouse keeper for the recovery of such baggage or property or of the value thereof, or for any damages growing out of the failure of such guest, boarder, tenant, or lodger to receive such baggage or property; provided, however, that if any baggage or property becoming subject to the lien herein provided for does not belong to the guest, lodger, tenant, or boarder who incurred the charges or indebtedness secured thereby, at the time when such charges or indebtedness was incurred, and if the hotel, motel, inn, boarding or lodging house keeper entitled to such lien receives notice of such fact at any time before the sale of such baggage or property hereunder, then, and in that event, such baggage and property which is subject to said lien and did not belong to said guest, boarder, tenant, or lodger at the time when such charges or indebtedness was incurred shall not be subject to sale in the manner hereinbefore provided, but such baggage and property may be sold in the manner provided by the Code of Civil Procedure for the sale of property under a writ of execution, to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness.

In order to enforce the lien provided for in this section, a motel, hotel, inn, boardinghouse, and lodginghouse keeper shall have the right to enter peaceably the premises used by his guest, boarder, lodger, or tenant in such hotel, motel, inn, boardinghouse, or lodginghouse without liability to such guest, tenant, boarder, or lodger for conversion, trespass, or forcible entry. An entry shall be considered peaceable when accomplished with a key or passkey or through an unlocked door during the hours between sunrise and sunset.

This section does not apply to:

1. Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

2. Any prosthetic or orthopedic appliance personally used by a guest, boarder, tenant, or lodger

SEC. 14. Section 5125 of the Civil Code is amended to read:

5125. (a) Except as provided in subdivision (b) and Sections 5113.5 and 5128, either spouse has the management and control of the community personal property, with like absolute power of disposition, other than testamentary, as the spouse has of the separate estate of the spouse; provided, however, that the spouse cannot make a gift of such community personal property, or dispose of the same without a valuable consideration, or sell, convey, or encumber the furniture, furnishings, or fittings of the home, or the clothing or wearing apparel of the other spouse or minor children that is community, without the written consent of the other spouse.

(b) A spouse who is operating or managing a business or an interest in a business which is community personal property has the sole management and control of the business or interest.

SEC. 15. Section 8662 of the Elections Code is amended to read:

8662. A "holdover delegate" to the state convention or a "nominee delegate" to such a convention who has been elected to an office under Section 8510 at the general election following the state convention, or following any special election, shall appoint two additional voters, without regard to sex, to membership on this committee.

SEC. 16. Section 1010 of the Evidence Code is amended to read:

1010. As used in this article, " psychotherapist" means:

(a) A person authorized, or reasonably believed by the patient to be authorized, to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his time to the practice of psychiatry;

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code;

(c) A person licensed as a clinical social worker under Article 4 (commencing with Section 9040) of Chapter 17 of Division 3 of the Business and Professions Code, when he is engaged in applied psychotherapy of a nonmedical nature.

(d) A person who is serving as a school psychologist and holds a credential authorizing such service issued by the state.

(e) A person licensed as a marriage, family and child counselor under Chapter 4 (commencing with Section 17800) of Part 3, Division 5 of the Business and Professions Code.

SEC. 17. Section 626.9 of the Penal Code is amended to read:

626.9. Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, a member of the military forces of this state or the United States who is engaged in the performance of his duties, or a person holding a valid license to carry the firearm pursuant to Article 3

(commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, who brings or possesses a firearm upon the grounds of any public school, including the University of California and the state university and colleges or within any public school, including the University of California and the state colleges, unless it is with the permission of the school authorities, shall be punished by imprisonment in the county jail for a period of not more than one year, a fine of not more than one thousand dollars ($1,000), or both such imprisonment and fine, or by imprisonment in the state prison for a period of not more than five years.

SEC. 18. Section 1463.5 of the Penal Code as added by Chapter 1289 of the Statutes of 1972, is amended and renumbered to read:

1463.5a. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pursuant to Section 1463, there shall be transferred, once a month, into the State Treasury to the credit of the State College Parking Revenue Fund an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested or notified by a member of the state college police and charged with a violation of parking regulations adopted by or with the sanction of the trustees of the state colleges pursuant to subdivision (a) of Section 21113 of the Vehicle Code which are applicable to parking upon property under the possession or control of the trustees, and an amount equal to the remaining 50 percent shall be transferred into the general fund of the county.

SEC. 19. Section 12090 of the Penal Code is amended to read:

12090. Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the Department of Justice on any pistol or revolver, without first having secured written permission from the department to make such change, alteration or removal shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

SEC. 20. Section 12403 of the Penal Code is amended to read:

12403. After January 1, 1969, nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman, reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; chiefs, assistant chiefs, or special agents of the investigative bureaus of the Department of Justice; investigator who is regularly employed and paid as such in the office of the Attorney General and is designated by the Attorney General; investigator who is regularly employed and paid as such in the office of a district attorney and is designated by the district attorney; deputy of the Department of Fish and Game; hospital administrator or police officer of the Department of Health; warden, superintendent, supervisor, or guard

of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of their duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officer Standards and Training in the use of tear gas.

SEC. 21. Section 3003 of the Welfare and Institutions Code is amended to read:

3003. The Director of Corrections may enter into agreements with the Director of Health pursuant to which persons committed to the custody of either for narcotic addiction or imminent narcotic addiction can be transferred to an institution under the jurisdiction of the other.

SEC. 22. Section 10813 of the Welfare and Institutions Code is repealed.

SEC. 23. Section 11008.8 of the Welfare and Institutions Code, as added by Chapter 618 of the Statutes of 1972, is amended and renumbered to read:

11008.10. To the extent permitted by federal law the value of any loan or grant to any undergraduate student made or insured under any program administered by the State Scholarship and Loan Commission or a college accredited by the Western Association of Schools and Colleges shall not be considered in determining eligibility or the amount of the grant.

SEC. 24. Section 11026 of the Welfare and Institutions Code is amended to read:

11026. The Department of Benefit Payments shall undertake a program to improve the management and to simplify and reduce the cost of welfare administration by developing efficient, highly automated processes for determining eligibility and making aid payments. The department shall also undertake a program to improve the general efficiency and effectiveness of welfare in California by developing an integrated welfare management information system which will provide information necessary for the proper planning, evaluation, and control of welfare programs.

SEC. 25. Section 11034 of the Welfare and Institutions Code is amended to read:

11034. In the event that the federal government provides California with demonstration project funds for the purpose of designing management information systems for departments within the Health and Welfare Agency in addition to the Department of Benefit Payments, the Secretary of the Health and Welfare Agency shall have responsibility for coordinating the management

information systems work in the several departments. The authority of the Secretary of Health and Welfare to coordinate interdepartmental management information systems work shall not supersede the authority of the directors of the several departments to carry out their responsibilities under this article, or under other provisions of law.

SEC. 26. Section 11250.5 of the Welfare and Institutions Code as added by Chapter 369 of the Statutes of 1971, is amended and renumbered to read:

11250.7. The salary of a full-time certificated employee of a school district shall be prorated over a 12-month period for the purposes of determining eligibility for aid under this chapter.

SEC. 27. Section 14115.1 of the Welfare and Institutions Code is amended to read:

14115.1. The department may not require that any hospital based physician submit a combined charge, which includes the physician and hospital charge, if it is not the customary practice of such physician to submit a combined charge. The physician's right to bill independently shall be respected by the department; provided, however, this shall not prevent the department from enacting reasonable regulations to insure that the total charges, when a hospital and physician bill separately, do not exceed the total charge when both bill for the same services in a combined charge.

SEC. 28. The heading of Chapter 5.5 (commencing with Section 18325) of Part 6 of Division 9 of the Welfare and Institutions Code, as added by Chapter 918 of the Statutes of 1972, is amended and renumbered to read:

CHAPTER 5.7. NUTRITION PROGRAM FOR THE ELDERLY

SEC. 29. An article heading is added immediately preceding Section 19400 of the Welfare and Institutions Code, to read:

Article 1. General Provisions

SEC. 30. The heading of Article 1 (commencing with Section 19450) of Chapter 5 of Part 2 of Division 10 of the Welfare and Institutions Code is amended and renumbered to read:

Article 1.5. Residential Rehabilitation Facilities

SEC. 31. Section 19813 of the Welfare and Institutions Code is amended to read:

19813. This chapter shall be known and may be cited as the McAteer Alcoholism Act.

SEC. 32. Any section of any act enacted by the Legislature during the 1974 portion of the 1973–74 Regular Session, which takes effect on or before January 1, 1975, and which amends, amends and renumbers, or repeals a section amended, amended and

renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to the enactment of this act.

CHAPTER 547

An act to amend Sections 15701, 15708, 15708.5, 15709, 15710, 15714, 15716, 15955, 15958, and 16803 of, to add Sections 15708.3, 15712.5, 15712.6, 15712.7, 15715, and 15717.2 to, to add Article 6 (commencing with Section 15551) to Chapter 2 of Division 11 of, to add Article 5 (commencing with Section 15971) to Chapter 1 of Division 12 of, to repeal Sections 15008, 15008.5, 15255, 15352, 15352.5, 15352.6 15809, and 15955.1 of, to repeal Article 6 (commencing with Section 15551) of Chapter 2 of Division 11 of, to repeal Article 7 (commencing with Section 15601) of Chapter 2 of Division 11 of, the Education Code, and to add Section 53651.5 to the Government Code, relating to school property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 15008 of the Education Code is repealed.

SEC. 2. Section 15008.5 of the Education Code is repealed.

SEC. 3. Section 15255 of the Education Code is repealed.

SEC. 4. Section 15352 of the Education Code is repealed.

SEC. 5. Section 15352.5 of the Education Code is repealed.

SEC. 6. Section 15352.6 of the Education Code is repealed.

SEC. 7. Article 6 (commencing with Section 15551) of Chapter 2, of Division 11 of the Education Code is repealed.

SEC. 8. Article 6 (commencing with Section 15551) is added to Chapter 2, of Division 11 of the Education Code, to read:

Article 6. Lease and Lease-Purchase of Sites, Buildings, and Facilities

15551. The provisions of this article shall govern the lease or lease-purchase of sites, buildings, and facilities by the governing board of any school district whenever the school district is the lessee or purchaser and the lease or lease-purchase is not subject to Section 40 of Article XIII of the Constitution.

15552. For purposes of this article the following definitions shall govern:

(a) "Temporary use building" is any building for which the intended use by the school district at the time of entering into a lease contract or agreement is not for more than three years from the date

of first occupancy.

(b) "Relocatable structure" is any structure that is capable of being readily moved.

15553. (a) The governing board of any school district may lease land for a term extending to the expected duration of use by the school district.

(b) Any lease contract or agreement entered into pursuant to this section shall be initiated by resolution authorizing such action and prescribing the terms thereof adopted by vote of a majority of the members of the governing board.

15554. (a) The governing board of any school district may lease temporary use buildings for a term extending to the expected duration of use by the school district.

(b) Any lease agreement or contract entered into pursuant to this section shall be initiated by resolution authorizing such action and prescribing the terms thereof adopted by vote of a majority of the members of the governing board.

(c) A governing board of a school district shall not enter into a lease pursuant to subdivision (a), unless the resolution adopted pursuant to subdivision (b) has been published in a newspaper published in the district and having a general circulation there; or if there is no such newspaper, then in a newspaper having a general circulation in the district; or if there is no such newspaper, then in a newspaper having a general circulation in a county in which the district or any part thereof is situated. Notice shall be published no less than once a week for three weeks prior to the execution of the lease by the board.

(d) Any temporary-use building in which pupils are expected to enter and which is leased under one, or successive leases, for a total time in excess of three years, or under a lease-purchase contract, shall be subject to the provisions of Article 4 (commencing with Section 15451) and Article 5 (commencing with Section 15501) of this chapter.

15555. Any lease contract or agreement entered into pursuant to Section 15554 shall be subject to the condition that the site on which any temporary use building is located shall be owned by the school district, or shall be under the control of the school district pursuant to a lease or lease-purchase contract or agreement under the terms of which the land is leased to the district for a term at least as long as the intended use of the building, and under conditions that are compatible with the intended use of the building.

15556. Any lease contract or agreement entered into pursuant to Section 15554 may provide for the joint use and occupancy by any public or private entity.

15557. (a) The governing board of any school district may lease relocatable structures for a term extending to the expected duration of use by the school district, but not to exceed 10 years.

(b) Any lease agreement or contract entered into pursuant to this section shall be initiated by resolution authorizing such action and

prescribing the terms thereof adopted by vote of a majority of the members of the governing board.

15558. In any lease made pursuant to Section 15557, it shall be competent to provide that the school district lessee may purchase the relocatable structure at an agreed purchase price and that rental paid for the use of such structure or building shall be applied in whole or in part upon the purchase price. The school district lessee may cancel the lease at the end of any budgetary year, and in such case shall not be obligated to complete the lease and shall be released from all obligation thereunder.

15559. Any lease contract or agreement entered into pursuant to Section 15557 shall be subject to the following conditions:

(a) A leased relocatable structure in which students are expected to enter shall be subject to the provisions of Article 4 (commencing with Section 15451) and Article 5 (commencing with Section 15501) of this chapter.

(b) The site on which a leased relocatable structure is located shall be owned by the school district, or shall be under the control of the school district pursuant to a lease or a permit.

15560. (a) Notwithstanding any other provision of law to the contrary, the governing board of any school district may designate a building, which is primarily used for other than public school purposes, as an "offsite location" for the purpose of conducting instruction in educational programs as prescribed by the governing board, provided that such educational programs require an "offsite location" in order to adequately fulfill the objective of the educational program.

(b) Any building used as an "offsite location" pursuant to subdivision (a) shall not be subject to Article 4 (commencing with Section 15451) of, or Article 5 (commencing with Section 15501) of, this chapter.

15561. The governing board of a school district may:

(a) Lease buildings and other facilities such as administrative offices, warehouses, athletic facilities, outdoor assembly facilities, auditoriums, quarters for adult education, transportation facilities, and communication facilities, for a period of not to exceed 12 years.

(b) Lease property from the federal government, the state, or any county, city and county, city, or district for the purpose of constructing school buildings and facilities thereon.

15562. Any lease or lease-purchase contract or agreement executed prior to the effective date of this article shall remain in full force and effect. The renewal of such contracts or agreements, however, shall be governed by the provisions of this article.

SEC. 9. Article 7 (commencing with Section 15601) of Chapter 2 of Division 11 of the Education Code is repealed.

SEC. 10. Section 15701 of the Education Code is amended to read:

15701. Any school district may enter into leases and agreements relating to real property and buildings to be used by the district pursuant to this article. As used in this article, "building" includes (a)

one or more buildings located or to be located on one or more sites; (b) the remodeling of any building located on a site to be leased pursuant to this article; (c) onsite and offsite facilities, utilities or improvements which the governing board determines are necessary for the proper operation or function of the school facilities to be leased. It also includes the permanent improvement of school grounds. As used in this article, "site" includes one or more sites, and also may include any building or buildings located or to be located on a site.

SEC. 11. Section 15708 of the Education Code is amended to read:

15708. Before entering into a lease or agreement pursuant to this article (commencing at Section 15701), the governing board of the district shall call, hold, and conduct an election in the manner provided in Section 20803 or 20803.2, as the case may be, except that the ballot used in the election shall contain substantially the words: "Shall the governing board of the _____ District purchase (a site, sites) prepare plans and specifications, [the reference to the site or sites and plans and specifications shall not be included if, prior to calling the election, the governing board of the district has acquired a site or sites or proposes to lease a site or sites and has prepared plans and specifications] and lease (a site and, sites and) (a building, buildings) to be constructed for use by the school district [designating the location of the site or sites on which the building or buildings will be constructed and generally describing the building or buildings], and, for such purposes, shall the maximum tax rate of the district be increased by not to exceed _____, such increase to be in effect in the _____ District for the years 19__ to _____, be authorized and the amount of such increase used solely and exclusively for such purposes?"

SEC. 12. Section 15708.3 is added to the Education Code, to read:

15708.3. The governing board of the district, if the district proposes at an election held pursuant to Section 15708 to lease more than one building, may include in the ballot measure used in the election a statement that the district reserves the right to lease less than all of the proposed buildings designated in the ballot measure. If such a statement is included in the ballot measure, the governing board may at any time thereafter determine to not lease one or more of the buildings included in the ballot measure, and such determination shall not breach any obligation of the district to the voters of the district.

SEC. 13. Section 15708.5 of the Education Code is amended to read:

15708.5. An election held pursuant to Section 15708 or Section 15709 shall be held in conjunction with either a statewide primary or general election, or an election date specified in Section 2504 of the Elections Code.

SEC. 14. Section 15709 of the Education Code is amended to read:

15709. In lieu of calling an election pursuant to Section 15708, the governing board of a school district may call an election pursuant to

this section. Within 10 days after the governing board has opened the proposals pursuant to Section 15712 or has adopted a resolution pursuant to Section 15712.5 it may accept a proposal, if proceeding under Section 15712, and execute the lease or agreement, and immediately thereafter call an election pursuant to this section.

The governing board of the district shall call, hold, and conduct an election in the manner provided in Section 20803 or 20803.2, as the case may be, except that the ballot used in the election shall contain substantially the words: "Shall the governing board of the _____ District lease [a site (sites) and] a building [buildings] to be constructed for use by the school district [designating the location of the site or sites on which the building or buildings will be constructed, and generally describing the building or buildings and the cost thereof], and, for such purposes, shall the maximum tax rate of the district be increased by not to exceed _____, such increase to be in effect in the _____ District for the years 19__ to _____, be authorized and the amount of such increase used solely and exclusively for such purposes?"

SEC. 15. Section 15710 of the Education Code is amended to read:

15710. If, at the election held pursuant to Section 15708 or Section 15709, a majority of the electors voting on the proposition vote "Yes," the governing board may proceed pursuant to this article.

SEC. 16. Section 15712.5 is added to the Education Code, to read:

15712.5. As an alternative to obtaining sealed proposals as required by Sections 15706 and 15712, the governing board may, in a public meeting, adopt a resolution declaring its intention to enter into a lease or agreement pursuant to this article with a nonprofit corporation organized under Part 1 (commencing with Section 9000) of Division 2 of Title 1 of the Corporations Code if the articles of incorporation or bylaws of the nonprofit corporation provide: (1) that no person shall be eligible to serve as a member or director of the nonprofit corporation except a person initially approved by resolution of the governing board of the school district, and (2) that no part of the net earnings of the nonprofit corporation shall inure to the benefit of any member, private shareholder, individual, person, firm or corporation excepting only the school district. The resolution shall describe, in such manner as to identify it, the available site upon which the building to be used by the district shall be constructed, shall generally describe the building to be constructed and state that the building shall be constructed pursuant to the plans and specifications adopted by the governing board therefor, shall, if such is the case, state the minimum yearly rental at which the governing board will lease real property belonging to the district upon which the building is to be constructed, and shall state the maximum number of years for which the school district will lease the building, or building and site, as the case may be.

Any building constructed by a nonprofit corporation pursuant to a lease or agreement entered into pursuant to this section shall be constructed under a contract awarded to the lowest responsible

bidder pursuant to Chapter 3.5 (commencing with Section 4220) of Division 5 of Title 1 of the Government Code. Section 15716 shall apply to such contract.

SEC. 17. Section 15712.6 is added to the Education Code, to read:

15712.6. Any bonds, notes, warrants or other evidences of indebtedness to be issued by a nonprofit corporation to finance the construction of a building pursuant to a lease or agreement entered into pursuant to Section 15712.5 shall be sold pursuant to Chapter 10 (commencing with Section 5800) of Division 6 of Title 1 of the Government Code.

SEC. 18. Section 15712.7 is added to the Education Code, to read:

15712.7. All such bonds, notes, warrants or other evidences of indebtedness referred to in Section 15712.6 and the interest thereon are exempt from all taxation in the state other than inheritance, gift and franchise taxes.

SEC. 19. Section 15714 of the Education Code is amended to read:

15714. For the purposes of Sections 21702, 21703, and 21707, 50 percent of any remaining payments for use of the building or site and building which would become due from the district under any leases and agreements entered into by the district pursuant to this article, if such leases and agreements were to run their full term, shall be considered outstanding bonded indebtedness.

SEC. 20. Section 15715 is added to the Education Code, to read:

15715. No district shall enter into any lease or agreement pursuant to this article if at the time 50 percent of any remaining rental payments for use of the building or site and building which would become due from the district pursuant to this article, including the lease or agreement to be entered into, if such leases and agreements were to run their full term, plus the total amount of district bonded indebtedness outstanding at the time, shall exceed 7.5 percent for elementary school districts and high school districts and 12.5 percent for unified school districts of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. For the purpose of this section, the taxable property of the district shall be determined upon the basis that the district's assessed value has not been reduced by the exemption of the assessed value of business inventories in the district or reduced by the homeowners' property tax exemption.

SEC. 21. Section 15716 of the Education Code is amended to read:

15716. The governing board of the school district shall ascertain the general prevailing rate of per diem wages in the locality in which the building is to be constructed for each craft, classification or type of workman needed for the construction of the building and shall specify in the resolution and in the notice, required by Section 15712, or in the resolution required by Section 15712.5 and in the lease or agreement made pursuant to this article (commencing at Section 15701), what the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality is for each craft, classification or type of workmen needed for the

construction of the building. The holidays upon which such rate shall be paid need not be specified by the governing board, but shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of workmen employed on the project.

In determining such rates, the governing board shall ascertain and consider the applicable wage rates established by collective bargaining agreements and such rates as may have been predetermined for federal public works, within the locality and in the nearest labor market area. Where such rates do not constitute the rates actually prevailing in the locality, the governing board shall obtain and consider further data from the labor organizations and employers or employer associations concerned, including the recognized collective bargaining representatives for the particular craft, classification or type of work involved. The rate fixed for each craft, classification or type of work shall not be less than the prevailing rate paid in such craft, classification or type of work.

Any agreement or lease entered into pursuant to this article shall require that such general prevailing rates will be paid. It shall also require that work performed by any workman employed upon the project in excess of eight hours during any one calendar day shall be permitted only upon compensation for all hours worked in excess of eight hours per day at not less than 1½ times the basic rate of pay. There may also be included in leases or agreements entered into pursuant to this article any other requirements with respect to matters related to the subject of this section which the governing board deems necessary or desirable.

SEC. 22. Section 15717.2 is added to the Education Code, to read:

15717.2. All acts and proceedings taken prior to the effective date of the enactment of this section, by or on behalf of any district under this article, or under color of this article, for the authorization of an increase in the maximum tax rate of such district and for the leasing of a building or buildings for the purposes of the district are hereby confirmed, ratified, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such district and of any person, public officer, board, or agency, heretofore done or taken upon the question of the authorization of such tax rate increase or such leasing. Whenever an election has been called and held prior to the effective date of the enactment of this section, for the purpose of submitting to the voters of any district the question of an increase in the maximum tax rate of such district and for the leasing of a building or buildings for the purposes of the district, such election and all proceedings attendant thereon are hereby confirmed, ratified, validated, and declared to be legally effective for all purposes, and such tax rate increase, if authorized by the required vote and in accordance with the proceedings heretofore taken, shall be a legal and valid authorization, in accordance with its terms, and any tax heretofore or hereafter levied pursuant to such authorization shall be legal and valid. The foregoing provisions of this section shall

operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in this article. The foregoing provisions of this section shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the California and United States Constitutions. The foregoing provisions of this section shall not operate to confirm, ratify, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this section, and shall not operate to confirm, ratify, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void, or ineffective.

In any school district in which an election was called and held prior to the effective date of this section in which the voters of such district authorized an increase in the maximum tax rate of such district and the leasing of a building or buildings for the purposes of the district, the law in effect at the date of the school district election shall govern the terms of the lease, the terms of the sale of related bonds, notes, and warrants, and the school district's maximum bonded indebtedness, and Section 15715 shall not be applicable to the school district's entry into any lease or agreement authorized at an election called and held prior to the effective date of this section.

SEC. 23. Section 15809 of the Education Code is repealed.

SEC. 24. Section 15955 of the Education Code is amended to read:

15955. Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired for the district, or for materials or supplies to be furnished or sold to the district may be made with an accepted vendor as follows: for work or services, or for apparatus or equipment, not to exceed five years; for materials or supplies, not to exceed three years.

SEC. 25. Section 15955.1 of the Education Code is repealed.

SEC. 26. Section 15958 of the Education Code is amended to read:

15958. The governing board of any school district may purchase supplementary textbooks, library books, and educational films, audiovisual materials, test materials, or workbooks in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

SEC. 27. Article 5 (commencing with Section 15971) is added to Chapter 1 of Division 12 of the Education Code, to read:

Article 5. Leasing of Equipment

15971. Any school district or any county superintendent of schools may, as lessee, enter into a lease or lease-purchase agreement for equipment or service systems with any person, firm, corporation

or public agency. As used in this article "equipment" includes (1) schoolbuses, (2) other motor vehicles, (3) test materials, educational films, and audiovisual materials, and (4) all other items defined as equipment or service systems in the California School Accounting Manual.

15972. Before a lease or lease-purchase agreement may be entered into the lessee shall comply with all applicable provisions for bids and contracts prescribed by Article 4 (commencing with Section 15951). Each contract shall show the total price for an outright purchase of any item and also its total cost for the entire specified term of the contract.

15973. The term of any lease or lease-purchase agreement shall not exceed the estimated useful life of the item but in no event shall the term exceed 10 years. A lease, but not a lease-purchase agreement, may be renewable at the option of the lessee and the lessor, jointly, at the end of each term at a rate not more than 7 percent annually above the rate set pursuant to the existing agreement. In no event shall the combined period of the original lease and renewals or extensions exceed 10 years. A lease or lease-purchase agreement shall provide that the lessee may, by giving 30 days advance notice to the lessor, terminate the lease or agreement on any anniversary date. Any contract for the lease or lease-purchase of equipment or service systems which was in existence prior to the effective date of this act shall remain in effect and such terms are hereby ratified.

15981. As a lessor, a school district governing board is authorized to let, or let with option to purchase, any land, buildings, or equipment it determines is not needed for school purposes for a term extending to the end of the expected nonuse of the land, buildings, or equipment and under any conditions it deems reasonable. All such leases and leases with options to purchase to nonpublic agencies or individuals shall comply with the provisions of Sections 16401, 16402, 16403 and 16404.

SEC. 28. Section 16803 of the Education Code is amended to read:

16803. (a) Continuing contracts for the furnishing of transportation of pupils in school districts to and from school, if made, shall be made for a term not to exceed five years. Such contracts shall be renewable at the option of the school district and the party contracting to provide transportation services, jointly, at the end of each term of the contract at a rate not more than 7 percent annually above the rate set pursuant to the existing contract. The contract as renewed shall include, other than the rates of the previous contract, all of the terms and conditions of the previous contract, including any provisions increasing rates based upon increased costs.

(b) Notwithstanding any other provisions of law to the contrary, continuing contracts executed under the provisions of this section may be negotiated annually within the contract period when economic factors indicate such negotiation is necessary to maintain an equitable pricing structure. Such renegotiation shall be subject to

the approval of both contracting parties. Any adjustment in the original contract shall be limited to a rate not more than 7 percent annually above the rate set pursuant to the existing contract.

(c) Any rental, lease, or lease-purchase of a schoolbus shall comply with all applicable provisions of Article 5 (commencing with Section 15971) of Chapter 1 of Division 12.

SEC. 29. Section 53651.5 is added to the Government Code, to read:

53651.5. Eligible securities are also any bonds, notes, warrants, or other evidences of indebtedness of a nonprofit corporation issued to finance the construction of a school building or school buildings pursuant to a lease or agreement with a school district entered into in compliance with the provisions of Section 15712.5 of the Education Code.

SEC. 30. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts planning the acquisition of essential school facilities may submit proposals thereon to electors in conjunction with the November 1974 statewide general election, it is necessary that this act go into effect immediately.

CHAPTER 548

An act to amend Section 3511 of the Fish and Game Code, relating to birds.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 3511 of the Fish and Game Code is amended to read:

3511. Fully protected birds or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research and may authorize the live capture and relocation of such species pursuant to a permit for the protection of livestock. Legally imported fully protected birds or parts thereof may be possessed under a permit issued by the department.

The following are fully protected birds:

(a) American peregrine falcon (Falco peregrinus anatum)

(b) Brown pelican
(c) California black rail (Laterallus jamaicensis coturniculus)
(d) California clapper rail (Rallus longirostris obsoletus)
(e) California condor (Gymnogyps californianus)
(f) California least tern (Sterna albifrons browni)
(g) Golden eagle
(h) Greater sandhill crane (Grus canadensis tabida)
(i) Light-footed clapper rail (Rallus longirostris levipes)
(j) Southern bald eagle (Haliaeetus leucocephalus leucocephalus)
(k) Trumpeter swan (Cygnus buccinator)
(*l*) White-tailed kite (Elanus leucurus)
(m) Yuma clapper rail (Rallus longirostris yumanensis)

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 549

An act to add Section 1113 to the Health and Safety Code, relating to printed materials.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1113 is added to the Health and Safety Code, to read:

1113. Within any county in which 10 percent or more of the population, as determined by the Population Research Unit of the Department of Finance, speaks any one language other than English as its native language, every local health department shall make copies of circulars and pamphlets relating to family planning which are made available to the public also available in such other language.

The State Department of Health, upon request, shall make a translation available in other than English those family planning informational materials normally distributed to the general public.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 550

An act to amend Section 76022 of the Government Code, relating to jurors.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 76022 of the Government Code is amended to read:

76022. In a county of the 22nd class, trial jurors in the superior court shall receive five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fifteen cents ($0.15) in all cases, for each mile traveled one way each day.

Grand jurors shall receive five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of fifteen cents ($0.15) for each mile traveled one way each day.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for costs which may be incurred by local agencies or school districts under the act, because the act is in accordance with the request of a local agency which desired legislative authority to carry out the program or service specified by it.

CHAPTER 551

An act to add Section 1133 to the Probate Code, relating to testamentary trusts.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1133 is added to the Probate Code, to read:

1133. When a trustee who has already been appointed by a will or appointed by the court to execute a trust created by a will is appointed by another will or appointed by the court to execute a trust created by another will, and the provisions and terms of the decree establishing each trust are substantially identical, the court may upon the petition of the trustee and without notice order the trustee to combine the assets and administer them as a single trust, if it determines that administration as a single trust will (1) be

consistent with the intent of the trustor, and (2) facilitate administration of the trust without defeating or impairing the interests of the beneficiaries.

CHAPTER 552

An act to amend Section 351 of the Labor Code, relating to labor.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 351 of the Labor Code is amended to read:

351. No employer or agent shall collect, take, or receive any gratuity or a part thereof, paid, given to or left for an employee by a patron, or deduct any amount from wages due an employee on account of such gratuity, or require an employee to credit the amount, or any part thereof, of such gratuity against and as a part of the wages due the employee from the employer, except to the extent that may be permitted by a valid regulation of the Industrial Welfare Commission, and further provided he posts in a conspicuous place at the location where his business is carried on, in a place where it can easily be seen by the patrons thereof, a notice, in lettering or printing of not less than 48-point blackface type, stating the extent to which the employees are required by the employer to accept gratuities in lieu of wages or the extent to which the employee is required to accept and credit gratuities against wages. Every such gratuity is hereby declared to be the sole property of the employee or employees to whom it was paid, given, or left for. This section shall not apply to any employment in which no charge is made to a patron for services rendered to the patron by an employee on behalf of his employer if both of the following conditions are met: (a) the employee is receiving a wage or salary not less than the higher of the state or federal minimum wage, regardless of whether such employee is subject to either such minimum wage law, and (b) the employee's wage or salary is guaranteed and paid in full irrespective of the amount of tips received by the employee.

CHAPTER 553

An act to amend Section 13294 of, and to add Section 11855 to, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11855 is added to the Education Code, to read:

11855. The governing board of any school district or districts may provide, or make available, ambulance service, paid for out of school district funds, for pupils, instructors, spectators, and other individuals in attendance at athletic activities under the jurisdiction of, or sponsored or controlled by, the district or districts or the authorities of any school of the district or districts.

SEC. 2. Section 13294 of the Education Code is amended to read:

13294. The qualifications for a physician employed to serve on a half-time or greater than half-time basis shall be a valid certificate to practice medicine and surgery issued by the State Board of Medical Examiners or Board of Osteopathic Examiners and either a services credential with a specialization in health or a valid credential issued prior to November 23, 1970. The qualifications for a physician employed for less than half time shall be a valid certificate to practice medicine and surgery issued by the State Board of Medical Examiners. Any school district may employ and compensate physicians meeting the foregoing qualifications for the performance of medical services for that district and shall provide liability insurance coverage for the period of his employment.

As used in this section "medical services" includes, but is not limited to, any medical services required to be performed while required to be in attendance at high school or community college athletic contests or meets.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to enable smaller school districts which do not require the services of physicians on a full-time basis to employ physicians for less than half time and thus avail themselves of professional services in the community which might not otherwise be accessible where certification requirements are imposed, and in order to permit school districts to provide ambulance services for instructors, spectators, and other individuals in attendance at athletic activities, at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 554

An act to amend Section 31680.1 of, and to add Section 31479.1 to, the Government Code, relating to retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974]

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The people of the State of California do enact as follows:

SECTION 1. Section 31479.1 is added to the Government Code, to read:

31479.1. Notwithstanding Section 31479 an elective or appointive county official may receive credit for service rendered as a city councilman even though such service was not compensated.

This section shall not be operative in any county until it is adopted by a majority vote of the board of supervisors.

SEC. 2. Section 31680.1 of the Government Code is amended to read:

31680.1. Any person who has retired under this chapter may, without reinstatement from retirement or loss or interruption of benefits under this chapter, serve as a juror, election officer, field deputy for registration of voters, member of the board of the association or temporarily as a judge when assigned by the Chairman of the Judicial Council and receive any fees payable for such service.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the services of experienced retired justice court judges to be available as soon as possible, this act must take effect immediately.

CHAPTER 555

An act to amend Section 76016 of the Government Code, relating to courts.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 76016 of the Government Code is amended to read:

76016. In a county of the 16th class grand jurors, for each day's attendance including each day's attendance at committee meetings, upon the order of the grand jury, shall receive ten dollars ($10), trial jurors in the superior court, six dollars ($6), and trial jurors in the justice court, six dollars ($6) for each day's attendance; provided, that trial jurors shall receive ten dollars ($10) per day for each day's attendance if sitting on the jury at the commencement of trial. In addition, for attending court as a juror, or for attending meetings of the grand jury or its committee meetings, each juror shall receive necessary expenses and thirteen cents ($0.13) for each mile actually

traveled.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because this act is in accordance with the request of a local government entity which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 556

An act to amend Section 23755 of the Education Code, relating to state university and college tuition, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 23755 of the Education Code is amended to read:

23755. The trustees may not charge a student the nonresident tuition fee if the student meets all of the following criteria:

(a) He is a citizen of a foreign country and has not been admitted into the United States for permanent residence.

(b) He has lived continuously in this state for at least three years immediately preceding the residence determination date, during which time he has attended California public schools, having a regular curriculum, as a full-time student for six consecutive academic semesters, culminating in his receipt of a high school diploma.

(c) He is not receiving assistance from any public or private agency or any government.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that nonresident tuition fees may be eliminated or reduced for certain students who plan to attend the California State University and Colleges commencing with terms beginning in the fall of 1974, it is essential that this act take immediate effect.

CHAPTER 557

An act to amend Section 10505 of the Government Code, relating to local retirement systems.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10505 of the Government Code is amended to read:

10505. The governing board or retirement board of the retirement system of every local agency as defined in Section 54951, shall on or before six months following the close of the fiscal year transmit to the committee a report containing a description of all securities held and a comprehensive report of transactions involving the investments of their retirement funds similar to that required of a life insurance company licensed to do business in California. Such report shall include all security transactions, including whom the board purchased securities from and through whom the board purchased. The board shall also so report on all mortgage transactions, including specifically the mortgage broker, mortgage banker, and savings and loan association the board does business with, whether the transaction involved cash, and which banks or savings and loan associations the board has accounts with.

The report shall be in the form prescribed by the committee.

CHAPTER 558

An act to amend Section 25355 of the Government Code, relating to county property.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 25355 of the Government Code is amended to read:

25355. The board may accept or reject any gift, bequest, or devise made to or in favor of the county, or to or in favor of the board in trust for any public purpose. The board may delegate to any county officer or employee the power to accept any gift, bequest, or devise made to or in favor of the county, the value of which does not exceed one hundred dollars ($100). The board may hold and dispose of the property and the income and increase thereof for such lawful uses and purposes as are prescribed in the terms of the gift, bequest, or devise.

CHAPTER 559

An act to amend Section 31000 of the Government Code, relating to county contracts for special services.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 31000 of the Government Code is amended to read:

31000. The board of supervisors may contract for special services on behalf of the following public entities: the county, any county officer or department, or any district or court in the county. Such contracts shall be with persons specially trained, experienced, expert and competent to perform the special services. The special services shall consist of services, advice, education or training for such public entities or the employees thereof. The special services shall be in financial, economic, accounting (including the preparation and issuance of payroll checks or warrants), engineering, legal, medical, therapeutic, administrative, architectural, or airport or building security matters. They may include maintenance or custodial matters if the board finds that the site is remote from available county employee resources and that the county's economic interests are served by such a contract rather than by paying additional travel and subsistence expenses to existing county employees. The board may pay from any available funds such compensation as it deems proper for these special services.

CHAPTER 560

An act to amend Section 23301.5 of the Revenue and Taxation Code, relating to accounting periods of corporations.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 23301.5 of the Revenue and Taxation Code is amended to read:

23301.5. Except for the purpose of amending the articles of incorporation to set forth a new name, under regulations prescribed by the Franchise Tax Board, the corporate powers, rights and privileges of a domestic corporation may be suspended, and the exercise of the corporate powers, rights and privileges of a foreign taxpayer in this state may be forfeited if a taxpayer fails to file a return.

CHAPTER 561

An act relating to property taxation.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. As used in this act "taxing agency" includes the state, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding taken by any taxing agency or revenue district or the officers thereof relative to preparing, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validating of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate, or legalize any act, proceeding or other matter the legality of which is being contested or inquired into in any legal proceeding, now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) Nothing in this act shall operate to make valid any property tax rate which is in excess of that permitted by law.

SEC. 5. If any provisions of this act or its application to any person or circumstances are held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 562

An act to amend Section 690.2 of the Code of Civil Procedure, relating to attachment and execution.

[Approved by Governor August 27, 1974 Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 690.2 of the Code of Civil Procedure is amended to read:

690.2. One motor vehicle with a value not exceeding five hundred dollars ($500), over and above all liens and encumbrances on such motor vehicle, provided that the value of such motor vehicle, as set forth in established used car price guides customarily used by California automobile dealers, or, if not listed in such guides, fair market value, for a motor vehicle of that year and model, shall not exceed one thousand dollars ($1,000).

In the event of execution sale, the proceeds of the sale must be applied in the following order of priority: first, to the seller or the mortgagee pursuant to subdivision (1) of Section 689c; second, to the debtor to the amount of the motor vehicle exemption; and third the balance, if any, in accord with subdivision (2) of Section 689c. Further, the money paid to the debtor shall be entitled, for a period of three months thereafter, to the same protection against legal process which the law gives to the motor vehicle exemption.

CHAPTER 563

An act to amend Section 1810.6 of the Civil Code, relating to retail installment sales.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1810.6 of the Civil Code is amended to read:

1810.6. Nothing in this article prohibits the execution of an agreement between a buyer and seller whereby the seller retains a security interest in goods sold to the buyer until full payment therefor has been made. Each payment received under such an agreement shall be deemed to be allocated to all the various purchases in the same proportion or ratio as the cash sale prices bear to one another. However, any downpayment on a specific purchase shall be deemed to be allocated in its entirety to such purchase.

CHAPTER 564

An act to amend Section 1637 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1637 of the Revenue and Taxation Code is amended to read:

1637. Hearings before an assessment hearing officer shall be conducted pursuant to the provisions of Article 1 (commencing with Section 1601) of this chapter governing equalization proceedings by a county board of equalization or an assessment appeals board. The assessment hearing officer may conduct hearings on applications where:

(a) The applicant is the assessee and has filed an application under Section 1607;

(b) The total assessed value of the property under consideration, as shown on the current assessment roll, does not exceed twenty-five thousand dollars ($25,000); and

(c) The applicant has requested that the hearing be held before an assessment hearing officer.

CHAPTER 565

An act relating to the transfer of certain state land.

[Approved by Governor August 27, 1974. Filed with Secretary of State August 27, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds that real property in San Luis Obispo County owned by the State of California under the jurisdiction of the State Department of Transportation and generally known as Moonstone Beach, consisting of approximately 38 acres, is excess to the needs of the Department of Transportation. The Legislature further finds that such property is of significant environmental value and is desirable for state park system purposes.

SEC. 2. The Department of Transportation with the approval of the Department of General Services shall transfer, without cost, control and jurisdiction of the real property described in Section 1 of this act, to the Department of Parks and Recreation.

SEC. 3. It is the finding of the Legislature that there is no conclusive evidence that any portion of the real property described in Section 1 of this act was purchased with funds from gas tax

revenues and thus the Legislature considers that such property may be transferred in accordance with the provisions of this act.

CHAPTER 566

An act to add Section 1284 to the Health and Safety Code, and to amend Sections 5622 and 5661.5 of, and to add Section 4320 to, the Welfare and Institutions Code, relating to mental health.

[Approved by Governor August 28, 1974 Filed with Secretary of State August 28, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature intends to assure continuity of care as a patient moves from an inpatient facility back into the community. For this purpose the Legislature intends that a plan in sufficient detail is completed for every patient discharged from a state hospital or other inpatient facility and delivered to the local mental health director to avoid losing track of a patient as he is released from an inpatient facility.

SEC. 2. Section 1284 is added to the Health and Safety Code, to read:

1284. A licensed inpatient mental health facility shall, prior to the discharge of any patient who was placed in the facility under a county Short-Doyle plan, prepare a written recommended aftercare plan which shall be transmitted to the local director of mental health services in the county of the patient's placement.

Notwithstanding any other provision of law, such aftercare plan shall specify the following:

(a) Diagnoses
(b) Treatment initiated
(c) Medications and their dosage schedules
(d) Date of discharge
(e) Location of community placement
(f) Plan for continuing treatment, and
(g) List of referrals indicated, including, but not limited to:
(1) Public social services
(2) Legal aid
(3) Educational services
(4) Vocational services
(5) Medical treatment other than mental health services

SEC. 3. Section 4320 is added to the Welfare and Institutions Code, to read:

4320. Each state hospital shall, prior to the discharge of any patient who was placed in the facility under a county Short-Doyle plan, prepare a written recommended aftercare plan which shall be transmitted to the local director of mental health services in the

county of the patient's placement.

Notwithstanding any other provision of law, such aftercare plan shall specify the following:

(a) Diagnoses

(b) Treatment initiated

(c) Medications and their dosage schedules

(d) Date of discharge

(e) Location of community placement

(f) Plan for continuing treatment, and

(g) List of referrals indicated, including, but not limited to:

(1) Public social services

(2) Legal aid

(3) Educational services

(4) Vocational services

(5) Medical treatment other than mental health services

SEC. 4. Section 5622 of the Welfare and Institutions Code is amended to read:

5622. Prior to the release from a community treatment facility or state hospital of a voluntary or involuntary patient who has been treated therein pursuant to a county Short-Doyle plan, the local mental health director of the patient's county of residence shall adopt the written recommended aftercare plan prepared pursuant to Section 1284 of the Health and Safety Code or Section 4320 with such modifications or changes that are necessary in light of available local resources or when, in his professional opinion, other or alternate treatment is appropriate. Any patient who is released from a community treatment facility or state hospital on a voluntary basis may refuse any or all services under such written aftercare plan.

SEC. 5. Section 5661.5 of the Welfare and Institutions Code is amended to read:

5661.5. The county Short-Doyle plan shall include at least the following services to maintain and improve precare and aftercare services:

(a) A system to assure the appropriateness and quality of care provided patients placed in out-of-home care facilities.

(b) A directory or registry which shall be established and maintained to facilitate the placement process and to assure the appropriate use of facilities in which patients receive care.

(c) Consultation, educational training and other special services which may be needed to assure and maintain the quality of care in precare and aftercare facilities in which patients receive care.

(d) A referral and followup system which assures that persons needing services are provided with appropriate services and actually receive the services required to maximize their community adjustment.

(e) The implementation of the patient's aftercare plan described in Section 5622.

CHAPTER 567

An act making an appropriation in augmentation of Items 293 and 297 of the Budget Act of 1974, to take effect immediately, usual current expenses.

[Approved by Governor August 28, 1974 Filed with Secretary of State August 28, 1974]

The people of the State of California do enact as follows:

SECTION 1. The sum of eighteen million dollars ($18,000,000) is hereby appropriated from the General Fund to the State Department of Health to be expended for assistance to local agencies in augmentation of Items 293 and 297 of the Budget Act of 1974 in accordance with the following schedule:

(a) Item 293(c), for residential treatment programs, halfway houses, group care homes and after-care programs consistent with Section 5661.5 of the Welfare and Institutions Code $5,250,000
provided, that such funds be allocated on the basis of county plans, specifying in detail, the proposed program uses of such funds.

(b) Item 293, for allocation to the counties by the Director of Health as is determined necessary for the purpose of providing the same level of local mental health program services in fiscal year 1974–75 as were provided in fiscal year 1973–74 ..... $10,000,000

(c) Item 297(c), for regional center operations $2,750,000

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 568

An act to amend Section 20904.1 of the Education Code, relating to financial support of public education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 29, 1974 Filed with Secretary of State August 29, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 20904.1 of the Education Code is amended to read:

20904.1. Any voted increase in the maximum tax rate, to be

effective commencing with the 1973–74 fiscal year, which does not have a termination date shall be added to the 1972–73 fiscal year and 1971–72 fiscal year tax rates used to determine the 1972–73 base revenue per unit of average daily attendance.

Any voted increase in the maximum tax rate, to be effective commencing with the 1973–74 fiscal year, which does have a termination date shall be multiplied by the total estimated assessed valuation for the 1973–74 fiscal year, and the result divided by the estimated foundation program average daily attendance of the second principal apportionment for the 1973–74 fiscal year. This override tax revenue per unit of average daily attendance shall be added to the revenue per unit of average daily attendance for the 1973–74 fiscal year prior to the computation of the revenue limit of the district for the 1973–74 fiscal year pursuant to subdivision (f) of Section 20904. For the computation of the revenue limit of the district for the year immediately following the last year of authorization of the voted override, the amount of this increase as it actually affected the revenue limit shall not be included.

Notwithstanding the provisions of this or any other section of the Education Code, in those school districts having (a) a modified assessed valuation in 1972–73 between eighty-two million dollars ($82,000,000) and eighty-three million dollars ($83,000,000), (b) a second period elementary average daily attendance in 1972–73 between 6,500 and 7,100, and (c) a second period high school average daily attendance in 1972–73 between 2,500 and 3,000, and whose electors did approve a tax override with a termination date at an election held on June 4, 1973, such override to be effective for the 1973–74 fiscal year, the override tax revenue per unit of average daily attendance shall be added to the revenue per unit of average daily attendance for the 1973–74 fiscal year after the computation of the revenue limit of the district for the 1973–74 fiscal year pursuant to subdivision (f) of Section 20904, and this same method shall be used each year for which the override has been authorized by the electors of the district. However, the revenues derived pursuant to the computation prescribed by this paragraph shall not exceed those which would have been derived had the district levied the entire amount of the authorized tax override during the 1973–74 fiscal year.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the school districts affected by this act to meet the requirements regarding making public their budgets and tax rates for the 1974–75 fiscal year, it is necessary that this act take effect as early in the 1974–75 fiscal year as possible. It is therefore essential that this act take effect immediately.

CHAPTER 569

An act to amend Section 1103 of, and to add Section 782 to, the Evidence Code, relating to evidence.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 782 is added to the Evidence Code, to read:

782. (a) In any prosecution under Section 261, or 264.1 of the Penal Code, or for assault with intent to commit, attempt to commit, or conspiracy to commit any crime defined in any such section, if evidence of sexual conduct of the complaining witness is offered to attack the credibility of the complaining witness under Section 780, the following procedure shall be followed:

(1) A written motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the sexual conduct of the complaining witness proposed to be presented and its relevancy in attacking the credibility of the complaining witness.

(2) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated.

(3) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and at such hearing allow the questioning of the complaining witness regarding the offer of proof made by the defendant.

(4) At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the complaining witness is relevant pursuant to Section 780, and is not inadmissible pursuant to Section 352 of this code, the court may make an order stating what evidence may be introduced by the defendant, and the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

(b) As used in this section, "complaining witness" means the alleged victim of the crime charged, the prosecution of which is subject to this section.

SEC. 2. Section 1103 of the Evidence Code is amended to read:

1103. (1) In a criminal action, evidence of the character or a trait of character (in the form of an opinion, evidence of reputation, or evidence of specific instances of conduct) of the victim of the crime for which the defendant is being prosecuted is not made inadmissible by Section 1101 if such evidence is:

(a) Offered by the defendant to prove conduct of the victim in conformity with such character or trait of character.

(b) Offered by the prosecution to rebut evidence adduced by the defendant under subdivision (a).

(2) (a) Notwithstanding any other provision of this code to the

contrary, and except as provided in this subdivision, in any prosecution under Section 261, or 264.1 of the Penal Code, or for assault with intent to commit, attempt to commit, or conspiracy to commit a crime defined in any such section, opinion evidence, reputation evidence, and evidence of specific instances of the complaining witness' sexual conduct, or any of such evidence, is not admissible by the defendant in order to prove consent by the complaining witness.

(b) Paragraph (a) of this subdivision shall not be applicable to evidence of the complaining witness' sexual conduct with the defendant.

(c) If the prosecutor introduces evidence, including testimony of a witness, or the complaining witness as a witness gives testimony, and such evidence or testimony relates to the complaining witness' sexual conduct, the defendant may cross-examine the witness who gives such testimony and offer relevant evidence limited specifically to the rebuttal of such evidence introduced by the prosecutor or given by the complaining witness.

(d) Nothing in this subdivision shall be construed to make inadmissible any evidence offered to attack the credibility of the complaining witness as provided in Section 782.

(e) As used in this section, "complaining witness" means the alleged victim of the crime charged, the prosecution of which is subject to this subdivision.

SEC. 3. This act may be known as the Robbins Rape Evidence Law.

CHAPTER 570

An act to add Sections 20905.6, 20905.7, 20935.6 and 20935.7 to the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 20905.6 is added to the Education Code, to read:

20905.6. Commencing with the 1974–75 fiscal year, a school district shall reduce its revenue limit as authorized in Section 20905 by the estimated amount of open-space subvention to be received pursuant to Sections 16148 to 16153, inclusive, of the Government Code. The Superintendent of Public Instruction shall prescribe the method of estimating the open-space subvention to be received. This section shall be subject to the provisions of Section 20907.

SEC. 2. Section 20905.7 is added to the Education Code, to read:

20905.7. Each school district shall increase its 1974–75 base revenue limit as authorized in Section 20905 by the amount of open-space subvention it received for the 1972–73 fiscal year pursuant to Sections 16148 to 16153, inclusive, of the Government Code.

SEC. 3. Section 20935.6 is added to the Education Code, to read:

20935.6. Commencing with the 1974–75 fiscal year, a community college district shall reduce its revenue limit as authorized in Section 20935 by the estimated amount of open-space subvention to be received pursuant to Sections 16148 to 16153, inclusive, of the Government Code. The Chancellor of the California Community Colleges shall prescribe the method of estimating the open-space subvention to be received. This section shall be subject to the provisions of Section 20936.5.

SEC. 4. Section 20935.7 is added to the Education Code, to read:

20935.7. Each community college district shall increase its 1974–75 base revenue limit as authorized in Section 20935 by the amount of open-space subvention it received for the 1972–73 fiscal year pursuant to Sections 16148 to 16153, inclusive, of the Government Code.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit this act to be operative for the entire 1974–75 fiscal year, and so facilitate the orderly administration of the system of providing financial support for the community colleges, it is necessary that this act take effect immediately.

CHAPTER 571

An act relating to juvenile court schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. The purpose of this act is to clarify an aspect of the funding of juvenile court schools established and maintained in juvenile halls, juvenile homes, juvenile ranches, or juvenile camps established pursuant to Article 14 (commencing with Section 850) and Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code and operated by the county superintendent of schools under the transfer of duties

provided by Section 671 of the Education Code.

SEC. 2. When the transfer of duties under Section 671 of the Education Code included the duty to establish and maintain special schools and classes in juvenile halls, juvenile houses, juvenile ranches, or juvenile camps, the schools and classes so established and maintained shall be known as "juvenile court schools."

SEC. 3. When a county board of supervisors has transferred the duty to establish and maintain juvenile court schools to the county board of education, any amounts raised by agreement between the county board of supervisors and the county board of education, including amounts for capital outlay for educational equipment, which were included in a single budget of the county superintendent of schools and derived from a county tax, and which were used for grades 9 to 12, inclusive, shall be included in computing the maximum tax rate allowed by subdivision (e) of Section 20450 of the Education Code, if the following conditions are met:

(a) The transfer of duties and functions for juvenile court schools became effective on or after June 1, 1972, and such juvenile court schools were in operation for not less than six calendar months during the 1972–1973 fiscal year.

(b) Such amounts were included in that part of the single budget prepared by the county board of education for which a tax is levied pursuant to Section 20403 of the Education Code.

(c) The amount expended per unit of average daily attendance, excluding amounts expended for capital outlay, for all pupils attending such juvenile court schools in the 1972–73 fiscal year and enrolled in grades 9 to 12, inclusive, did not exceed nine hundred fifty dollars ($950).

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit this act to become operative as early as possible in the 1974–75 fiscal year, and so permit the entities to which it applies to plan their financial affairs in that fiscal year in the most orderly manner possible, it is necessary that this act take effect immediately.

CHAPTER 572

An act to amend Section 4650 of the Public Resources Code, relating to forestry.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 4650 of the Public Resources Code is amended to read:

4650. The State Forester, with the approval of the Director of Conservation and the Director of General Services, may make sales of forest products from state forests up to two thousand dollars ($2,000) in value without advertising for bids. Any sale of forest products in excess of two thousand dollars ($2,000) shall be upon competitive bids. Advertising for bids shall be the same as is generally in use for the sale of state property.

CHAPTER 573

An act to add Section 1233 to the Government Code, and to amend Section 1420 of the Labor Code, relating to employment practices, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1233 is added to the Government Code, to read:

1233. Acting in accordance with Executive Order 11246 (30FR 12319), as amended, applicants for employment by, and incumbent employees of, public agencies may be solicited to voluntarily declare their ethnic identification, provided this information shall be used for research and statistical purposes only. Notwithstanding the provisions of this section, it shall be unlawful, for purposes of any appointment, hiring, or promotion, to use this information to discriminate against a prospective or incumbent employee or to give preference to a person identified as a member of an ethnic, racial, or religious group upon the basis of such membership or identification.

A separate or tear-off portion of the application shall be written and shall be kept in a separate nonpublic file, accessible only to those charged by the personnel director with research responsibility, for the purpose of discharging that responsibility. The separate sheet or tear-off may contain a number to be used as a cross index to the application. Safeguards to prevent misuse of the information shall be approved by the State Fair Employment Practice Commission, including the point in time at which the separate sheet or tear-off portion of the application shall be maintained in separate nonpublic file. As used in this section, "public agency" means every city, county, and city and county whether chartered or not and every district.

SEC. 2. Section 1420 of the Labor Code is amended to read:

1420. It shall be an unlawful employment practice, unless based

upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(a) For an employer, because of the race, religious creed, color, national origin, ancestry, physical handicap, or sex of any person, to refuse to hire or employ him or to refuse to select him for a training program leading to employment, or to bar or to discharge such person from employment or from a training program leading to employment, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

Nothing in this part shall prohibit an employer from refusing to hire or discharging a physically handicapped employee, or subject an employer to any legal liability resulting from the refusal to employ or the discharge of a physically handicapped employee, where the employee, because of his physical handicap, is unable to perform his duties, or he cannot perform such duties in a manner which would not endanger his health or safety or the health and safety of others.

(b) For a labor organization, because of the race, religious creed, color, national origin, ancestry, physical handicap, or sex of any person, to exclude, expel or restrict from its membership such person, or to provide only second-class or segregated membership or to discriminate against any person because of the race, religious creed, color, national origin, ancestry, physical handicap, or sex of such person in the election of officers of the labor organization or in the selection of the labor organization's staff or to discriminate in any way against any of its members or against any employer or against any person employed by an employer.

(c) For any person to discriminate against any person in the selection or training of that person in any apprenticeship training program or any other training program leading to employment because of the race, religious creed, color, national origin, ancestry, physical handicap, or sex of the person discriminated against.

(d) For any employer or employment agency, unless specifically acting in accordance with federal equal employment opportunity guidelines and regulations approved by the commission, to print or circulate or cause to be printed or circulated any publication, or to make any non-job-related inquiry, either verbal or through use of an application form, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical handicap, or sex, or any intent to make any such limitation, specification or discrimination. Nothing in this subdivision shall prohibit any employer from making, in connection with prospective employment, an inquiry as to, or a request for information regarding, the physical fitness of applicants if that inquiry or request for information is directly related and pertinent to the position the applicant is applying for.

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this act or

because he has filed a complaint, testified or assisted in any proceeding under this part.

(f) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that during any legislative session, a variety of changes to laws relating to crimes and infractions may be enacted that serve to cause both increased and decreased costs to local governmental entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that employers be able to assess the effectiveness of their affirmative action programs and employees be able to determine the validity of job testing it is necessary that this act be given immediate effect.

CHAPTER 574

An act to amend Section 25251.1 of the Vehicle Code, relating to vehicle equipment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 25251.1 of the Vehicle Code is amended to read:

25251.1. Any motor vehicle may also be equipped with a system in which an amber light is center mounted on the rear of a vehicle to communicate a component of deceleration of the vehicle, and which light pulses in a controlled fashion at a rate which varies exponentially with a component of deceleration.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is a possibility of inadvertent confusion in the law between the pulsating light described in Section 25251.1 of the Vehicle Code and the flashing amber warning lamps authorized to be displayed by

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certain types of vehicles engaged in activities creating special traffic hazards. In order to correct this situation at the earliest possible date, it is necessary that this act go into immediate effect.

CHAPTER 575

An act to add Section 5356 to the Vehicle Code, relating to vehicles.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 5356 is added to the Vehicle Code, to read:

5356. (a) Commencing July 1, 1976, every trailer coach which is in excess of eight feet wide or in excess of 40 feet long may be issued a registration decal. The design of such decal shall be determined by the director and the decal shall be issued by the department or designee. Such decal shall be at least 2½ inches high and 2½ inches wide.

(b) Such decals shall be applied to the outside of the coach in a location within 15 inches of the lower front right-hand side which is clearly visible and such decals shall be maintained in a condition so as to be clearly legible.

(c) Notwithstanding other provisions of this code, such decal issued by the department or designee to any trailer coach pursuant to subdivision (a) of this section shall be in lieu of any license plate issued to such trailer coach. Provisions of this code which relate to the issuance of license plates by the department shall have the same applicability to any decal issued pursuant to this section except for the display and size of such decal as herein specified.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no additional duties, obligations, or responsibilities imposed on local governments by this act.

CHAPTER 576

An act to add Section 1017.5 to the Education Code, relating to public schools.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

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SECTION 1. Section 1017.5 is added to the Education Code, to read:

1017.5. Nothing in this code shall be construed as prohibiting the governing board of any school district from insuring, pursuant to Section 1017, against the liability of the district for damages for death, injury to person, or damage or loss of property arising out of any aviation education conducted pursuant to Article 5.8 (commencing with Section 6001) of Chapter 6 of Division 6 or against the personal liability of the members of the board and of the officers and employees of the district for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer, or employee when acting within the scope of his office or employment in conducting any aviation education pursuant to Article 5.8 (commencing with Section 6001) of Chapter 6 of Division 6.

CHAPTER 577

An act to amend Section 2984.1 of the Civil Code, relating to automobile conditional sale contracts.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2984.1 of the Civil Code is amended to read:

2984.1. Every conditional sale contract shall contain a statement in contrasting red print in at least eight-point bold type if the contract is printed, which statement shall satisfy the requirements of Section 5604 of the Vehicle Code and be signed or initialed by the buyer, as follows:

"WARNING—UNLESS A CHARGE IS INCLUDED IN THIS AGREEMENT FOR PUBLIC LIABILITY OR PROPERTY DAMAGE INSURANCE, PAYMENT FOR SUCH COVERAGE IS NOT PROVIDED BY THIS AGREEMENT s/s_____."

Buyer

No person shall print for use as a conditional sale contract form, any form which does not comply with this section.

CHAPTER 578

An act to amend Section 21712 of the Vehicle Code, relating to trailer coaches.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 21712 of the Vehicle Code is amended to read:

21712. (a) No person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(b) No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(c) Subdivisions (a) and (b) shall not apply to any employee engaged in the necessary discharge of his duty or in the case of persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

(d) No person shall drive a motor vehicle which is towing a trailer coach or camp trailer containing any passenger.

(e) No person shall knowingly drive a motor vehicle which is towing any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle.

(f) Subdivision (d) shall not apply to a trailer coach being towed with a fifth-wheel device if the trailer coach is equipped with safety glazing materials wherever glazing materials are used in windows or doors, with an audible or visual signaling device which a passenger inside the trailer coach can use to gain the attention of the motor vehicle driver, and with at least one unobstructed exit capable of being opened from both the interior and exterior of the trailer coach.

CHAPTER 579

An act to amend Sections 15 and 16 of, and to add Section 15.1 to, the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 15 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 15. (1) Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work of improvement in any zone, the said board may by resolution, passed by a four-fifths vote of the board, determine and declare the amount of bonds in order to raise the amount of money necessary for such work of improvement and the maximum rate of interest of said bonds. Such cost of any work of improvement may include the cost of any financial assistance required of the Ventura County Flood Control District by any unit of the federal government as a condition to the installation by such unit of the federal government of any channel improvement within the Ventura County Flood Control District. Such cost may also include any nonreimbursable cost to the Ventura County Flood Control District of installing any channel improvement within the Ventura County Flood Control District for which federal or state financial assistance is authorized by the federal or state government. Said work of improvement may be described by reference to the report filed pursuant to Section 10 hereof and no other description shall be necessary. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Ventura County within five (5) days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board of supervisors may call a special election in said zone at which shall be submitted to the qualified electors of said zone the question whether or not bonds shall be issued in the amount determined in said resolution and for the purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said zone the proposition of incurring a bonded debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to describe such purposes, by reference to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work of improvement, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed seven percent (7%) per annum. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within

the boundaries of the said zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts. As an alternative said ordinance may provide for the consolidation of said election with a statewide or other election in accordance with the provisions of the Elections Code governing consolidated elections.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause a map or maps to be prepared covering general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in said zone; the last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district zone for the amount stated in such proceedings may be issued and sold as in this act provided.

SEC. 2. Section 15.1 is added to the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), to read:

Sec. 15.1. Authorized but unissued bonds in the amount of twenty-five million dollars ($25,000,000) of Zone III of the Ventura County Flood Control District approved at an election within such zone on May 16, 1967, and any other authorized but unissued bonds for any zone of the Ventura County Flood Control District heretofore or hereafter authorized at an election within such zone, may be issued as to interest rates and maturities, in accordance with the provisions of, and subject only to, the limitations contained in Section 16 of this act as now or hereafter amended, any provisions or limitations to the contrary in the authorizations of such bonds notwithstanding.

SEC. 3. Section 16 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 16. If the issuance of the bonds is authorized at said election, the said board of supervisors may thereafter adopt a resolution or resolutions providing for the issuance of all or any part of the bonds authorized at said election. Said resolution shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the times of the maturities of the bonds. The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The board may provide for call and redemption of all or any part of any issue or series of bonds before maturity at prices determined by the board. No bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect.

Bonds of any issue or series may mature as serial maturities, or as a single term issue, as the board shall determine; provided, however, that in the case of a term issue mandatory sinking fund payments may be made so as to retire the term bonds by call in annual installments, over the life of the bonds. Bonds of any issue or series, whether issued in serial fashion or as term bonds, shall have a final installment date no longer than 40 years after the date of issue.

Notwithstanding any provision of this section, the board may fix a date, not more than 10 years from the date of issuance for the earliest maturity of each issue or series of bonds, and defer until such date the payment of the first installment of principal of each issue or series of bonds or defer the first installment of annual sinking fund payments.

The bonds may be issued in such denomination or denominations as the board of supervisors may prescribe, and each bond shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bond, which rate shall not be in excess of seven percent (7%) per annum, and shall be payable annually or semiannually. Said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Ventura County, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the Auditor of Ventura County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 4. The provisions of Section 1 of this act amending Section 15 of the Ventura County Flood Control Act to the effect that the cost of any work of improvement for which bonds may be authorized may include the cost of Ventura County Flood Control District financial assistance on federal channel improvements and the nonreimbursable cost to the district of installing improvements for which federal or state financial assistance is authorized are intended

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to be declaratory of existing law.

CHAPTER 580

An act to amend Section 14613.2 of the Government Code, relating to California State Police, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 14613.2 of the Government Code is amended to read:

14613.2. The Chief of the California State Police may advance the initial cost of the uniform and equipment required of an entering member or security officer of the California State Police, such advance to be repaid, in equal installments, during the first 12 months of employment, or sooner, at the option of the member or security officer.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The initial uniform cost creates a financial burden for entering security officers of the California State Police. In order to alleviate that hardship as soon as possible, it is necessary that the provisions of this act take effect immediately.

CHAPTER 581

An act to amend Section 165 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 165 of the Vehicle Code, is amended to read:

165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving equipment or any privately owned ambulance used to respond to emergency calls and operated under a license issued by the Commissioner of the California Highway Patrol.

(b) Any publicly owned vehicle operated by the following

persons, agencies or organizations:

(1) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Any police department, including those of the University of California and the California State University and Colleges, sheriff's department, the California Highway Patrol, or the California State Police Division.

(3) The district attorney of any county or any district attorney investigator.

(4) Any constable or deputy constable engaged in law enforcement work.

(5) Peace officer personnel of the Department of Justice.

(6) Peace officer personnel of the state park system appointed pursuant to Section 5008 of the Public Resources Code.

(7) Peace officer personnel employed and compensated as members of a security patrol of a school district while carrying out the duties of their employment.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned such vehicle.

(e) Any state-owned vehicle operated by a fish and game warden.

(f) Any vehicle owned or operated by any department or agency of the United States government:

(1) When such department or agency is engaged primarily in law enforcement work and the vehicle is used in responding to emergency calls, or

(2) When such vehicle is used in responding to emergency fire, ambulance or lifesaving calls.

(g) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

CHAPTER 582

An act to amend Section 594 of the Penal Code, relating to vandalism.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 594 of the Penal Code is amended to read:

594. (a) Every person who maliciously injures or destroys any real or personal property not his own, in cases otherwise than those specified in this code, is guilty of vandalism.

(b) If the amount of injury or destruction is one thousand dollars ($1,000) or more, vandalism is punishable by (1) imprisonment for six months in the county jail, a fine of five hundred dollars ($500), or both or (2) imprisonment in the state prison for not more than one year, a fine of one thousand dollars ($1,000), or both.

(c) If the amount of injury or destruction is less than one thousand dollars ($1,000), vandalism is punishable by imprisonment in the county jail for not more than six months, a fine of not more than five hundred dollars ($500), or both.

CHAPTER 583

An act to add Section 50027 to the Government Code, relating to astrology.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 50027 is added to the Government Code, to read:

50027. Any city, county, or city and county in the State of California may, pursuant to such provisions as may be prescribed by its governing body, prohibit or regulate the practice of astrology for compensation. In connection therewith, the governing body may prescribe such rules and regulations as it deems advisable to protect users of such astrological services. The power granted cities, counties, and cities and counties pursuant to this section is in addition to any authority granted by Section 37101 or by charter provision or by Sections 16000 and 16100 of the Business and Professions Code.

CHAPTER 584

An act to amend Section 375 of the Vehicle Code, relating to Vehicles.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 375 of the Vehicle Code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, taillamp, stoplamp, supplemental stoplamp, license plate lamp, clearance lamp, side marker lamp, signal lamp or device, supplemental signal lamp; deceleration signal device, cornering lamp, running lamp, diffused nonglaring lamp, red, blue, or amber warning lamp, and flashing red schoolbus lamp.

(b) Any operating unit or canceling mechanism for turn signal lamps or for the simultaneous flashing of turn signal lamps as vehicular hazard signals, and any flasher mechanism for turn signals, red schoolbus lamps, warning lamps, and the simultaneous flashing of turn signal lamps as vehicular hazard signals.

(c) Any equipment regulating the light emitted from any lamp or device or the light sources therein.

(d) Any reflector, including reflectors for use on bicycles and reflectors used for required warning devices.

CHAPTER 585

An act to repeal Section 2 of Chapter 1192 of the Statutes of 1971.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1192 of the Statutes of 1971 is repealed.

CHAPTER 586

An act to amend Section 4.5 of Chapter 805 of the Statutes of 1969, relating to bridge and highway districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 4.5 of Chapter 805 of the Statutes of 1969 is amended to read:

Sec. 4.5. The district shall submit its plan for transit services, other than for the interim system of buses and ferries between the City and County of San Francisco and the Counties of Marin and

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Sonoma, to the Legislature by April 1, 1975.

The plan shall include a statement indicating that the plan is approved or disapproved by the Metropolitan Transportation Commission.

The district may not, until 120 days after submission of the plan to the Legislature, expend any of its funds to implement the addition of a second deck to the Golden Gate Bridge of any other proposed plan for transit services, other than for its interim system of buses and ferries. It is the intention of the Legislature that the district's interim system of buses and ferries shall be the system outlined in the district's grant application to the Urban Mass Transportation Administration, dated May 21, 1971, entitled, "Application of the Golden Gate Bridge, Highway and Transportation District for a Mass Transportation Capital Grant under the Urban Mass Transportation Act of 1964, as amended." The district, however, may expend the necessary funds for planning purposes, and for the acquisition of rights-of-way necessary regardless of what type of transit system may be proposed in the transportation facilities plan submitted to the Legislature pursuant to Sections 4 and 4.5.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act take effect in time so that the Golden Gate Bridge, Highway and Transportation District may have adequate time to prepare its plan for transit services, other than for the interim system of buses and ferries between the City and County of San Francisco and the Counties of Marin and Sonoma, for submittal to the Legislature, it is necessary that this act take effect immediately.

CHAPTER 587

An act to amend Sections 1656.1 and 1765.2 of the Insurance Code, relating to insurance production agencies.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1656.1 of the Insurance Code is amended to read:

1656.1. (a) Every application for a license filed by a corporation shall contain the names and addresses of all stockholders owning 10 percent or more of the corporation's stock and of all officers and directors of the corporation.

(b) Every such licensed corporation shall file a written notice with the commissioner of all changes, except address changes, of its

stockholders who own 10 percent or more of the corporation's stock and of all officers and directors of the corporation.

SEC. 2. Section 1765.2 of the Insurance Code is amended to read:

1765.2. (a) Such license may be issued to an individual, a corporation or a partnership. If issued to a corporation or a partnership, it shall name the natural persons who are to be responsible for the proper discharge of all duties placed upon such licensee acting as a surplus line broker or who transact insurance with the public as distinguished from insurance producers. Such natural persons shall meet all of the requirements for such license and if the licensee is a corporation, shall be an officer or employee thereof, or if a partnership, a partner or employee thereof.

(b) Every application for a license filed by a corporation shall contain the names and addresses of all stockholders owning 10 percent or more of the corporation's stock, and of all officers and directors of the corporation. Every such licensed corporation shall file a written notice with the commissioner of all changes, except address changes, of its stockholders who own 10 percent or more of the corporation's stock and of all officers and directors of the corporation.

CHAPTER 588

An act to amend Section 941 of the Insurance Code, relating to deposit of securities by insurers.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 941 of the Insurance Code is amended to read:

941. Such deposited securities shall not be estimated above their par value nor above their market value, except that preferred stock shall be estimated only at its market value.

CHAPTER 589

An act to add Article 11 (commencing with Section 6180) to Chapter 4 of Division 3 of the Business and Professions Code, relating to the practice of law.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

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SECTION 1. Article 11 (commencing with Section 6180) is added to Chapter 4 of Division 3 of the Business and Professions Code, to read:

Article 11. Cessation of Law Practice—Jurisdiction of Courts

6180. When an attorney engaged in law practice in this state dies, resigns, becomes an inactive member of the State Bar, is disbarred, or is suspended from the active practice of law and is required by the order of suspension to give notice of such suspension, leaving an unfinished client matter for which no other active member of the State Bar with the consent of the client has agreed to assume responsibility, notice of cessation of law practice shall be given and the courts of this state shall have jurisdiction, as provided in this article.

6180.1. The notice shall be in the form and manner prescribed by rules of the Supreme Court or by the State Bar. It shall contain such information as may be required by any order of disbarment, suspension, or of acceptance of the attorneys' resignation, and by such rules. It shall be mailed to all persons who are then clients, to opposing counsel, to courts and agencies in which the attorney then had pending matters with an identification of the matter, to any errors and omissions insurer, to the State Bar and to any other person or entity having reason to be informed of such death, change of status or discontinuance or interruption of law practice. In the event of the death or incompetency of the attorney, the notice shall be given by the personal representative or guardian or conservator of the attorney or, if none, by the person having custody or control of the files and records of the attorney. In other cases, the notice shall be given by the attorney or a person authorized by the attorney or by the person having custody and control of the files and records.

6180.2. Notwithstanding the giving of notice pursuant to Section 6180.1, a client of the attorney, the State Bar or an interested person or entity may make application to the superior court for the county where the attorney maintains or most recently has maintained his principal office for the practice of law or where he resides, for assumption by the court of jurisdiction over the law practice to the extent provided in this article.

6180.3. The application shall be verified, shall state facts showing probable cause to believe that notice of cessation is required pursuant to Section 6180, and shall state the following:

(a) The occurrence of one or more of the events stated in Section 6180;

(b) Probable cause to believe that supervision of the court is warranted because the attorney has left an unfinished client matter for which no other active member of the State Bar has, with the consent of the client, agreed to assume responsibility; and

(c) Probable cause to believe that the interests of one or more other interested persons or entities will be prejudiced if the

proceeding herein provided is not maintained.

6180.4. The application shall be set for hearing and an order to show cause shall be issued, directing the attorney, or his personal representative, or, if none, the person having custody and control of the files and records, to show cause why the court should not assume jurisdiction over the law practice as provided in this article. A copy of the application and order to show cause shall be served upon the person to whom it is directed by personal delivery or, as an alternate method of service, by certified or registered mail, return receipt requested, addressed to the attorney at the latest address shown on the official membership records of the State Bar or to the personal representative at the latest address shown in the probate proceeding. If the attorney has a guardian or conservator, copies shall also be served upon such fiduciary in similar manner. The court may prescribe additional or alternative methods of service of the application and order to show cause, and may prescribe methods of notifying and serving notices and process upon other persons and entities in cases not specifically provided for herein.

6180.5. If the court finds that (a) one or more of the events stated in Section 6180 has occurred, (b) that supervision of the courts is warranted because the affected attorney has left an unfinished client matter for which no other active member of the State Bar has with consent of the client agreed to assume responsibility, and (c) that the interest of one or more other interested persons or entities will be prejudiced if the proceeding herein provided is not maintained, it may make an order assuming jurisdiction over the attorney's practice pursuant to this article. If the person to whom the order to show cause is directed does not appear the court may make its order upon the verified application or such proof as it may require. Thereupon the court shall appoint one or more active members of the State Bar to act under its direction and may order such appointed attorneys to do one or more of the following:

(1) Examine the files and records of the law practice, and obtain information as to any pending matters which may require attention;

(2) Notify persons and entities who appear to be clients of the attorney of the occurrence of the event or events stated in Section 6180 and inform them that it may be to their best interest to obtain other legal counsel;

(3) Apply for extensions of time pending employment of such other counsel by the client;

(4) With the consent of the client, file notices, motions and pleadings on behalf of the client where jurisdictional time limits are involved and other legal counsel has not yet been obtained;

(5) Give notice to appropriate persons and entities who may be affected, other than clients, of the occurrence of such event or events;

(6) Arrange for the surrender or delivery of clients' papers or property; and

(7) Do such other acts as the court may direct to carry out the

purposes of this article.

The court shall have jurisdiction over the files and records and law practice of the affected attorney for the limited purposes of this section, and may make all orders necessary or appropriate to exercise this jurisdiction.

6180.6. Nothing in this article shall authorize the court or an attorney appointed by it pursuant to this article to approve or disapprove of the employment of legal counsel, fix terms of legal employment, fix the compensation which may have been earned by the affected attorney, or supervise or in any way to undertake to conduct such law practice except to the limited extent provided by paragraphs (3) and (4) of Section 6180.5.

6180.7. Unless court approval is first obtained, neither the attorney appointed pursuant to this article nor his corporation nor any partners or associates of such attorney shall accept employment as an attorney by any client of the affected attorney on any matter pending at the time of such appointment. Action taken pursuant to paragraphs (3) and (4) of Section 6180.5 shall not be deemed such employment.

6180.8. Upon a finding by the court that it is more likely than not that the application will be granted and that delay in making the orders described in Section 6180.5 will result in substantial injury to clients, or to others, the court, without notice or upon such notice as it shall prescribe, may make interim orders containing such provisions as the court deems appropriate under the circumstances. Such order shall be served in the manner provided in Section 6180.4, and if the application and order to show cause have not yet been served, they shall be served at the time of serving the order made pursuant to this section.

6180.9. If there is a pending proceeding in probate, guardianship, or conservatorship relating to the affected attorney, the court having jurisdiction pursuant to this article may inquire into acts done by the legal representative of the attorney concerning the law practice. Upon reasonable notice to the legal representative, the court may determine that the acts of the legal representative relating to such law practice shall be subject to its orders pursuant to this article.

6180.10. Persons examining the files and records of the law practice of the affected attorney pursuant to this article shall observe the lawyer-client privilege and shall make disclosure only to the extent necessary to carry out the purposes of this article. Such disclosure is a disclosure which is reasonably necessary for the accomplishment of the purpose for which the affected attorney was consulted. The appointment of such member of the State Bar shall not affect the lawyer-client privilege which privilege shall apply to communications by or to the appointed lawyers to the same extent as it would have applied to communications by or to the affected attorney.

6180.11. Except for willful acts or omissions, no person or entity shall incur any liability by reason of the institution or maintenance

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of the proceeding. No person shall incur any liability for any act done or omitted to be done pursuant to order of the court under this article. No person or entity shall be liable for failure to apply for court jurisdiction under this article. Nothing herein shall affect any obligation otherwise existing between the affected attorney and any other person or entity.

6180.12. A member of the State Bar appointed pursuant to Section 6180.5 shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of his duties under this article. The court shall determine the amount of such expenses and that amount shall be paid by the State Bar for which the State Bar shall be entitled to reimbursement from the affected attorney or his estate.

6180.13. An order made pursuant to this article is nonappealable, and shall not be stayed by petition for a writ except as ordered by the superior court or the appellate court.

6180.14. As used in this article, "attorney" means a member or former member of the State Bar; "law practice" means (a) a law practice conducted by an individual; (b) a law practice conducted by a partnership, if Section 6180 applies as to all partners; and (c) a law practice conducted by law corporation, if Section 6180 applies as to all shareholders of such corporation. This article does not apply to legal services rendered as an employee, or under a contract which does not create the relationship of lawyer and client.

CHAPTER 590

An act to amend Section 9841 of, and to add Section 9853 to, the Business and Professions Code, relating to electronic repair dealers.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 9841 of the Business and Professions Code is amended to read:

9841. (a) The director may refuse to validate, or may invalidate temporarily or permanently the registration of a service dealer for any of the following acts or omissions done by himself or any employee, partner, officer, or member of the service dealer and related to the conduct of his business:

(1) Making or authorizing any statement or advertisement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(2) Making any false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or

maintenance of the equipment covered by this chapter.

(3) Acting for more than one customer in a transaction without the knowledge or consent of all parties thereto.

(4) Any other conduct which constitutes fraud or dishonest dealing.

(5) Conduct constituting gross negligence.

(6) Failure in any material respect to comply with the provisions of this chapter or regulations thereunder.

(7) Any willful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect which is prejudicial to another without consent of the owner or his duly authorized representative.

(8) Conviction of a felony or any offense involving moral turpitude which has a substantial relationship to the functions and responsibilities of a registrant under this chapter, in which event the record of the conviction shall be conclusive evidence thereof.

(b) The director may also refuse to validate, or may invalidate temporarily or permanently, the registration of a service dealer if the applicant or registrant, as the case may be, lacks good moral character as defined by Section 9831.

SEC. 2. Section 9853 is added to the Business and Professions Code, to read:

9853. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The director may order the registration temporarily or permanently invalidated, or may decline to issue a registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

CHAPTER 591

An act to amend Sections 27459 and 27460 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 27459 of the Vehicle Code is amended to read:

27459. No person shall operate any motor vehicle, trailer or

semitrailer upon any portion of a highway without tire chains when such portion of the highway is signed for the requirement of such chains. In any case where a passenger vehicle or motortruck having an unladen weight of 6,000 pounds or less may be required by the Department of Transportation or local authorities to be equipped with tire chains such chains shall be placed on at least two drive wheels or, the department or local authorities may provide, in the alternative, that the vehicle may be equipped with snow-tread tires on at least two drive wheels when the weather and surface conditions at the time are such that the stopping, tractive, and cornering abilities of the tires are adequate. The snow-tread tires shall be of a type and design manufactured for use on ice and snow as a replacement for tire chains and shall be in good condition.

SEC. 2. Section 27460 of the Vehicle Code is amended to read:

27460. Any passenger vehicle or motortruck having an unladen weight of 6,500 pounds or less and operated and equipped with four-wheel drive and with snow-tread tires on all four drive wheels may be operated upon any portion of a highway without tire chains, notwithstanding the fact that such highway is signed for the requirement of chains and provided that tire chains for at least one set of drive wheels are carried in or upon such vehicle. The snow-tread tires shall meet the requirements specified in Section 27459 of this code, and such vehicle shall not, when so operated, tow another vehicle except as may be necessary to move a disabled vehicle from the roadway.

No person shall use such tires on four-wheel drive vehicles in place of tire chains whenever weather and roadway conditions at the time are such that the stopping, tractive and cornering abilities of the tires are not adequate or whenever the Department of Transportation or local authorities, in their respective jurisdictions, place signs prohibiting their operation unless equipped with tire chains.

CHAPTER 592

An act to amend Sections 2031 and 2034 of the Code of Civil Procedure, relating to discovery in civil cases.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2031 of the Code of Civil Procedure is amended to read:

2031. (a) Any party may serve on any other party a request (1) to produce and permit the inspection and copying or photographing, by or on behalf of the party making the request, of any designated documents, papers, books, accounts, letters, photographs, objects or

tangible things, not privileged, which are relevant to the subject matter of the action, or are reasonably calculated to discover admissible evidence relating to any matters within the scope of the examination permitted by subdivision (b) of Section 2016 of this code and which are in the possession, custody, or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspecting, measuring, surveying, photographing or sampling the property or any designated object or operation thereon within the scope of the examination permitted by subdivision (b) of Section 2016 of this code. The request shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

(b) The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party, except that if service of such request is made by plaintiff within 10 days after service of summons or appearance, leave of court granted with or without notice must first be obtained. The request shall set forth the items to be inspected whether by individual item or by category and describe each item to be inspected whether by individual item or by category and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place and manner of making the inspection and performing the related acts. The party upon whom the request is served shall serve a written response within 20 days after the service of the request. The court may for good cause shown by affidavit allow a shorter or longer time. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order for compliance under subdivision (a) of Section 2034 with respect to any objection to or failure to respond to the request or any part thereof, or to any failure to permit inspection as requested.

(c) Service upon a party of any request, response, notice, motion or order provided for by this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

SEC. 2. Section 2034 of the Code of Civil Procedure is amended to read:

2034. (a) If a party or other deponent refuses or fails to answer any question propounded upon examination during the taking of a deposition, or refuses or fails to produce at a deposition any books, documents or other things under his control pursuant to a subpoena duces tecum, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Such

proponent, on notice to all persons affected thereby, may move the court in which the action is pending (if the deponent is a party or otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer or if good cause is shown, the production of such book, document, or other thing. Such motion may also be made, without further notice, if the proponent notifies the refusing party or other deponent at the time of such refusal or failure that the proponent will apply to the court for an order pursuant to this subdivision of this section, at a specified time not less than 10 nor more than 30 days from the date of such refusal or failure, in which event the officer before whom the deposition is taken shall direct the refusing or failing party or other deponent to attend a session of said court at said time. Not less than five days prior to the hearing on any such motion, the proponent must lodge with the court the original transcript of such deposition. Upon the refusal or failure of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. Upon the refusal or failure of a party to admit or deny the genuineness of any documents or the truth of any matters of fact, after having been served with a request under Section 2033 of this code, the party serving such request may on like notice make like application for an order requiring further answers to such request or, in the alternative, for an order that the genuineness of said documents or the truth of said matters of fact be deemed admitted for the purpose of the action. Upon the refusal or failure of a party to permit inspection or entry after having been served with a request under Section 2031 of this code, the party serving such request may on like notice and upon a showing of good cause make application for an order to compel compliance with the request. If the motion is granted and if the court finds that the refusal or failure was without substantial justification the court may require the refusing or failing party or deponent and the party or attorney advising the refusal or failure or either of them to pay the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing or failing party or witness the amount of the reasonable expenses incurred in opposing the motion including reasonable attorney's fees.

(b) (1) The court may punish as a contempt (i) the refusal of any person to obey a subpoena issued by that court to attend a deposition or to be sworn as a witness, or (ii) the refusal of any person to attend a session of court (either personally or by his attorney) after having been directed to attend in the manner provided in subdivision (a) of this section, or (iii) the refusal of any person to obey any order

made by the court under subdivision (a) of this section.

(2) If any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee or managing agent of any such party or person refuses to obey an order made under subdivision (a) of this section, or if any party or an officer or managing agent of a party refuses to obey an order made under Sections 2019, 2031 or 2032 of this code, the court may make such orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental or blood condition of the person sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of the physical or mental or blood condition of the person sought to be examined;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(iv) An order requiring the disobedient party or the attorney advising such disobedience to pay to the party obtaining an order under this section the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees;

(v) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental or blood examination;

(vi) Where a party has failed to comply with an order under subdivision (a) of Section 2032 of this code requiring him to produce another for examination, such orders as are listed in (i), (ii), and (iii) of this subdivision of this section, unless the party failing to comply shows that he is unable to produce such person for examination.

(c) If a party, after being served with a request under Section 2033 of this code to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. If the court finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

(d) If a party or a person for whose immediate benefit the action

or proceeding is prosecuted or defended or anyone who at the time the deposition is set is an officer, director, or managing agent of any such party or person willfully fails to appear before the officer who is to take his deposition, after said party or his attorney has been served with a proper notice in accordance with the provisions of subdivision (a) (4) of Section 2019 of this code, or if a party or an officer or managing agent of a party willfully fails to serve and file answers to interrogatories submitted under Section 2030 of this code, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose such other penalties of a lesser nature as the court may deem just, and may order that party or his attorney to pay to the moving party the reasonable expenses in making such motion, including reasonable attorney's fees.

SEC. 3. Section 2034 of the Code of Civil Procedure is amended to read:

2034. (a) If a party or other deponent refuses or fails to answer any question propounded upon examination during the taking of a deposition, or refuses or fails to produce at a deposition any books, documents or other things under his control pursuant to a subpoena duces tecum, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Such proponent, on notice to all persons affected thereby, may move the court in which the action is pending (if the deponent is a party or otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer or if good cause is shown, the production of such book, document, or other thing. Such motion may also be made, without further notice, if the proponent notifies the refusing party or other deponent at the time of such refusal or failure that the proponent will apply to the court for an order pursuant to this subdivision of this section, at a specified time not less than 10 nor more than 30 days from the date of such refusal or failure, in which event the officer before whom the deposition is taken shall direct the refusing or failing party or other deponent to attend a session of said court at said time. Not less than five days prior to the hearing on any such motion, the proponent must lodge with the court the original transcript of such deposition. Upon the refusal or failure of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. Upon the refusal or failure of a party to admit or deny the genuineness of any documents or the truth of any matters of fact, after having been served with a request under Section 2033 of this code, the party serving such request may on like notice make like application for an order requiring further answers to such request or, in the alternative, for an order that the

genuineness of said documents or the truth of said matters of fact be deemed admitted for the purpose of the action. Upon the refusal or failure of a party to permit inspection or entry after having been served with a request under Section 2031 of this code, the party serving such request may on like notice and upon a showing of good cause make application for an order to compel compliance with the request. If the motion is granted and if the court finds that the refusal or failure was without substantial justification the court may require the refusing or failing party or deponent and the party or attorney advising the refusal or failure or either of them to pay the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing or failing party or witness the amount of the reasonable expenses incurred in opposing the motion including reasonable attorney's fees.

(b) (1) The court may punish as a contempt (i) the refusal of any person to obey a subpoena issued by that court to attend a deposition or to be sworn as a witness, or (ii) the refusal of any person to attend a session of court (either personally or by his attorney) after having been directed to attend in the manner provided in subdivision (a) of this section, or (iii) the refusal of any person to obey any order made by the court under subdivision (a) of this section.

(2) If any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee or managing agent of any such party or person refuses to obey an order made under subdivision (a) of this section, or if any party or an officer or managing agent of a party refuses to obey an order made under Sections 2019, 2031 or 2032 of this code, the court may make such orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental or blood condition of the person sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of the physical or mental or blood condition of the person sought to be examined;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(iv) An order requiring the disobedient party or the attorney advising such disobedience to pay to the party obtaining an order under this section the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees;

(v) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental or blood examination;

(vi) Where a party has failed to comply with an order under subdivision (a) of Section 2032 of this code requiring him to produce another for examination, such orders as are listed in (i), (ii), and (iii) of this subdivision of this section, unless the party failing to comply shows that he is unable to produce such person for examination.

(c) If a party, after being served with a request under Section 2033 of this code to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. If the court finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

(d) If a party or a person for whose immediate benefit the action or proceeding is prosecuted or defended or anyone who at the time the deposition is set is an officer, director, or managing agent of any such party or person willfully fails to appear before the officer who is to take his deposition, after said party or his attorney has been served with a proper notice in accordance with the provisions of subdivision (a) (4) of Section 2019 of this code, or if a party or an officer or managing agent of a party willfully fails to serve answers to interrogatories submitted under Section 2030 of this code, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose such other penalties of a lesser nature as the court may deem just, and may order that party or his attorney to pay to the moving party the reasonable expenses in making such motion, including reasonable attorney's fees.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 1392 are both chaptered and become effective January 1, 1975, both bills amend Section 2034 of the Code of Civil Procedure, and this bill is chaptered after Senate Bill No. 1392, that the amendments to Section 2034 proposed by both bills be given effect and incorporated in Section 2034 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 1392 are both chaptered and become effective January 1, 1975, both amend Section 2034, and

Senate Bill No. 1392 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 593

An act to amend Section 40307 of the Vehicle Code, relating to arrests.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 40307 of the Vehicle Code is amended to read:

40307. When an arresting officer attempts to take a person arrested for a misdemeanor or infraction of this code before a magistrate and the magistrate or person authorized to act for him is not available, the arresting officer shall take the person arrested, without unnecessary delay, before:

(a) The clerk of the magistrate who shall admit him to bail in accordance with a schedule fixed as provided in Section 1269b of the Penal Code, or

(b) The officer in charge of the most accessible county or city jail or other place of detention within the county who shall admit him to bail in accordance with a schedule fixed as provided in Section 1269b of the Penal Code or may, in lieu of bail, release the person on his written promise to appear as provided in subdivisions (a) through (f) of Section 853.6 of the Penal Code.

Whenever a person is taken into custody pursuant to subdivision (a) of Section 40302 and is arrested for a misdemeanor or infraction of this code pertaining to the operation of a motor vehicle, the officer in charge of the most accessible county or city jail or other place of detention within the county may detain the person arrested for a reasonable period of time, not to exceed two hours, in order to verify his identity.

CHAPTER 594

An act to amend Sections 1734 and 1735 of the Insurance Code, relating to insurance production agencies.

[Approved by Governor August 30, 1974. Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1734 of the Insurance Code is amended to read:

1734. This section applies to any person licensed, whether under a permanent license, restricted license, temporary license, or certificate of convenience, to act in any of the capacities specified in Section 1733. If fiduciary funds, as defined in Section 1733 and held for one or more principals, are maintained in accordance with subdivision (b) hereof, such funds for other principals may be held and remitted in accordance with subdivision (a) hereof. Otherwise each such person who does not make immediate remittance of all funds received as premium to the insurer entitled thereto must elect and follow with respect to such funds, one of the following methods:

(a) Remit premiums, less commissions, and return premiums received or held by him to the insurer or the person entitled thereto within fifteen (15) days after the receipt thereof, or

(b) Maintain such fiduciary funds on California business at all times in a trustee bank account or depository in California separate from any other account or depository, in an amount at least equal to the premiums and return premiums, net of commissions, received by him and unpaid to the persons entitled thereto or, at their direction or pursuant to written contract, for the account of such persons. However, such person may commingle with such fiduciary funds in such account or depository such additional funds as he may deem prudent for the purpose of advancing premiums, establishing reserves for the paying of return commissions or for such contingencies as may arise in his business of receiving and transmitting premium or return premium funds.

SEC. 2. Section 1735 of the Insurance Code is amended to read:

1735. As used in this section a managing general agent is a licensed insurance agent who, (1) has a written management contract with one or more admitted insurers covering business transacted by the insurer in a substantial portion of the State of California; (2) under such contract manages the transaction of either all or one or more of the classes of insurance written by such insurers in that territory or the transactions therein by such insurers under a specified fictitious underwriter's name; (3) has the power to appoint, supervise and terminate this appointment of local agents in such territory; (4) has the power to accept or decline risks; and (5) collects premium moneys from producing agents and brokers and remits such moneys to such insurers pursuant to the account current system.

Any such managing general agent may, with respect to any principals for whom fiduciary funds are held, either comply with Section 1734 or with respect to such principals as have in writing specifically waived the segregation requirements of said section, comply with this section. A managing general agent electing to comply with this section may commingle the funds of any such principal with his own funds to an unlimited extent and shall maintain such fiduciary funds on California business held for such

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principals at all times in a trustee bank account or depository in California in an amount equal to the net aggregate for all such principals of the premiums and return premiums, net of commissions, received by him and unpaid to the persons entitled thereto or, at their direction or pursuant to written contract, for the account of such persons. In computing such net aggregate any balance owed to such managing general agent by any principal may be deducted only if (1) such balance will, in the normal course of business and pursuant to written contract, be paid or allowed to such managing general agent by such principal and (2) such principal is not in liquidation or conservation in any jurisdiction and is not the subject of voluntary or involuntary receivership proceedings.

CHAPTER 595

An act to amend Sections 8635, 8638, 8641, 8642, and 8643 of the Government Code, relating to local government.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 8635 of the Government Code is amended to read:

8635. The Legislature recognizes that if this state or nation were attacked by an enemy of the United States, many areas in California might be subjected to the effects of an enemy attack and some or all of these areas could be severely damaged. During such attacks and in the reconstruction period following such attacks, law and order must be preserved and so far as possible government services must be continued or restored. This can best be done by civil government. To help to preserve law and order and to continue or restore local services, it is essential that the local units of government continue to function.

In enacting this article the Legislature finds and declares that the preservation of local government in the event of enemy attack or in the event of a state of emergency or a local emergency is a matter of statewide concern. The interdependence of political subdivisions requires that, for their mutual preservation and for the protection of all the citizens of the State of California, all political subdivisions have the power to take the minimum precautions set forth in this article. The purpose of this article is to furnish a means by which the continued functioning of political subdivisions will be assured. Should any part of this article be in conflict with or inconsistent with any other part of this chapter, the provisions of this article shall control.

Nothing in this article shall prevent a city or county existing under

a charter from amending said charter to provide for the preservation and continuation of its government in the event of a state of war emergency.

SEC. 2. Section 8638 of the Government Code is amended to read:

8638. To provide for the continuance of the legislative and executive departments of the political subdivision during a state of war emergency or a state of emergency or a local emergency the governing body thereof shall have the power to appoint the following standby officers:

(a) Three for each member of the governing body.

(b) Three for the chief executive, if he is not a member of the governing body.

In case a standby office becomes vacant because of removal, death, resignation, or other cause, the governing body shall have the power to appoint another person to fill said office.

Standby officers shall be designated Nos. 1, 2, and 3 as the case may be.

SEC. 3. Section 8641 of the Government Code is amended to read:

8641. Each standby officer shall have the following duties:

(a) To inform himself of the duties of the office for which he stands by. Officers and employees of the political subdivision shall assist him and each political subdivision shall provide each standby officer with a copy of this article.

(b) To keep informed of the business and affairs of the political subdivision to the extent necessary to enable him to fill his post competently. For this purpose the political subdivision may arrange information meetings and require attendance.

(c) To immediately report himself ready for duty in the event of a state of war emergency or in the event of a state of emergency or a local emergency at the place and in the method previously designated by the political subdivision.

(d) To fill the post for which he has been appointed when the regular officer is unavailable during a state of war emergency. Standby officers Nos. 2 and 3 shall substitute in succession for standby officer No. 1 in the same way that said standby officer is substituted in place of the regular officer. He shall serve until the regular officer becomes available or until the election or appointment of a new regular officer.

SEC. 4. Section 8642 of the Government Code is amended to read:

8642. Whenever a state of war emergency a state of emergency or a local emergency exists the governing body of the political subdivision shall meet as soon as possible. The place of meeting need not be within the political subdivision. The meeting may be called by the chief executive of the political subdivision or by a majority of the members of the governing body. Should there be only one member of the governing body, he may call and hold said meeting

and perform acts necessary to reconstitute the governing body.

SEC. 5. Section 8643 of the Government Code is amended to read:

8643. During a state of war emergency a state of emergency or a local emergency the governing body shall:

(a) Ascertain the damage to the political subdivision and its personnel and property. For this purpose it shall have the power to issue subpoenas to compel the attendance of witnesses and the production of records.

(b) Proceed to reconstitute itself by filling vacancies until there are sufficient officers to form the largest quorum required by the law applicable to that political subdivision. Should only one member of the governing body or only one standby officer be available, that one shall have power to reconstitute the governing body.

(c) Proceed to reconstitute the political subdivision by appointment of qualified persons to fill vacancies.

(d) Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.

CHAPTER 596

An act to amend Section 29121 of the Food and Agriculture Code, relating to apiaries.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 29121 of the Food and Agriculture Code, as amended by Chapter 261 of the Statutes of 1974, is amended to read:

29121. (a) It is unlawful for any person that has relocated any colony of bees within the state from any apiary in which disease has been found within the preceding 60 days to fail to send a notice within five days of such relocation to the commissioner of the county in which the movement originated, and a second notice to the commissioner of the county of destination if the bees are moved from one county to another. The notice shall include a statement of all of the following:

(1) The number of colonies of bees moved.

(2) The number of colonies of bees left at the point of origin.

(3) The location of the point of origin and the point of destination.

(4) The name and address of the apiary operator.

(b) Each beekeeper who desires notice of any pesticide application shall report to the commissioner of the county in which his apiaries are located, on a form approved by the commissioner, of each location of apiaries for which notification is sought. Such report shall be mailed within the 72-hour period before locating or

relocating the apiaries. If the beekeeper fails to submit such written report before locating or relocating his apiaries, he shall not be entitled to notification until receipt and processing of the written report is made by the commissioner. Such report shall be a condition to the recovery of damages for any injury to such apiary by reason of any pest control operation.

(c) The commissioner shall not be required to give notice to pesticide users until such written report by the beekeeper has been received and processed by him.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 597

An act making an appropriation for state employees' salaries, to take effect immediately.

[Approved by Governor August 30, 1974 Filed with Secretary of State August 30, 1974]

The people of the State of California do enact as follows:

SECTION 1. The Legislature declares its desire that each employee of the state receive a salary increase for the month of September 1974, in the amount that would have been paid to such employee pursuant to salary increases authorized between July 1, 1973, and April 30, 1974, which could not be paid by reason of the action of the Federal Cost of Living Council. The Legislature further declares that a similar adjustment for employees who retired or left state service during that period is merited and that it is the intent of the Legislature to make provision for such an adjustment when and if such action is legally possible.

SEC. 2. There is hereby reappropriated to the Department of Finance for allocation to various agencies, from each item of the Budget Act of 1973 which was available for payment of salaries and wages but remains unexpended by reason of the Federal Cost of Living Council's restriction on salary increases, such money as is necessary to increase the salary of each state employee for the month of September 1974, in an amount equal to the difference between the salary which the employee received for services performed during the period from July 1, 1973, to April 30, 1974, and that which he would have received but for the action of the Federal Cost of Living Council. The Department of Finance shall allocate from the appropriate items to the Salary Increase Fund or to other state officers, departments, boards, bureaus, commissions, and other state

agencies as may be necessary to carry out the purpose of this act, the funds necessary to provide the increases contemplated by this act, (a) as established by the State Personnel Board or other salary-fixing authority, or (b) as fixed by statute as implemented by the Budget Act of 1973.

SEC. 3. As used in this act "state employee" means every officer and employee of the state including officers and employees of the Legislature whose salaries are determined by the Legislature, and officers and employees of the University of California and the California State University and Colleges, who is employed by the state during the month of September 1974.

SEC. 4. This act provides funds for an increase in salaries for services in the month of September 1974 and is not a retroactive payment for services rendered between July 1, 1973, and June 30, 1974. The amount of the increase is established on the basis of the Cost of Living Council restrictions for the purpose of restricting the increase to the amount of funds set aside for salary purposes.

SEC. 5. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 598

An act to add Section 11479 to the Health and Safety Code, relating to controlled substances.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 11479 is added to the Health and Safety Code, to read:

11479. Notwithstanding the provision of Sections 11474 and 11474.5, at any time after receipt by a publicly operated criminalistic laboratory of a suspected controlled substance for analysis, the person in charge of the laboratory may without a court order destroy that amount of the suspected controlled substance which exceeds 10 pounds in gross weight. Destruction shall not take place pursuant to this section until all of the following requirements are satisfied:

(a) A random sampling of the suspected controlled substance has been taken.

(b) The analysis of the random sampling has been completed.

(c) Photographs have been taken of the suspected controlled substance to be destroyed.

(d) The chief has approved a written request of the publicly operated criminalistic laboratory for the destruction of the suspected controlled substance. Such request shall specify the the total weight

of the suspected controlled substance, the total weight of such substance to be destroyed, and the total weight of such substance not to be destroyed.

(e) Not less than 30 days prior to the destruction of the suspected controlled substance, written notice shall be given to the defendant's attorney of record or, if the defendant has no attorney of record, to the defendant, stating the information contained in the request submitted to the chief pursuant to subdivision (d) and the date proposed for destruction of the suspected controlled substance, stating that destruction of such suspected controlled substance has been approved by the chief, and stating that any request to have samples taken from the whole mass of the suspected controlled substance must be done prior to the date proposed for such destruction.

CHAPTER 599

An act to amend Sections 20903, 20904, and 20905 of the Education Code, relating to school district tax rate, and making an appropriation therefor.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 20903 of the Education Code is amended to read:

20903. Commencing on July 1, 1973, the maximum school district tax rate of any school district maintaining kindergarten and any of grades 1 to 12, inclusive, shall be the rate computed pursuant to this article. In addition, each such district may levy a tax as authorized in Section 1905, 6880.16, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code. Any other provision of law fixing the maximum school district tax rate for any such district or authorizing the levy and collection of taxes for any other purpose is hereby superseded and declared inoperative as to such districts.

SEC. 2. Section 20904 of the Education Code is amended to read:

20904. For the purposes of this section, the assessed valuation used in computing revenue limits and the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment

agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

For the purposes of this section, the revenue limit computational tax rate is defined as the district's fiscal year tax rate exclusive of tax rates provided in Section 1905, 6880.16, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code.

In computing the sum of the tax rates pursuant to this section, Section 20808.5 shall be considered a rate upon the elementary district taxed and not on the high school district.

(a) For the 1973–74 fiscal year only, the county superintendent of schools shall compute for each school district in the county an amount equal to the sum of (1) the district's 1972–73 fiscal year revenue limit computational tax rate, multiplied by the actual assessed valuation on the secured roll of the district for the 1972–73 fiscal year, and the district's 1971–72 fiscal year revenue limit computational tax rate, multiplied by the assessed valuation on the unsecured roll of the district for the 1972–73 fiscal year, (2) the amount of areawide aid received by the district for the 1972–73 fiscal year, (3) 32½ percent of the residual retirement reserve transferred under Chapter 117 of the Statutes of 1972, (4) the total amount of basic state aid, equalization aid, supplemental support, and inflation cost adjustment which the districts received pursuant to the provisions of this code and the Budget Act of 1972 as computed by the Superintendent of Public Instruction, and (5) the amount of income from the equalization offset tax pursuant to Section 17263.1.

(b) The amount computed in subdivision (a) shall be divided by the foundation program average daily attendance in the second principal apportionment and shall be the 1972–73 base revenue per unit of average daily attendance.

(c) The base revenue per unit of average daily attendance for each district shall be divided into the following amounts per unit of average daily attendance: for elementary districts, nine hundred dollars ($900); for high school districts, one thousand one hundred sixty-five dollars ($1,165); for unified districts, nine hundred eighty dollars ($980). If the result is greater than one it shall be deemed to be one.

(d) The quotient determined pursuant to subdivision (c) shall be multiplied by seventy dollars ($70) per unit of average daily attendance.

(e) The product determined pursuant to subdivision (d) shall be added to the base revenue per unit of average daily attendance determined pursuant to subdivision (b) and multiplied by the estimated foundation program unit of average daily attendance in

the second principal apportionment of the districts for the 1973–74 fiscal year.

(f) The amount computed pursuant to subdivision (e) shall be compared with the total amount computed for the district pursuant to Article 2 (commencing with Section 17651), excluding Section 17668.5, Article 2.1 (commencing with Section 17671), and subdivision (a) of Section 17951. The larger of the two amounts shall be the revenue limit of the district for the 1973–74 fiscal year but in no case shall exceed 116 percent of the 1972–73 base revenue per unit of average daily attendance multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance or the 1972–73 base revenue per unit of average daily attendance plus seventy dollars ($70) multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance, whichever is higher. This revenue limit is exclusive of federal funds and state funds except those specified in subdivision (a).

In lieu of the revenue limit determined pursuant to the preceding paragraphs of subdivision (f) a district may request the county superintendent of schools to determine its revenue limit for the 1973–74 fiscal year using either, but not both, of the two following methods: (1) determine the base revenue per average daily attendance for the 1972–73 fiscal year by including the unused portion of a voted override in the revenue limit computational tax rate, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unused portion of a voted override shall be determined as the difference between the total of the maximum tax rate approved by an election pursuant to Section 20803 added to the actual tax rates levied, in the same fiscal year during which the election was held, for all other purposes except pursuant to Sections 1905, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code, and the actual tax levied for the 1972–73 fiscal year, including the areawide tax rate levied but exclusive of the tax rates levied pursuant to Sections 1905, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code.

(2) Determine the base revenue per average daily attendance for the 1972–73 fiscal year by including an amount equal to the unrestricted balance used to balance income to expenditures in the 1972–73 fiscal year with such amount not to exceed 3 percent of the total expenditures plus tuition excluding debt service and transfers in the General Fund for the 1972–73 fiscal year, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unrestricted balance shall be determined as the difference when the ending balance, less restricted amounts plus transfers of unrestricted amounts to other funds which remain as ending balances in other funds, is subtracted from the beginning balance, less restricted amounts in the 1972–73 General Fund.

Notwithstanding subdivision (f), if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per unit of foundation program average daily attendance of the 1972–73 fiscal year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the 1973–74 fiscal year, if any, multiplied by the estimated foundation program average daily attendance of the 1973–74 fiscal year. Such increased revenue limit shall not exceed the foundation program of the 1973–74 fiscal year.

(g) From the revenue limit ascertained from the comparison made pursuant to subdivision (f), there shall be subtracted the total amount of basic state aid and state equalization aid to be received by the district during the 1973–74 fiscal year, as adjusted by repayment of any advances authorized by Section 17401.5, the amount of areawide aid to be received for the 1973–74 fiscal year, and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(h) The amount determined pursuant to subdivision (g) shall be adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in the 1972–73 fiscal year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111.

(i) The amount computed pursuant to subdivision (h) shall be the local revenue limit of the district for the 1973–74 fiscal year. From the local revenue limit, there shall be subtracted 32½ percent of the residual retirement reserve transferred under Chapter 117 of the Statutes of 1972.

(j) From the amount computed in subdivision (i), there shall be subtracted, (1) the amount of money collected or to be collected as taxes on property on the unsecured roll of the 1973–74 fiscal year,

excluding the amounts collected through the levy of taxes provided in Section 1905, 11872, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code and (2) the income from prior year taxes.

(k) The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies pursuant to Section 20704. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 6880.16, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (f) notwithstanding, in no case for districts receiving state equalization aid, shall the tax rate be reduced below one dollar ($1) on the elementary level or eighty cents ($0.80) on the high school level or one dollar and eighty cents ($1.80) for a unified school district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be considered first as part of the minimum tax rate limit.

SEC. 3. Section 20904 of the Education Code is amended to read:

20904. For the purposes of this section, the assessed valuation used in computing revenue limits and the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

For the purposes of this section, the revenue limit computational tax rate is defined as the district's fiscal year tax rate exclusive of tax rates provided in Section 1905, 6880.16, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code.

In computing the sum of the tax rates pursuant to this section, Section 20808.5 shall be considered a rate upon the elementary district taxed and not on the high school district.

(a) For the 1973–74 fiscal year only, the county superintendent of schools shall compute for each school district in the county an amount equal to the sum of (1) the district's 1972–73 fiscal year revenue limit computational tax rate, multiplied by the actual assessed valuation on the secured roll of the district for the 1972–73 fiscal year, and the district's 1971–72 fiscal year revenue limit computational tax rate, multiplied by the assessed valuation on the unsecured roll of the district for the 1972–73 fiscal year, (2) the amount of areawide aid received by the district for the 1972–73 fiscal year, (3) 32½ percent of the residual retirement reserve transferred under Chapter 117 of the Statutes of 1972, (4) the total amount of basic state aid, equalization aid, supplemental support, and inflation cost adjustment which the districts received pursuant to the provisions of this code and the Budget Act of 1972 as computed by the Superintendent of Public Instruction, and (5) the amount of income from the equalization offset tax pursuant to Section 17263.1.

(b) The amount computed in subdivision (a) shall be divided by the foundation program average daily attendance in the second principal apportionment and shall be the 1972–73 base revenue per unit of average daily attendance.

(c) The base revenue per unit of average daily attendance for each district shall be divided into the following amounts per unit of average daily attendance: for elementary districts, nine hundred dollars ($900); for high school districts, one thousand one hundred sixty-five dollars ($1,165); for unified districts, nine hundred eighty dollars ($980). If the result is greater than one it shall be deemed to be one.

(d) The quotient determined pursuant to subdivision (c) shall be multiplied by seventy dollars ($70) per unit of average daily attendance.

(e) The product determined pursuant to subdivision (d) shall be added to the base revenue per unit of average daily attendance determined pursuant to subdivision (b) and multiplied by the estimated foundation program unit of average daily attendance in the second principal apportionment of the districts for the 1973–74 fiscal year.

(f) The amount computed pursuant to subdivision (e) shall be compared with the total amount computed for the district pursuant to Article 2 (commencing with Section 17651), excluding Section 17668.5, Article 2.1 (commencing with Section 17671), and subdivision (a) of Section 17951. The larger of the two amounts shall be the revenue limit of the district for the 1973–74 fiscal year but in no case shall exceed 116 percent of the 1972–73 base revenue per unit of average daily attendance multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance or the 1972–73 base revenue per unit of average daily attendance plus seventy dollars ($70) multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance, whichever is higher. This revenue limit is exclusive of federal funds and state funds except

those specified in subdivision (a).

In lieu of the revenue limit determined pursuant to the preceding paragraphs of subdivision (f) a district may request the county superintendent of schools to determine its revenue limit for the 1973–74 fiscal year using either, but not both, of the two following methods: (1) determine the base revenue per average daily attendance for the 1972–73 fiscal year by including the unused portion of a voted override in the revenue limit computational tax rate, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unused portion of a voted override shall be determined as the difference between the total of the maximum tax rate approved by an election pursuant to Section 20803 added to the actual tax rates levied, in the same fiscal year during which the election was held, for all other purposes except pursuant to Sections 1905, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code, and the actual tax levied for the 1972–73 fiscal year, including the areawide tax rate levied but exclusive of the tax rates levied pursuant to Sections 1905, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code.

(2) Determine the base revenue per average daily attendance for the 1972–73 fiscal year by including an amount equal to the unrestricted balance used to balance income to expenditures in the 1972–73 fiscal year with such amount not to exceed 3 percent of the total expenditures plus tuition excluding debt service and transfers in the General Fund for the 1972–73 fiscal year, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unrestricted balance shall be determined as the difference when the ending balance, less restricted amounts plus transfers of unrestricted amounts to other funds which remain as ending balances in other funds, is subtracted from the beginning balance, less restricted amounts in the 1972–73 General Fund.

Notwithstanding subdivision (f), if, due to changes in federal

legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per unit of foundation program average daily attendance of the 1972–73 fiscal year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the 1973–74 fiscal year, if any, multiplied by the estimated foundation program average daily attendance of the 1973–74 fiscal year. Such increased revenue limit shall not exceed the foundation program of the 1973–74 fiscal year.

(g) From the revenue limit ascertained from the comparison made pursuant to subdivision (f), there shall be subtracted the total amount of basic state aid and state equalization aid to be received by the district during the 1973–74 fiscal year, as adjusted by repayment of any advances authorized by Section 17401.5, the amount of areawide aid to be received for the 1973–74 fiscal year, and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(h) The amount determined pursuant to subdivision (g) shall be (1) adjusted as provided in subdivision (d) of Section 10805 and (2) adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in the 1972–73 fiscal year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111.

(i) The amount computed pursuant to subdivision (h) shall be the local revenue limit of the district for the 1973–74 fiscal year. From the local revenue limit, there shall be subtracted 32½ percent of the residual retirement reserve transferred under Chapter 117 of the Statutes of 1972.

(j) From the amount computed in subdivision (i), there shall be subtracted, (1) the amount of money collected or to be collected as taxes on property on the unsecured roll of the 1973–74 fiscal year, excluding the amounts collected through the levy of taxes provided in Section 1905, 11872, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code and (2) the income from prior year taxes.

(k) The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies pursuant to Section 20704. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose rate which may be levied in the

district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 6880.16, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (f) notwithstanding, in no case for districts receiving state equalization aid, shall the tax rate be reduced below one dollar ($1) on the elementary level or eighty cents ($0.80) on the high school level or one dollar and eighty cents ($1.80) for a unified school district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be considered first as part of the minimum tax rate limit.

SEC. 4. Section 20905 of the Education Code is amended to read:

20905. For the 1974–75 fiscal year and each fiscal year thereafter, (a) the maximum general purpose tax rate for each elementary, high, and unified school district in the county shall be computed pursuant to this section by the county superintendent of schools.

(b) The revenue limit per foundation program unit of average daily attendance for the district for the prior fiscal year shall be divided into the appropriate foundation program amount per unit of average daily attendance for the prior year. If the quotient is greater than one, it shall be deemed to be one.

(c) The foundation program amount per unit of average daily attendance used as the dividend in subdivision (b) shall be determined by the Superintendent of Public Instruction pursuant to this subdivision. For elementary school districts, it shall be the foundation program for districts which have an average daily attendance of 901 or more. For high school districts it shall be the foundation program for districts with an average daily attendance of 301 or more. For unified districts, it shall be the sum of (1) the foundation program of elementary districts which have an average daily attendance of 901 or more multiplied by the elementary foundation program units of average daily attendance of unified districts in the second principal apportionment, plus (2) the foundation program for high school districts with an average daily attendance of 301 or more multiplied by the high school foundation program units of average daily attendance of unified districts in the second principal apportionment divided by the sum of the elementary and high school units of average daily attendance of unified districts in the second principal apportionment.

(d) The inflation adjustment jointly determined by the Department of Education and the Department of Finance, which inflation index shall not, in any event, be less than 5 percent or more than 6 percent, shall be multiplied by the appropriate foundation program amount.

(e) The product determined pursuant to subdivision (d) shall be multiplied by the quotient determined pursuant to subdivision (b).

The resultant amount shall constitute the revenue limit inflation adjustment of the district.

(f) The revenue limit inflation adjustment shall be added to the prior year revenue limit per foundation program unit of average daily attendance of the district and the sum multiplied by the estimated foundation program average daily attendance of the budget year. The product shall be the revenue limit of the district for the budget year.

(g) Any district which has a revenue limit computed pursuant to subdivision (f) which is equal to or less than the foundation program computed for the district pursuant to Article 2 (commencing with Section 17651), excluding Section 17668.5, Article 2.1 (commencing with Section 17651), and subdivision (a) of Section 17951 as adjusted pursuant to subdivision (e) of Section 17301 may increase its revenue limit computed pursuant to subdivision (f) to the lesser of the foundation program level of the district or the prior year revenue limit increased by fifteen percent (15%).

For the 1974–75 and 1975–76 fiscal years only, notwithstanding subdivision (g) if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per foundation program average daily attendance of the prior year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the budget year, if any, multiplied by the estimated foundation program average daily attendance of the budget year. Such increased revenue limit shall not exceed the foundation program of the budget year.

(h) From the amount computed pursuant to subdivision (f) or (g), there shall be subtracted the basic state aid and state equalization aid to be received for the budget year, areawide aid to be received for the budget year, and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(i) The amount determined pursuant to subdivision (h) shall be adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in any prior year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111. The adjusted amount shall be the local revenue limit of the district for the budget year.

(j) From the amount computed pursuant to subdivision (i), there shall be subtracted, (1) the amount of money collected or to be collected as taxes on property on the unsecured roll of the budget year, excluding the amounts collected through the levy of taxes provided in Section 1905, 6880.16, 11872, 15517, 15518, 15708, 15709,

16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code, and (2) the income from the prior year's taxes.

(k) For the purposes of this subdivision, the assessed valuation used in computing the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies, pursuant to Section 20704. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose tax rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 6880.16, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (g) notwithstanding, in no case for districts receiving equalization aid, shall the tax rate be reduced below one dollar ($1) on the elementary level or eighty cents ($0.80) on the high school level or one dollar and eighty cents ($1.80) for a unified school district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be considered first as part of the minimum tax rate limit.

SEC. 5. Section 20905 of the Education Code is amended to read:

20905. For the 1974–75 fiscal year and each fiscal year thereafter, (a) the maximum general purpose tax rate for each elementary, high, and unified school district in the county shall be computed pursuant to this section by the county superintendent of schools.

(b) The revenue limit per foundation program unit of average daily attendance for the district for the prior fiscal year shall be divided into the appropriate foundation program amount per unit of average daily attendance for the prior year. If the quotient is greater than one, it shall be deemed to be one.

(c) The foundation program amount per unit of average daily attendance used as the dividend in subdivision (b) shall be determined by the Superintendent of Public Instruction pursuant to this subdivision. For elementary school districts, it shall be the foundation program for districts which have an average daily attendance of 901 or more. For high school districts it shall be the

foundation program for districts with an average daily attendance of 301 or more. For unified districts, it shall be the sum of (1) the foundation program of elementary districts which have an average daily attendance of 901 or more multiplied by the elementary foundation program units of average daily attendance of unified districts in the second principal apportionment, plus (2) the foundation program for high school districts with an average daily attendance of 301 or more multiplied by the high school foundation program units of average daily attendance of unified districts in the second principal apportionment divided by the sum of the elementary and high school units of average daily attendance of unified districts in the second principal apportionment.

(d) The inflation adjustment jointly determined by the Department of Education and the Department of Finance, which inflation index shall not, in any event, be less than 5 percent or more than 6 percent, shall be multiplied by the appropriate foundation program amount.

(e) The product determined pursuant to subdivision (d) shall be multiplied by the quotient determined pursuant to subdivision (b). The resultant amount shall constitute the revenue limit inflation adjustment of the district.

(f) The revenue limit inflation adjustment shall be added to the prior year revenue limit per foundation program unit of average daily attendance of the district and the sum multiplied by the estimated foundation program average daily attendance of the budget year. The product shall be the revenue limit of the district for the budget year.

(g) Any district which has a revenue limit computed pursuant to subdivision (f) which is equal to or less than the foundation program computed for the district pursuant to Article 2 (commencing with Section 17651), excluding Section 17668.5, Article 2.1 (commencing with Section 17651), and subdivision (a) of Section 17951 as adjusted pursuant to subdivision (e) of Section 17301 may increase its revenue limit computed pursuant to subdivision (f) to the lesser of the foundation program level of the district or the prior year revenue limit increased by fifteen percent (15%).

For the 1974–75 and 1975–76 fiscal years only, notwithstanding subdivision (g) if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per foundation program average daily attendance of the prior year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the budget year, if any, multiplied by the estimated foundation program average daily attendance of the budget year. Such increased revenue limit shall not exceed the foundation program of

the budget year.

(h) From the amount computed pursuant to subdivision (f) or (g), there shall be subtracted the basic state aid and state equalization aid to be received for the budget year, areawide aid to be received for the budget year, and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(i) The amount determined pursuant to subdivision (h) shall be (1) adjusted as provided in subdivision (d) of Section 10805 and (2) adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in any prior year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111. The adjusted amount shall be the local revenue limit of the district for the budget year.

(j) From the amount computed pursuant to subdivision (i), there shall be subtracted the amount of money collected or to be collected as taxes on property on the unsecured roll of the budget year, excluding the amounts collected through the levy of taxes provided in Section 1905, 6880.16, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code, and (2) the income from the prior year's taxes.

(k) For the purposes of this subdivision, the assessed valuation used in computing the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies, pursuant to Section 20704. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose tax rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 6880.16, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (g) notwithstanding, in no case for districts receiving equalization aid, shall the tax rate be reduced below one dollar ($1) on the elementary level or eighty

cents ($0.80) on the high school level or one dollar and eighty cents ($1.80) for a unified school district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be considered first as part of the minimum tax rate limit.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 2726 are both chaptered and become effective on or before January 1, 1975, both bills amend Sections 20904 and 20905 of the Education Code, and this bill is chaptered after Assembly Bill No. 2726, that Sections 20904 and 20905 of the Education Code, as amended by Sections 10 and 11, respectively of Assembly Bill No. 2726, be further amended on the effective date of this act in the form set forth in Sections 3 and 5 of this act to incorporate the changes in Sections 20904 and 20905 proposed by this bill. Therefore, if this bill and Assembly Bill No. 2726 are both chaptered and become effective on or before January 1, 1975, and Assembly Bill No. 2726 is chaptered before this bill and amends Sections 20904 and 20905, Sections 3 and 5 of this act shall become operative on the effective date of this act and Sections 2 and 4 of this act shall not become operative.

CHAPTER 600

An act to add Section 70141.4 to the Government Code, relating to courts.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 70141.4 is added to the Government Code, to read:

70141.4. In any county with a population exceeding 500,000 and not exceeding 557,000 as determined by the 1970 federal census, the superior court may provide that commissioners, in addition to the duties prescribed by Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. A court commissioner shall receive a salary representing 65 percent, 70 percent, or 75 percent of the annual salary for a superior court judge. The court shall determine the level of salary to be received by a court commissioner, making adjustments on the three levels in accordance with the qualifications, performance, and other factors deemed relevant by the court.

CHAPTER 601

An act to amend Section 14500 of the Welfare and Institutions Code, relating to family planning.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 14500 of the Welfare and Institutions Code is amended to read:

14500. An Office of Family Planning shall be established within the Department of Health. The Office of Family Planning shall be under the control of an executive officer who shall be known as the Coordinator of the Office of Family Planning. The coordinator shall be appointed by the Director of Health and shall be an individual with training and experience in family planning.

CHAPTER 602

An act to amend Sections 630, 640, 645 and 646 of the Probate Code, relating to probate.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 630 of the Probate Code is amended to read:

630. When a decedent leaves no real property, nor interest therein nor lien thereon, in this state, and the total value of the decedent's property in this state, excluding any motor vehicle of which the decedent is the owner or legal owner, over and above any amounts due to the decedent for services in the armed forces of the United States, and over and above the amount of salary not exceeding three thousand dollars ($3,000), including compensation for unused vacation, owing to decedent for services from any employment, does not exceed ten thousand dollars ($10,000), the surviving spouse, the children, lawful issue of deceased children, the parent, the brother or sister of the decedent, the lawful issue of a deceased brother or sister, or the conservator of the property of any person bearing such relationship to the decedent, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and

have any evidences of interest, indebtedness or right transferred to him upon furnishing the person, representative, corporation, officer or body owing the money, having custody of such property or acting as registrar or transfer agent of such evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive such money or property, or to have such evidences transferred.

SEC. 2. Section 640 of the Probate Code is amended to read:

640. If the decedent leaves a surviving spouse or minor child or minor children, and the net value of the whole estate, over and above all liens and encumbrances at the date of death and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of ten thousand dollars ($10,000), the same may be set aside to the surviving spouse, if there be one, and if there be none, then to the minor child or minor children of the decedent.

SEC. 3. Section 645 of the Probate Code is amended to read:

645. If, upon the hearing of any petition provided for by this article, the court finds that the net value of the estate over and above all liens and encumbrances at the date of death of the decedent and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of ten thousand dollars ($10,000), as of the date of such death, and that the expenses of the last illness, funeral charges and expenses of administration have been paid, it shall, by decree for that purpose, assign to the surviving spouse of the decedent, if there be a surviving spouse, provided said surviving spouse shall not have theretofore remarried, or, if there be no surviving spouse, then to such child or children of the decedent as may then be minors, if any, the whole of the estate, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent. The title thereto shall vest absolutely in such surviving spouse, or if there be no such surviving spouse, the minor child or children subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent, and there must be no further proceedings in the administration, unless further estate be discovered.

SEC. 4. Section 646 of the Probate Code is amended to read:

646. If the court finds that the net value of the estate exceeds ten thousand dollars ($10,000), or that there is neither a surviving spouse nor a minor child, it shall act upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner.

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CHAPTER 603

An act to amend Sections 9000, 9001, 9250.1, 9256, 9257, 9259, 9262, 9263, 9267, 9272.5, and 9402 of the Public Resources Code, relating to resource conservation.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 9000 of the Public Resources Code is amended to read:

9000. The Legislature hereby declares that resource conservation is of fundamental importance to the prosperity and welfare of the people of this state. The Legislature believes that the state must assume leadership in formulating and putting into effect a statewide program of soil and water conservation and related natural resource conservation and hereby declares that the provisions of this division are enacted to accomplish the following purposes:

(a) To provide the means by which the state may cooperate with the United States and with resource conservation districts organized pursuant to this division in securing the adoption in this state of conservation practices, including but not limited to, farm, range, open-space, urban development, wildlife, recreation, watershed, water quality, and woodland, best adapted to save the basic resources, soil, water, and air of the state from unreasonable and economically preventable waste and destruction.

(b) To provide for the organization and operation of resource conservation districts for the purposes of soil and water conservation, the control of runoff, the prevention and control of soil erosion, and erosion stabilization, including, but not limited to, these purposes in open areas, agricultural areas, urban development, wildlife areas, recreational developments, watershed management, the protection of water quality and water reclamation, the development of storage and distribution of water, and the treatment of each acre of land according to its needs. Such districts, in addition to their other powers, shall have legal authority:

(1) To cooperate with the United States, this state, counties, cities, public districts, other resource conservation districts, persons, associations, and corporations.

(2) With the consent of the owner, to construct on privately or publicly owned lands necessary works for the prevention and control of soil erosion and erosion stabilization.

Such districts shall not have legal authority to conserve water for power purposes or to produce or distribute power for their own use or for the use of others.

SEC. 2. Section 9001 of the Public Resources Code is amended to read:

9001. It is hereby declared as a matter of legislative

determination:

(a) That the construction and maintenance on privately or publicly owned land of works for resource conservation is in the general public interest and for the general public benefit.

(b) That the expenditure of state, county, city, district, or other public funds that are available or may become available for planning, designing, or implementing the above and for the construction or maintenance of such control or preventive works on privately or publicly owned land constitutes expenditure for the general public benefit.

SEC. 3. Section 9250.1 of the Public Resources Code is amended to read:

9250.1. The directors shall be empowered to conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures and works of improvement needed, publish the results of such surveys, investigations, or research, and disseminate information concerning such preventive control measures and works of improvement; provided, however, that in order to avoid duplication of surveys, investigations, and research activities, the directors shall seek the cooperation of local, state, and federal agencies.

SEC. 4. Section 9256 of the Public Resources Code is amended to read:

9256. The district directors may cooperate and enter into contracts or agreements with the state, the United States, any county, any city, any other resource conservation or other public district in this state, any person, or the commission, in furtherance of the provisions of this division, and to that end may use any funds available to the district as provided in this chapter, and may accept and use contributions of labor, money, supplies, materials, or equipment useful for accomplishing the purposes of the district.

SEC. 5. Section 9257 of the Public Resources Code is amended to read:

9257. The directors may make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, wildlife enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation.

SEC. 6. Section 9259 of the Public Resources Code is amended to read:

9259. The directors may disseminate information relating to soil and water conservation and erosion stabilization, and may conduct demonstrational projects within, or adjacent to, the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the

owners thereof, independently or in cooperation with the United States, this state or any political subdivision or public district thereof, or any person.

SEC. 7. Section 9262 of the Public Resources Code is amended to read:

9262. Directors may accept, by purchase, lease, or gift, and administer any soil conservation, water conservation, water distribution, erosion control, or erosion prevention project located within the district undertaken by the United States or any of its agencies, or by this state or any of its agencies.

SEC. 8. Section 9263 of the Public Resources Code is amended to read:

9263. The directors may manage, as agents of the United States or any of its agencies, or of this state or any of its agencies, any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project, within or adjacent to the district; and may act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project within or adjacent to the district.

SEC. 9. Section 9267 of the Public Resources Code is amended to read:

9267. The directors shall be empowered to engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purpose may develop educational programs both for children and for adults. In the development of such programs the directors may authorize the giving of awards and prizes for outstanding achievement.

For purposes of this section, the directors are limited to funds available to the district pursuant to the provisions of this division.

SEC. 10. Section 9272.5 of the Public Resources Code is amended to read:

9272.5. Notwithstanding anything to the contrary in Section 9272, the directors may lease district equipment to any other public district for use by such public district for resource conservation purposes on land within the boundaries of a resource conservation district or on land adjacent to the district and under the jurisdiction of such other district, if such use will directly affect the land within the resource conservation district.

SEC. 11. Section 9402 of the Public Resources Code is amended to read:

9402. The treasurer shall pay out money of the district only upon warrants approved by the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary.

Whenever two or more districts enter into a joint powers agreement, or whenever a district enters into a joint powers

agreement with other agencies of the state, the agency or entity administering the agreement shall determine where its funds shall be deposited and how such funds shall be paid out.

CHAPTER 604

An act to amend Section 30760 of the Streets and Highways Code, relating to the Antioch Bridge.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 30760 of the Streets and Highways Code is amended to read:

30760. As used in this article:

(a) "Existing bridge" means that bridge connecting the County of Contra Costa near Antioch with the County of Sacramento near Amelia Landing on Sherman Island, known as the Antioch Bridge, together with any existing or new or additional approaches thereto necessary or desirable to connect the present Routes 4, 84, and 160, or any realignment thereof.

(b) "New bridge" or "new Antioch Bridge" means a new high-level fixed-span bridge across the San Joaquin River near Antioch to be located approximately parallel to and downstream from the existing bridge, together with approaches thereto necessary or desirable to connect with the present Routes 4, 84, and 160, or any realignment thereof, and including necessary toll collection facilities. The new bridge shall include a lane of not less than eight feet in width for pedestrians and bicycles.

(c) "Authority" means the California Toll Bridge Authority.

(d) "Department" means the Department of Public Works of the State of California.

CHAPTER 605

An act to amend Sections 1000, 2004, 2012, 2270, 2271, 12157, 12159, 12160, 12161, 12162, 12163, 13001, 13003, and 13004 of, to amend the heading of Division 5 (commencing with Section 5000) of, to add a chapter heading immediately preceding Section 5050, and Chapter 3 (commencing with Section 5060) to Division 5 of, and to add Article 3 (commencing with Section 6895) to Chapter 7 of Part 1 of Division 6 of, the Fish and Game Code, relating to reptiles and amphibians.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1000 of the Fish and Game Code is amended to read:

1000. The department shall expend such funds as may be necessary for biological research and field investigation and for the collection and diffusion of such statistics and information as shall pertain to the conservation, propagation, protection, and perpetuation of birds and the nests and eggs thereof, and of mammals, reptiles, and fish.

SEC. 2. Section 2004 of the Fish and Game Code is amended to read:

2004. It is unlawful for any person, while taking any bird, mammal, fish, reptile, or amphibian, to cause damage, or assist in causing damage, to real or personal property, or to leave gates or bars open, or to break down, destroy, or damage fences, or to tear down or scatter piles of rails, posts, stone, or wood, or, through carelessness or negligence, to injure livestock of any kind.

SEC. 3. Section 2012 of the Fish and Game Code is amended to read:

2012. All licenses, license tags, and the birds, mammals, fish, reptiles, or amphibia taken or otherwise dealt with under the provisions of this code, and any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, reptiles, or amphibia shall be exhibited upon demand to any person authorized by the department to enforce the provisions of this code or any law relating to the protection and conservation of birds, mammals, fish, reptiles, or amphibia.

SEC. 4. Section 2270 of the Fish and Game Code is amended to read:

2270. It is unlawful for any person to receive, bring, or cause to be brought into this state, for the purpose of propagation, any fish, reptile, amphibian, or aquatic plant from any place wherein any infected, diseased, or parasitized fish, reptile, amphibia, or aquatic plants are known to exist.

SEC. 5. Section 2271 of the Fish and Game Code is amended to read:

2271. Every person who receives, brings, or causes to be brought into this state any live fish, reptile, amphibian, or aquatic plant, shall give written notice 10 days in advance to the director showing the probable date and place of arrival of such fish, reptile, amphibian, or aquatic plant. This notice is not required in the case of mollusks or crustaceans brought into the state unless such mollusks or crustaceans are or may be placed in the waters of this state.

SEC. 6. The heading of Division 5 (commencing with Section 5000) of the Fish and Game Code is amended to read:

DIVISION 5. PROTECTED REPTILES AND AMPHIBIANS

SEC. 7. A chapter heading is added to Division 5 of the Fish and Game Code, immediately preceding Section 5050, to read:

CHAPTER 2. FULLY PROTECTED REPTILES AND AMPHIBIANS

SEC. 8. Chapter 3 (commencing with Section 5060) is added to Division 5 of the Fish and Game Code, to read:

CHAPTER 3. COMMERCIAL USE OF REPTILES

5060. "Native reptiles" as used in this chapter means snakes, lizards, turtles, or any other members of the class reptilia native to California.

5061. The commission shall establish rules and regulations for the commercial take, sale, transport, export, or import of native reptiles.

SEC. 9. Article 3 (commencing with Section 6895) is added to Chapter 7 of Part 1 of Division 6 of the Fish and Game Code, to read:

Article 3. Commercial Use of Amphibians Except Frogs

6895. "Native amphibians" as used in this article means salamanders, toads, or any other member of the class amphibia native to California.

6896. Except as otherwise provided in this chapter, the commission shall establish rules for the commercial take, sale, transport, export, or import of native amphibians.

SEC. 10. Section 12157 of the Fish and Game Code is amended to read:

12157. The judge before whom any person is tried for a violation of any provision of this code or regulation made pursuant thereto may, in his discretion, upon the conviction of the accused, order the forfeiture of any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, reptiles, or amphibia and which was used in commiting the offense charged. Any device or apparatus so forfeited shall be sold or destroyed by the department. The proceeds from all such sales shall be paid into the Fish and Game Preservation Fund. For the purpose of this section forfeiture of bail shall constitute a conviction.

SEC. 11. Section 12159 of the Fish and Game Code is amended to read:

12159. All birds, mammals, fish, reptiles, or amphibia, or any part thereof, which have been taken, possessed, sold, or transported contrary to any of the laws of this state shall be seized by the department, and, in accordance with the commission's regulations, notice of such seizure shall be given to the person who had possession of the birds, mammals, fish, reptiles, or amphibia, or any portion thereof, at the time of seizure if he is known.

SEC. 12. Section 12160 of the Fish and Game Code is amended to read:

12160. All birds, mammals, fish, reptiles, or amphibia, or any part thereof, seized in accordance with Section 12159, the sale of which is not prohibited and which have a current market value of one hundred dollars ($100) or more, shall be packed, preserved, sold for bait, used for fish food in state-owned fish hatcheries, or otherwise put to economical use immediately upon seizure, at the prevailing market price for legal birds, mammals, fish, reptiles, or amphibia in effect on the date of seizure. Any proceeds thereof shall be placed in the Fish and Game Preservation Fund. If the person from whom such birds, mammals, fish, reptiles, or amphibia were seized is not convicted in a court of competent jurisdiction for the offense out of which the seizure arose, then and in that event the proceeds shall be returned to such person.

SEC. 13. Section 12161 of the Fish and Game Code is amended to read:

12161. The judge before whom any person is tried for taking, possession, selling, or transporting birds, mammals, fish, reptiles, or amphibia contrary to the laws of this state shall upon the conviction of the accused make an order forfeiting and disposing of the birds, mammals, fish, reptiles, or amphibia in accordance with the provisions of Section 12160. However, if the birds, mammals, fish, reptiles, or amphibia may not be sold lawfully or have a current market value of less than one hundred dollars ($100), the judge may at his discretion order that they be donated to a state, county, city, or any charitable institution, or that they be destroyed.

SEC. 14. Section 12162 of the Fish and Game Code is amended to read:

12162. Any seizure of any birds, mammals, fish, reptiles, or amphibia made under circumstances wherein it cannot be determined who took, possessed, sold, or transported them contrary to law may be sold or donated to a state, county, city, city and county, or any charitable institution.

SEC. 15. Section 12163 of the Fish and Game Code is amended to read:

12163. Any person who purchases birds, mammals, fish, reptiles, or amphibia, or parts thereof, from the department pursuant to the preceding sections shall, upon delivery to him, pay to the department for deposit in the Fish and Game Preservation Fund, the prevailing market price for legal birds, mammals, fish, reptiles, or amphibia in effect on the date of seizure.

SEC. 16. Section 13001 of the Fish and Game Code is amended to read:

13001. Unless otherwise provided, all money collected under the provisions of this code and of any other law relating to the protection and preservation of birds, mammals, fish, reptiles, or amphibia shall be paid into the State Treasury to the credit of the Fish and Game Preservation Fund.

SEC. 17. Section 13003 of the Fish and Game Code is amended to read:

13003. Unless otherwise provided by law, all fines and forfeitures imposed or collected in any court of this state for violations of any of the provisions of this code or regulation made pursuant thereto, or any other law providing for the protection or preservation of birds, mammals, fish, reptiles, or amphibia, shall be deposited as soon as practicable after the receipt thereof with the county treasurer of the county in which the court is situated. Amounts so deposited shall be paid at least once a month as follows:

(a) One-half to the State Treasurer, by warrant of the county auditor drawn upon the requisition of the clerk or judge of the court, for deposit in the Fish and Game Preservation Fund in the State Treasury on order of the State Controller. At the time of such transmittal the county auditor shall forward to the State Controller, on such form or forms as the State Controller may prescribe, a record of the imposition, collection, and payment of the fines or forfeitures.

(b) One-half to the county in which the offense was committed.

SEC. 18. Section 13004 of the Fish and Game Code is amended to read:

13004. The money in the Fish and Game Preservation Fund is appropriated as follows:

(a) To the department for payment of refunds of sums determined by it to have been erroneously deposited in the fund, including, but not limited to, money received or collected in payment of fees, licenses, permits, taxes, fines, forfeitures, or services.

(b) To the department for expenditure in accordance with law for the payment of all necessary expenses incurred in carrying out the provisions of this code and any other laws for the protection and preservation of birds, mammals, reptiles, and fish.

(c) To the commission for expenditure in accordance with law for the payment of the compensation and expenses of the commissioners and employees of the commission.

SEC. 19. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there by any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 606

An act to amend Section 11018.2 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11018.2 of the Business and Professions Code is amended to read:

11018.2. No person shall sell or lease, or offer for sale or lease in this state any lots or parcels in a subdivision without first obtaining a public report from the commissioner, except that the commissioner shall waive the provisions of this section, in writing, for expressly zoned industrial subdivisions which are limited in use to industrial purposes and expressly zoned commercial subdivisions which are limited in use to commercial purposes.

CHAPTER 607

An act to amend Section 65906 of the Government Code, relating to zoning ordinances, and making an appropriation therefor.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 65906 of the Government Code is amended to read:

65906. Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

CHAPTER 608

An act to repeal and to add Section 1758 of the Financial Code, relating to foreign corporations.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1758 of the Financial Code is repealed.

SEC. 2. Section 1758 is added to the Financial Code, to read:

1758. Nothing in this division shall prohibit a foreign corporation, subject to compliance with any applicable laws of this state pertaining to foreign corporations, and which is not engaged in the banking business from lending money or buying or selling bonds in this state and for that purpose maintaining offices in this state and suing and being sued in this state under its corporate name; provided, however, that such a foreign corporation is subject to the provisions of Sections 3391 and 3392.

CHAPTER 609

An act to amend Section 1712.5 of the Insurance Code, relating to insurance licenses.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1712.5 of the Insurance Code is amended to read:

1712.5. The license of an organization licensed as an insurance agent, life agent, or insurance broker shall become inoperative upon the removal or termination of the last natural person named thereon, or when such last natural person is no longer eligible to be named thereon in accordance with Section 1647.

Unless such license is reactivated within 30 days by the correction of all deficiencies including, if necessary, the adding of a natural person to transact insurance under the authority of the organization's license pursuant to Section 1661, the license shall automatically terminate and may not be renewed, and the physical evidence of the license shall be returned by its lawful custodian to the commissioner.

CHAPTER 610

An act to amend Sections 6479, 6486, 7493, 7507, 7663, 7671, 8781, 12434, 30206, and 32271 of, and to add Sections 7058, 8256, 9257, 30456, and 32456 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6479 of the Revenue and Taxation Code is amended to read:

6479. Notification by the board, provided for in Section 6471, may be served personally or by mail in the manner prescribed in Section 6486 for service of notice of a deficiency determination.

SEC. 2. Section 6486 of the Revenue and Taxation Code is amended to read:

6486. The board shall give to the retailer or person storing, using, or consuming tangible personal property written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the retailer or person storing, using, or consuming tangible personal property at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service, without extension of time for any reason. In lieu of mailing a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 3. Section 7058 is added to the Revenue and Taxation Code, to read:

7058. A certificate by the board or an employee of the board stating that a notice required by this part was given by mailing or personal service shall be prima facie evidence in any administrative or judicial proceeding of the fact and regularity of the mailing or personal service in accordance with any requirement of this part for the giving of a notice. Unless otherwise specifically required, any notice provided by this part to be mailed or served may be given either by mailing or by personal service in the manner provided for giving notice of a deficiency determination.

SEC. 4. Section 7493 of the Revenue and Taxation Code is amended to read:

7493. The notice shall be addressed to the applicant at his address as it appears in the records of the board, and shall be given in the

manner prescribed in Section 7671 for giving notice of a deficiency determination.

SEC. 5. Section 7507 of the Revenue and Taxation Code is amended to read:

7507. Before revoking any license the board shall notify the licensee to show cause within 10 days after the notice is given, why his license should not be revoked. The notice shall be given in the manner prescribed in Section 7671 for giving notice of a deficiency determination.

SEC. 6. Section 7663 of the Revenue and Taxation Code is amended to read:

7663. Promptly after making its determination the board shall give to the delinquent distributor written notice of the estimate, tax, and penalty, the notice shall be given in the manner prescribed in Section 7671 for giving notice of a deficiency determination.

SEC. 7. Section 7671 of the Revenue and Taxation Code is amended to read:

7671. The board shall give the distributor written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the distributor at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility maintained or provided by the United States Postal Service, without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 8. Section 8256 is added to the Revenue and Taxation Code, to read:

8256. A certificate by the board or an employee of the board stating that a notice required by this part was given by mailing or personal service shall be prima facie evidence in any administrative or judicial proceeding of the fact and regularity of the mailing or personal service in accordance with any requirement of this part for the giving of a notice. Unless otherwise specifically required, any notice provided by this part to be mailed or served may be given either by mailing or by personal service in the manner provided for giving notice of a deficiency determination.

SEC. 9. Section 8781 of the Revenue and Taxation Code is amended to read:

8781. The board shall give the user written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the user at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post

Office, or a mailbox, sub-post office, substation or mail chute or other facility maintained or provided by the United States Postal Service, without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 10. Section 9257 is added to the Revenue and Taxation Code, to read:

9257. A certificate by the board or an employee of the board stating that a notice required by this part was given by mailing or personal service shall be prima facie evidence in any administrative or judicial proceeding of the fact and regularity of the mailing or personal service in accordance with any requirement of this part for the giving of a notice. Unless otherwise specifically required, any notice provided by this part to be mailed or served may be given either by mailing or by personal service in the manner provided for giving notice of a deficiency determination.

SEC. 11. Section 12434 of the Revenue and Taxation Code is amended to read:

12434. Any notice required by this article shall be placed in a sealed envelope, with postage paid, addressed to the insurer at his address as it appears in the records of the commissioner or the board. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service, without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 12. Section 30206 of the Revenue and Taxation Code is amended to read:

30206. The board shall give the person written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the person at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service, without extension of time for any reason. In lieu of mailing a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a

civil action.

SEC. 13. Section 30456 is added to the Revenue and Taxation Code, to read:

30456. A certificate by the board or an employee of the board stating that a notice required by this part was given by mailing or personal service shall be prima facie evidence in any administrative or judicial proceeding of the fact and regularity of the mailing or personal service in accordance with any requirement of this part for the giving of a notice. Unless otherwise specifically required, any notice provided by this part to be mailed or served may be given either by mailing or by personal service in the manner provided for giving notice of a deficiency determination.

SEC. 14. Section 32271 of the Revenue and Taxation Code is amended to read:

32271. If the board is dissatisfied with the return or returns filed or amount of tax paid to the State by any taxpayer, it may compute and determine the amount to be paid based upon any information available to it. One or more additional determinations may be made of the amount of tax due for one or for more than one month. The amount of tax so determined shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment. In making a determination, the board may offset overpayment for a month or months against underpayments for another month or months and against the interest and penalties on the underpayments. If any part of the deficiency for which a determination of an additional amount due is made is found to have been occasioned by negligence or intentional disregard of this part or authorized rules, a penalty of 10 percent of the amount of the determination shall be added, plus interest as above provided. If any part of the deficiency for which a determintion of an additional amount due is made is found to be occasioned by fraud or an intent to evade this part or authorized rules, a penalty of 25 percent of the amount of the determination shall be added, plus interest as above provided. The board shall give to the taxpayer written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the taxpayer at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 15. Section 32456 is added to the Revenue and Taxation Code, to read:

32456. A certificate by the board or an employee of the board stating that a notice required by this part was given by mailing or personal service shall be prima facie evidence in any administrative or judicial proceeding of the fact and regularity of the mailing or personal service in accordance with any requirement of this part for the giving of a notice. Unless otherwise specifically required, any notice provided by this part to be mailed or served may be given either by mailing or by personal service in the manner provided for giving notice of a deficiency determination.

SEC. 16. The provisions of this act relating to the method of giving notices pursuant to the various provisions of state tax laws are not intended as changes in existing law but are merely a clarification thereof. It is the intention of the Legislature that the method of mailing notices under the tax laws shall be similar to relevant parts of Section 1013 of the Code of Civil Procedure but proof of service of notices for the purposes of tax administration has never required and does not require an affidavit of service as prescribed by Section 1013(a) of the Code of Civil Procedure. Sections 1010 through 1012 and 1013(a) through 1020 of the Code of Civil Procedure were never intended to apply to the giving of notice under the tax laws. The cross-references to Section 1013 in the tax laws are removed by this act in order to make this intention clear and to remove any confusion which may have been caused by these cross-references.

CHAPTER 611

An act to amend Section 10131.1 of the Business and Professions Code, relating to real estate.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10131.1 of the Business and Professions Code is amended to read:

10131.1. A real estate broker within the meaning of this part is also a person who engages as a principal in the business of buying from, selling to, or exchanging with the public, real property sales contracts or promissory notes secured directly or collaterally by liens on real property, or who makes agreements with the public for the collection of payments or for the performance of services in connection with real property sales contracts or promissory notes secured directly or collaterally by liens on real property.

As used in this section, "in the business" means:

(a) The acquisition for resale to the public, and not as an

investment, of eight (8) or more real property sales contracts or promissory notes secured directly or collaterally by liens on real property during a calendar year, or

(b) The sale to or exchange with the public of eight (8) or more real property sales contracts or promissory notes secured directly or collaterally by liens on real property during a calendar year; provided, that no transaction negotiated through a real estate licensee shall be considered in determining whether a person is a real estate broker within the meaning of this section.

CHAPTER 612

An act to amend Sections 73682, 73683, 73688, and 73689 of the Government Code, relating to courts.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 73682 of the Government Code is amended to read:

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the clerk, administrator and secretary of the court. He shall receive a monthly salary at the rate specified in range 92 of the salary schedule set forth in Section 73684.

SEC. 2. Section 73683 of the Government Code is amended to read:

73683. The clerk may appoint the following court personnel who shall receive a salary at the range indicated as set forth in Section 73684:

(a) Three chief deputy clerks at salary range 73.
(b) Eight court clerks at salary range 69.
(c) Seven deputy clerks II at salary range 69.
(d) One calendar clerk at salary range 69.
(e) Five deputy clerks I at salary range 57.
(f) One senior stenographer-clerk at salary range 63.
(g) Two intermediate stenographer-clerks at salary range 55.
(h) Two junior stenographer-clerks at salary range 48.
(i) Twenty-four intermediate typist-clerks at salary range 50.
(j) Twenty-four junior typist-clerks at salary range 44.
(k) The clerk may appoint any combination of stenographer-clerks (f), (g) and (h) not to exceed a total of two and may appoint any combination of typist-clerks (i) and (j) not to exceed a total of 24.

SEC. 3. Section 73688 of the Government Code is amended to read:

73688. All officers and attachés of the court are entitled to a paid vacation after six months of continuous service at the rate of 4.6154 hours of vacation for each pay period or major fraction thereof, computed on the basis of working days of actual service cumulative to a maximum of 30 days. The foregoing provision notwithstanding, those officers and attachés with 15 or more years of such county service shall accrue 6.1539 hours of vacation for each biweekly pay period or major fraction thereof, computed on the basis of working days of actual service cumulative to a maximum of 40 days. Administration of vacation and conditions with respect thereto shall be in accordance with the then current provisions relating to county employees generally.

SEC. 4. Section 73689 of the Government Code is amended to read:

73689. After 13 pay periods of continuous service each officer or attaché shall be entitled to 3.6924 hours of sick leave with pay for each pay period or major fraction thereof served up to an accumulative total of 144 working days. Administration of sick leave and conditions with respect thereto shall be in accordance with the then current provisions relating to county employees generally.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 613

An act to amend Sections 220, 1655, 9263, and 11511 of, to add Section 9269 to, and to repeal and add Section 11520 of, the Vehicle Code, relating to automobile dismantlers.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 220 of the Vehicle Code is amended to read:

220. (a) An "automobile dismantler," is any person who is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, for the purpose of dismantling the same, who buys or sells the integral parts and component materials thereof, in whole or in part, or deals in used motor vehicle parts. This section does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealers plates from the department for the current year whose principal business is buying and selling new and used vehicles, or by

owners who desire to dismantle not more than three personal vehicles within any 12-months period.

(b) Notwithstanding the provisions of subdivision (a), any person who keeps or maintains on real property owned by him, or under his possession or control, two or more unregistered motor vehicles no longer intended for, or in condition for, legal use on the highways, whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials, whether metal, glass, fabric, or otherwise, or to dispose of them, or for any other purpose is an "automobile dismantler" and subject to the provisions of Chapter 3 (commencing with Section 11500) of Division 5.

(c) The provisions of subdivision (b) shall not apply to:

(1) The owner of any premises on which two or more unregistered and inoperable vehicles are held or stored where such vehicles are used, or intended to be used, for restoration or as replacement parts or otherwise in conjunction with any business of a licensed dealer, manufacturer, or transporter, or in conjunction with the operation and maintenance of any fleet of motor vehicles used for the transportation of persons or property.

(2) The owner of any premises or property used in conjunction with any agricultural, farming, mining, ranching, or motor vehicle repair business.

(3) Any person engaged in the restoration of vehicles of the type described in Section 5004 or in the restoration of other vehicles having historic or classic significance.

(4) The owner of a steel mill, scrap metal processing facility or similar type establishment purchasing vehicles of a type subject to registration, not for the purpose of selling the vehicles in whole or in part but exclusively for the purpose of reducing such vehicles to their component materials; provided that such facility obtain on a form provided by the department a certification by the person from whom the vehicles are obtained, that any such vehicle has been cleared for dismantling pursuant to Section 11520. All forms are and shall remain the property of the department and may be taken up at any time for inspection.

SEC. 2. Section 1655 of the Vehicle Code is amended to read:

1655. (a) The director, deputy director, Chief and Assistant Chief, Division of Compliance, and investigators of the department shall have the powers of peace officers for the purpose of enforcing those provisions of law now or hereafter committed to the administration of the department.

(b) Any person designated in subdivision (a) may inspect any vehicle of a type required to be registered under this code, or any component part thereof, in any garage, repair shop, parking lot, used car lot, automobile dismantler's lot, steel mill, scrap metal processing facility, or other establishment engaged in the business of selling, repairing, or dismantling vehicles, or reducing vehicles or the integral parts thereof to their component materials for the purpose of investigating the title and registration of the vehicle, inspecting

wrecked or dismantled vehicles, or locating stolen vehicles.

SEC. 3. Section 9263 of the Vehicle Code is amended to read:

9263. Any automobile dismantler or other person who fails to comply with the provisions of Section 11520 shall pay an investigation service fee of fifteen dollars ($15).

SEC. 4. Section 9269 is added to the Vehicle Code, to read:

9269. A licensed automobile dismantler who acquires, for the purpose of dismantling, a vehicle of a type subject to registration under this code and who complies with all the provisions of Section 11520 shall not be required to submit a certificate of nonoperation in lieu of fees or to pay fees that would otherwise be required if such vehicle were to be currently registered.

SEC. 5. Section 11511 of the Vehicle Code is amended to read:

11511. In any administrative action to revoke or suspend an automobile dismantler's license:

(a) Proof that a stolen vehicle of a type subject to registration under this code was found in the possession of, or upon the premises of the dismantler shall constitute in evidence a prima facie presumption that the dismantler had knowledge that such vehicle was stolen. This presumption may be rebutted by satisfactory evidence that the dismantler has complied with the provisions of paragraphs (1), (2), (3), and (5) of subdivision (a) of Section 11520.

(b) Proof that a vehicle of a type subject to registration under this code is found in a partially dismantled condition in the possession of or upon the premises of the dismantler shall constitute in evidence a prima facie presumption that the vehicle was partially dismantled by the dismantler. The presumption may be rebutted by a business record of the dismantler reflecting the partially dismantled condition of the vehicle on the date of acquisition.

SEC. 6. Section 11520 of the Vehicle Code is repealed.

SEC. 7. Section 11520 is added to the Vehicle Code, to read:

11520. (a) A licensed automobile dismantler who acquired, for the purpose of dismantling, actual possession, as a transferee, of a vehicle of a type subject to registration under this code:

(1) Shall within five calendar days, not including the day of acquisition, mail a notice of acquisition to the department at its headquarters.

(2) Shall within five calendar days, not including the day of acquisition, mail a copy of the notice of acquisition to the Department of Justice at its headquarters.

(3) Shall not begin dismantling until 10 calendar days have elapsed after mailing the notice of acquisition. In the alternative, dismantling may begin any time after the dismantler complies with the provisions of paragraph (4).

(4) Shall deliver to the department, within 90 calendar days of the date of acquisition, the documents evidencing ownership and the license plates last issued for the vehicle. Proof that a registered or certified letter of demand for the documents was sent within 90 days of the date of acquisition to the person from whom the vehicle was

acquired may be substituted for documents that cannot otherwise be obtained. A certificate of license plate destruction, when authorized by the director, may be delivered in lieu of the license plates.

(5) Shall maintain a business record of all vehicles acquired for dismantling. The record shall contain the name and address of the person from whom such vehicle was acquired; the date the vehicle was acquired; license plate number last assigned to the vehicle; and a brief description of the vehicle, including its make, type, and the vehicle identification number used for registration purposes. The record required by this subdivision shall be a business record of the dismantler separate and distinct from the records maintained in those books and forms furnished by the department.

(b) The provisions of paragraphs (1) and (2) of subdivision (a), shall not apply to vehicles acquired pursuant to Section 11515 or 22705 of this code or Sections 3071, 3072, or 3073 of the Civil Code.

(c) Any person, other than a licensed dismantler, desiring to dismantle a vehicle of a type subject to registration under this code shall deliver to the department the certificate of ownership, registration card, and the license plates last issued to the vehicle before dismantling may begin.

(d) Any person who violates this section is guilty of a misdemeanor. Any person not licensed under the provisions of this chapter who is convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days or more than six months or by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment; and upon a second or any subsequent conviction, by imprisonment in the county jail for not less than 30 days nor more than one year or by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

CHAPTER 614

An act to amend Section 20450 of, and to add Section 20565.1 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 20450 of the Government Code is amended to read:

20450. Any public agency may participate in and make all or part of its employees members of this system by contract entered into between its governing body and the board pursuant to this part;

provided, however, that a public agency may not enter into such contract within five years of termination of a previous contract for participation.

SEC. 2. Section 20565.1 is added to the Government Code, to read:

20565.1. If a public agency which terminated its contract enters into a contract for participation in this system, the contract may provide for increase in benefits of persons retired or members who retained rights under the system, which benefits were reduced under this article at the time of termination, to the level provided in the contract for members, and for redeposit of any contributions for service to the agency not credited under a local system maintained by the agency after termination, withdrawn at termination by a person who becomes a member on contract date. Unless such redeposit is made, the member shall not receive credit for the service. All service rendered prior to contract date and credited as a result of the contract shall constitute prior service whether or not rendered during the period of the terminated contract, and all assets and liabilities existing with respect to the previous contract shall become assets and liabilities with respect to the new contract.

CHAPTER 615

An act to amend Sections 12728.1, 12762.1, and 12799.25 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12728.1 of the Business and Professions Code is amended to read:

12728.1. When the scale is located at the site where the vehicle is loaded and the vehicle is weighed before entering a highway, the gross weight of any vehicle whose prescribed load limit is 76,800 pounds shall not be permitted to exceed by more than 2,300 pounds the prescribed load limit for the vehicle or combination of vehicles as a unit of equipment. Under such circumstances, any weighmaster or deputy weighmaster who certifies the weight of a load which exceeds by more than 2,300 pounds the prescribed load limit shall be subject to punishment under Section 12732.

SEC. 2. Section 12762.1 of the Business and Professions Code is amended to read:

12762.1. When the scale is located at the site where the vehicle is loaded and the vehicle is weighed before entering a highway, the gross weight of any vehicle whose prescribed load limit is 76,800 pounds shall not be permitted to exceed by more than 2,300 pounds

the prescribed load limit for the vehicle or combination of vehicles as a unit of equipment. Under such circumstances, any weighmaster or deputy weighmaster who certifies the weight of a load which exceeds by more than 2,300 pounds the prescribed load limit shall be subject to punishment under Section 12765.

SEC. 3. Section 12799.25 of the Business and Professions Code is amended to read:

12799.25. When the scale is located at the site where the vehicle is loaded and the vehicle is weighed before entering a highway, the gross weight of any vehicle whose prescribed load limit is 76,800 pounds shall not be permitted to exceed by more than 2,300 pounds the prescribed load limit for the vehicle or combination of vehicles as a unit of equipment. Under such circumstances, any weighmaster or deputy weighmaster who certifies the weight of a load which exceeds by more than 2,300 pounds the prescribed load limit shall be subject to punishment under Section 12799.2.

CHAPTER 616

An act to amend Section 7548 of the Business and Professions Code, relating to surety bonds.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 7548 of the Business and Professions Code is amended to read:

7548. In lieu of the surety bond required by this article there may be deposited with the State of California the sum of two thousand dollars ($2,000) in cash, or evidence of deposit of the sum of two thousand dollars ($2,000) in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, or investment certificates or share accounts in the amount of two thousand dollars ($2,000) issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

CHAPTER 617

An act to amend Section 10.1 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), relating to the San Mateo County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 10.1 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec. 10.1. The board shall, by resolution, at the time of the institution of a project pursuant to Section 10.3 of this act, order the formation of any subzone within such a zone where, in the opinion of the board the contemplated improvements authorized by this act and the operation and maintenance thereof will be of special benefit to any such subzone, and are not of equal benefit to the entire zone within which any such subzone is proposed to be established. Notice of the intention to form any such subzone or subzones within a zone shall be given in the resolution specifying the board's intention to undertake a project. Any such subzone may be formed within the zone without regard to the boundaries of any natural drainage basin and the board may form as many subzones within a zone as may, in the opinion of the board, be necessary. At the time of the formation of any such subzone the board shall determine, after engineering studies for such purpose, the percentage (%) of benefit from the improvements proposed to be made within the zone and from the operation and maintenance thereof, to inure to the property in any such subzone. In the event that any bonded indebtedness is thereafter incurred within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed to pay that percentage (%) of the principal and interest of such bonded indebtedness determined to be the percentage (%) of benefit to the property within such subzone, by the board in the manner above mentioned. In the event that any tax or assessment for improvements, operation, maintenance or any other purpose is thereafter levied within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed or assessed to pay that percentage of the improvement costs, and of the operation, maintenance or other cost thereof, determined to be the percentage of benefit to the property within such subzone by reason of such improvements.

If, at any time after the formation of a subzone pursuant to the provisions of this act, the board deems it necessary and desirable to do so, it may review the validity of the engineering studies relating to the formation of the subzone and, if appropriate, alter the boundaries of the subzone or make a new determination as to the percentage of benefit accruing to the property within a given subzone from the improvements involved. Each succeeding alteration of boundaries or determination of percentage of benefit shall supersede any and all prior determinations. Prior to any alteration of the boundaries of a subzone or making such a new

determination of percentage of benefit, the board shall adopt a resolution specifying its intention to do so and shall fix a time and place for public hearing on the resolution. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing, the last publication of which must be at least seven days before the hearing, in a newspaper of general circulation designated by the board, circulated in the subzone or subzones affected, and if there be no such newspaper then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in the subzone or subzones.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written or oral objections to the proposed alteration of boundaries or redetermination of percentage of benefit. Upon conclusion of the hearing, the board may, by resolution, alter the subzone boundaries or make a new determination as to the percentage of benefit accruing to the property within the given subzone from the improvements involved, or may choose not to do so.

In the event that one or more subzones have been established within a zone pursuant to this section, any proposition for the incurring of a bonded indebtedness within a zone, or for increasing the maximum tax rate within the zone or subzone, shall indicate the fact that such subzone or subzones have been established in such manner as the board may deem appropriate.

The procedure for the levy and collection of taxes within each such subzone for the purpose herein provided in this section shall be the same as the procedure for the levy and collection of taxes within a zone established pursuant to Section 10 of this act.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The San Mateo County Flood Control District is undertaking a project within certain subzones of the district. Alteration of the boundaries of those subzones is necessary to equitably apportion the costs of that project, and authority for such alterations is necessary as soon as possible so that the project may proceed before further damage is done to the property within the district. It is necessary therefor that this act go into immediate effect.

CHAPTER 618

An act to add Section 3076.5 to the Labor Code, relating to apprenticeship standards for veterans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 3076.5 is added to the Labor Code, to read:

3076.5. A local joint apprenticeship committee may provide in its selection procedures for an additional 10 points credit in the selection of veteran applicants for apprenticeship.

"Veteran," as used in this section, means a veteran who has served in the armed forces of this country for at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose services therein did not exempt him from the operation of the Selective Training and Service Act of 1940 (54 Stat. 885).

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Although veterans preferences for apprenticeship positions do exist in conjunction with certain contracts involving the federal government, and veterans are also given special consideration for jobs in the civil service of the State of California, there exists no statutory provision for such veterans preference to be considered by local joint apprenticeship committees. Because at least two program sponsors have been approved where the practice is to give 10 percentage points to applicants for apprenticeship who are veterans of the Vietnam War, and because those programs may be jeopardized, and because they are in the public interest, it is necessary that this act go into effect immediately.

CHAPTER 619

An act to amend Section 2003 of the Fish and Game Code, relating to fish and game.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2003 of the Fish and Game Code is amended to read:

2003. (a) It is unlawful to offer any prize or other inducement as a reward for the taking of any game birds, mammals, fish, reptiles, or amphibia, excepting trout and excepting black bass pursuant to a permit issued under subdivision (b).

(b) The department, if it finds there would be no detriment to the resource, may, subject to such regulations as the commission shall

prescribe, issue to any person a permit authorizing such person to offer a prize or other inducement as a reward for the taking of black bass. The application for any such permit shall be accompanied by a fee in such amount as shall be determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing such permit.

(c) This section does not prohibit any person or nonprofit corporation from giving awards of not to exceed two hundred dollars ($200) in value for each recipient, and does not apply to any person or nonprofit organization conducting what are generally known as frog-jumping contests or fish contests conducted in waters of the Pacific Ocean.

CHAPTER 620

An act to amend Section 911.8 of the Government Code, relating to claims against public entities.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 911.8 of the Government Code is amended to read:

911.8. (a) Written notice of the board's action upon the application shall be given in the manner prescribed by Section 915.4.

(b) If the application is denied, the notice shall include a warning in substantially the following form:

"WARNING

"If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

"You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

CHAPTER 621

An act to add Section 25955.3 to the Health and Safety Code, relating to abortion and sterilization.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25955.3 is added to the Health and Safety Code, to read:

25955.3. The refusal of any person to submit to an abortion or surgical sterilization or to give consent therefor shall not be grounds for loss of any privileges or immunities to which such person would otherwise be entitled, nor shall submission to an abortion or surgical sterilization or the granting of consent therefor be a condition precedent to the receipt of any public benefits. The decision of any person to submit to an abortion or surgical sterilization or to give consent therefor shall not be grounds for loss of any privileges or immunities to which such person would otherwise be entitled, nor shall the refusal to submit to an abortion or surgical sterilization or to give consent therefor be a condition precedent to the receipt of any public benefits.

CHAPTER 622

An act to add Section 13928 to the Government Code, relating to the State Board of Control.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 13928 is added to the Government Code, to read:

13928. The board shall take any and all necessary steps to ensure that all claims which have been approved by the board, and for which there exists no legally available appropriation, are submitted for legislative approval on a quarterly basis during each calendar year.

CHAPTER 623

An act to amend Section 23701 of, to repeal Section 23705 of, and to add Sections 23705 and 23705.1 to, the Education Code, relating to the California State University and Colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 23701 of the Education Code is amended to read:

23701. It is the intent of the Legislature, while maintaining the maximum utilization of funds provided for the support of public higher education, to provide increased access to higher education for all residents of this state, to permit maximum use of existing facilities and academic resources of the California State University and Colleges campuses, to provide for the orderly growth and expansion of the state's system of higher education, and to allow for effective long-range planning to meet the needs of our institutions of higher education while maintaining the quality of that education.

Thus, it is the intent of the Legislature to establish year-round operations at the California State University and Colleges where practical.

SEC. 2. Section 23705 of the Education Code is repealed.

SEC. 3. Section 23705 is added to the Education Code, to read:

23705. The trustees shall maintain year-round operations at the following campuses: California Polytechnic State University, San Luis Obispo, California State Polytechnic University, Pomona, California State University, Los Angeles, and California State University, Hayward.

SEC. 4. Section 23705.1 is added to the Education Code, to read:

23705.1. Any campus of the California State University and Colleges, other than those specified in Section 23705, which has a full-time equivalent academic year enrollment of 10,000 or greater shall operate on a year-round basis within two years of the effective date of an appropriation by the Legislature of sufficient planning money to effectuate an orderly transition of campus operations to the year-round basis.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Section 23705 of the Education Code requires prescribed campuses of the California State University and Colleges to operate on a year-round basis by June 1, 1976. However, due to insufficient state funding for planning of the transition from existing operations to year-round operations, it has become economically impossible to

meet the statutory deadline. It is, therefore, necessary that this act take effect immediately.

CHAPTER 624

An act relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. If any application fee for certification as a master teacher has been held by an officer or employee of a school district, such application fee may be returned to the applicant, together with interest from the date of application at the rate of 5 percent per year. The return of such fees, with interest, is a proper charge against the general fund of the school district.

SEC. 2. This act is an urgency statute necessary for the preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 1428 of the Statutes of 1972 (effective March 7, 1973) substantially revised the statutes relating to certified master teachers by abolishing the previously established master teacher pilot program and establishing a statewide program, but made no provision with respect to the application of the revised statutes to the one school district which participated in the pilot program. On the effective date of that chapter, reports of examiner teachers relating to five applicants were pending before the selection panel of the pilot program district; however, that chapter made no provision for the disposition of these applications. In order that the application fees of those applicants may be returned, and to prevent them from suffering any monetary harm because of the fact that such applications were held for a substantial period of time, it is necessary that this act take effect immediately.

CHAPTER 625

An act to amend Section 9400 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

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SECTION 1. Section 9400 of the Vehicle Code is amended to read:

9400. In addition to any other registration fee, there shall be paid the fees set forth in this section for the registration of commercial vehicles. Whenever a camper is temporarily attached to a motor vehicle designed to transport property, such motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of such motor vehicle, exclusive of the camper.

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 6,000 lbs.	$54
6,000 lbs. or more but less than 10,000 lbs.	108
10,000 lbs. or more	145

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 3,000 lbs.	$5
3,000 lbs. to and including 4,000 lbs.	15
4,001 lbs. to and including 5,000 lbs.	32
5,001 lbs. to and including 6,000 lbs.	62
6,001 lbs. to and including 7,000 lbs.	83
7,001 lbs. to and including 8,000 lbs.	104
8,001 lbs. to and including 9,000 lbs.	124
9,001 lbs. to and including 10,000 lbs.	146
10,001 lbs. to and including 11,000 lbs.	165
11,001 lbs. to and including 12,000 lbs.	186
12,001 lbs. to and including 13,000 lbs.	207
13,001 lbs. to and including 14,000 lbs.	228
14,001 lbs. and over	247

(c) For any motor vehicle having three or more axles, or for any trailer, semitrailer, pole or pipe dolly, logging dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$17
3,001 lbs. to and including 4,000 lbs.	31
4,001 lbs. to and including 5,000 lbs.	62
5,001 lbs. to and including 6,000 lbs.	92

6,001 lbs. to and including 7,000 lbs.	124
7,001 lbs. to and including 8,000 lbs.	155
8,001 lbs. to and including 9,000 lbs.	186
9,001 lbs. to and including 10,000 lbs.	217
10,001 lbs. to and including 11,000 lbs.	247
11,001 lbs. to and including 12,000 lbs.	278
12,001 lbs. to and including 13,000 lbs.	309
13,001 lbs. to and including 14,000 lbs.	341
14,001 lbs. to and including 15,000 lbs.	372
15,001 lbs. and over	413

(d) The provisions of this section shall not be applicable to any motor vehicle manufactured in or prior to 1936 or any vehicle which is operated or moved over the highway exclusively for the purpose of historical exhibition or other similar noncommercial purpose.

CHAPTER 626

An act to add Section 334 to the Penal Code, relating to gaming.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 334 is added to the Penal Code, to read:

334. (a) Every person who owns or operates any concession, and who fraudulently obtains money from another by means of any hidden mechanical device or obstruction with intent to diminish the chance of any patron to win a prize, or by any other fraudulent means, shall be punished as in the case of theft of property of like value.

(b) Any person who manufactures or sells any mechanical device or obstruction for a concession which he knows or reasonably should know will be fraudulently used to diminish the chance of any patron to win a prize is guilty of a misdemeanor.

(c) Any person who owns or operates any game, at a fair or carnival of a type known as razzle-dazzle is guilty of a misdemeanor.

As used in this subdivision, "razzle-dazzle" means a series of games of skill or chance in which the player pays money or other valuable consideration in return for each opportunity to make successive attempts to obtain points by the use of dice, darts, marbles or other implements, and where such points are accumulated in successive games by the player toward a total number of points, determined by the operator, which is required for the player to win a prize or other valuable consideration.

(d) As used in this section, "concession" means any game or

concession open to the public and operated for profit in which the patron pays a fee for participating and may receive a prize upon a later happening.

(e) Nothing in this section shall be construed to prohibit or preempt more restrictive regulation of any concession at a fair or carnival by any local governmental entity.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 627

An act to amend Sections 4830, 4848 and 4905 of the Business and Professions Code, relating to veterinary medicine.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 4830 of the Business and Professions Code is amended to read:

4830. This chapter does not apply to:

(a) Veterinary surgeons while serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.

(b) Regularly licensed veterinarians in actual consultation from other states.

(c) Regularly licensed veterinarians actually called from other states to attend cases in this state, but who do not open an office or appoint a place to do business within this state.

(d) Veterinarians employed by the University of California while engaged in the performance of duties in connection with the College of Agriculture, the Agricultural Experiment Station, the School of Veterinary Medicine or the agricultural extension work of the university.

(e) Students in the School of Veterinary Medicine of the University of California who participate in diagnosis and treatment as part of their educational experience, including those in off-campus educational programs under the direct supervision of a licensed veterinarian appointed by the University of California, Davis.

SEC. 2. Section 4848 of the Business and Professions Code is

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amended to read:

4848. The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this state and shall issue a license to every person which it finds to be qualified.

The examination shall consist of a written examination and a practical examination which may be given at the same time or at different times as determined by the board. The written examination may be waived by the board in any case in which it determines that the applicant has taken an examination for license in another state substantially equivalent in scope and subject matter to the written examination last given in California before such determination is made, and has achieved a score on the out-of-state examination at least equal to the score required to pass such California written examination. Nothing in this chapter shall preclude the board from permitting a person who has completed a portion of his educational program, as determined by the board, in a veterinary college, recognized by the board under Section 4846, to take the examination or any part thereof prior to satisfying the requirements for application for a license established by Section 4846.

No license shall be issued to anyone who has not demonstrated his competency by examination.

SEC. 3. Section 4905 of the Business and Professions Code is amended to read:

4905. The following fees shall be collected by the board and the same shall be credited to the Board of Examiners in Veterinary Medicine Contingent Fund:

(a) The fee for filing an application for examination shall be fixed by the board in such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, but not to exceed fifty dollars ($50) for the practical examination, and at not more than sixty dollars ($60) for the written examination.

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the board for each biennial renewal period in such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, but not to exceed sixty-five dollars ($65).

(d) The delinquency fee is eight dollars ($8).

(e) The fee for issuance of a duplicate license is five dollars ($5).

(f) The board may make a charge for records, transcripts, and other official documents pertaining to the affairs of the board.

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(g) The fee for failure to report a change in the place of practice is ten dollars ($10).

(h) The fee for registration of veterinary premises is ten dollars ($10), but the board may reduce the fee to such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter.

CHAPTER 628

An act to amend Sections 45062 and 45064 of the Education Code, relating to adult education.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 45062 of the Education Code is amended to read:

45062. Each Area Adult Continuing Education Coordinating Council shall be composed of:

(a) Representatives of the high school, unified, and community college districts involved, appointed, in each instance, by the governing board of the district which they represent; and

(b) The chief administrative officer, or his designee, of each regional occupational center or program operating within the same geographical area.

Appointments to, and the functioning of, such councils shall be in accordance with guidelines jointly promulgated by the State Board of Education and the Board of Governors of the California Community Colleges.

SEC. 2. Section 45064 of the Education Code is amended to read:

45064. Each Area Adult Continuing Education Coordinating Council shall annually file on or before June 30 a report of its activities with the State Board of Education, the Board of Governors of the California Community Colleges, and affected district governing boards and regional occupational centers and programs. The report shall include those specific areas where mutual agreement cannot be reached. The respective state boards shall jointly resolve disagreement within a period of six months after the filing date of the report and notify the respective district governing boards and regional occupational centers and programs of their decision.

CHAPTER 629

An act to amend Section 3051 of the Welfare and Institutions Code, relating to narcotic treatment.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3051 of the Welfare and Institutions Code is amended to read:

3051. Upon conviction of a defendant for any crime in any superior court, or following revocation of probation previously granted, whether or not sentence has been imposed, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition or execution of the sentence and order the district attorney to file a petition for commitment of the defendant to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility unless, in the opinion of the judge, the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section.

Upon the filing of such a petition, the court shall order the defendant to be examined by two physicians; provided, that the examination may be waived by a defendant if the defendant has been examined in accordance with Section 1203.03 of the Penal Code and such examination encompassed whether defendant is addicted or is in imminent danger of addiction, and if the defendant is represented by counsel and competent to understand the effect of such waiver. At least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the defendant. A written report of the examination by the physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted. If the report is to the effect that the defendant is addicted or is by reason of the repeated use of narcotics in imminent danger of addiction, further proceedings shall be conducted in compliance with Sections 3104, 3105, 3106, and 3107.

If, after a hearing, the judge finds that the defendant is a narcotic addict, or is by reason of the repeated use of narcotics in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged

pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 3052 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 3052. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

If a person committed pursuant to this section is dissatisfied with the order of commitment he may within 10 days after the making of such order file a written demand for a jury trial in compliance with Section 3108.

SEC. 2. Section 3051 of the Welfare and Institutions Code is amended to read:

3051. Upon conviction of a defendant for any crime in any superior court, or following revocation of probation previously granted, whether or not sentence has been imposed, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition or execution of the sentence and order the district attorney to file a petition for commitment of the defendant to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility or order pursuant to Section 3052.5 unless, in the opinion of the judge, the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section.

Upon the filing of such a petition, the court shall order the defendant to be examined by two physicians; provided, that the examination may be waived by a defendant if the defendant has been examined in accordance with Section 1203.03 of the Penal Code and such examination encompassed whether defendant is addicted or is in imminent danger of addiction, and if the defendant is represented by counsel and competent to understand the effect of such waiver. At least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the defendant. A written report of the examination by the physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted. If the report is to the effect that the defendant is addicted or is by reason

of the repeated use of narcotics in imminent danger of addiction, further proceedings shall be conducted in compliance with Sections 3104, 3105, 3106, and 3107.

If, after a hearing, the judge finds that the defendant is a narcotic addict, or is by reason of the repeated use of narcotics in imminent danger of becoming addicted to narcotics, he shall make an order pursuant to Section 3052.5 or an order committing such person to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 (commencing with Section 3200) of this chapter, except as this chapter permits earlier discharge. In any case to which Section 3052 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 3052. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

If a person committed pursuant to this section is dissatisfied with the order of commitment he may within 10 days after the making of such order file a written demand for a jury trial in compliance with Section 3108.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1223 are both chaptered and become effective January 1, 1975, both bills amend Section 3051 of the Welfare and Institutions Code, and this bill is chaptered after Assembly Bill No. 1223, that the amendments to Section 3051 proposed by both bills be given effect and incorporated in Section 3051 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1223 are both chaptered and become effective January 1, 1975, both amend Section 3051, and this bill is chaptered after Assembly Bill No. 1223, in which case Section 1 of this act shall not become operative.

CHAPTER 630

An act to amend Section 8.1 of, and to add Sections 15.1 and 15.2 to, the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), relating to the Placer County Water Agency.

[Approved by the Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 8.1 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 8.1. The board may appoint and employ a secretary and such other officers, agents, superintendents, engineers, attorneys and employees for the board or agency as in its judgment may be deemed necessary, including, if it deems it advisable, a clerk, superintendent of work, treasurer, and auditor, and define their powers and duties, fix their compensation and fix the amount of bond required of each such employee or officer and pay the premium of each such bond. Such officers, agents and employees so appointed shall hold their respective offices and positions during the pleasure of the board. The board shall have the power to combine any two or more offices in its discretion.

SEC. 2. Section 15.1 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 15.1. (a) Territory may be annexed to a zone or territory within an existing zone may be detached therefrom under the procedure set forth in this section.

(b) Whenever any territory is annexed to a zone, the annexed territory shall be subject to all the liabilities and entitled to all the benefits of that zone.

(c) Whenever any territory is detached from a zone, except as otherwise provided for herein, the territory detached, all inhabitants within such territory and all persons formerly entitled to vote by reason of residing within such zone shall cease to be subject to the jurisdiction of such zone and shall have none of the rights or duties of the remaining territory or voters of such zone upon and after the effective date of the detachment.

No inhabitant, property owner, taxpayer, consumer, or user within territory detached from a zone shall be entitled (i) to all or any part or to any payment on account of the moneys or funds (including cash on hand and moneys due but uncollected) or any property, real or personal, of such zone or (ii) to any refund by reason of any taxes, assessments, service charges, rentals or rates collected prior to the effective date of the detachment.

Territory detached from a zone shall continue to be liable for the payment of principal, interest and any other amounts which shall become due on account of any bonds, including revenue bonds, or other contracts or obligations of the zone within which the detached territory shall have been situated, as shall be outstanding on the effective date of detachment and shall be subject to the levying or fixing and collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates, or (iii) both, as may be necessary to provide for such payment.

(d) The board shall adopt a resolution initiating proceedings for annexation or detachment, which resolution shall contain all the following:

(1) The exterior boundaries of the territory proposed for annexation or detachment.

(2) A statement of the reasons for the proposed annexation or detachment.

(3) Fix a time, date, and place of hearing on the proposed annexation or detachment.

(4) State that any interested person desiring to make written protest against such annexation or detachment shall do so by written communication, containing the signature and street address of the protestant, filed with the clerk of the agency not later than the hour set for the hearing.

(e) The clerk of the agency shall give notice of the hearing by mailing a copy of such notice to all landowners owning land within the territory proposed to be annexed or detached, and by publishing notice thereof in at least two successive issues, not more than 30 nor less than 10 days prior to the hearing, in a newspaper of general circulation published in the agency.

(f) A majority protest shall be deemed to exist, and the proposed annexation or detachment shall be abandoned, if the agency shall find that written protests filed and not withdrawn prior to the conclusion of the hearing represent more than 50 percent of the assessed value of the land and improvements within the territory proposed to be annexed or detached.

(g) At the hearing, all interested persons shall be given the opportunity to present evidence and testimony for or against the proposed annexation or detachment. Any person who shall have filed a written protest may withdraw the written protest at any time prior to the conclusion of the hearing.

If a majority protest shall not have been filed, the board, not later than 30 days after the conclusion of the hearing, shall adopt a resolution making one of the following determinations:

(1) Disapproving the proposed annexation or detachment.

(2) Approving the proposed annexation or detachment.

(3) Approving the annexation or detachment, but excluding any lands which the board finds will not be benefited by such annexation or detachment.

(h) If the board approves the proposed annexation or detachment, or approves it but excludes any lands, a certified copy of the resolution of the board, together with a map or plat of the new boundaries of the zone, shall be filed with the agencies designated in, and as required by, Sections 54900, 54901, and 54902 of the Government Code. Upon such filing, the annexation or detachment of the territory to the zone shall be effective.

SEC. 3. Section 15.2 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 15.2. The board may by resolution create an advisory council for any zone to assist and advise the board on all matters pertaining to that zone. Each such council shall consist of not more than five members appointed by and serving at the pleasure of the board. Each council member shall be either a resident of or the owner of property in the zone for which the council is appointed.

Council members shall receive such sum as is fixed by the board, up to a maximum of twenty-five dollars ($25), for each meeting of the council attended by the member, not exceeding two meetings per month, plus actual, necessary and reasonable traveling expenses. The compensation set for the various advisory councils need not be the same, but in no event may it exceed the maximum provided for in this section.

CHAPTER 631

An act to amend Section 3600.3 of the Labor Code, relating to Division of Forestry personnel.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 3600.3 of the Labor Code is amended to read:

3600.3. (a) For the purposes of Section 3600, an off-duty peace officer who is performing, within the jurisdiction of his employing agency, a service he would, in the course of his employment, have been required to perform if he were on duty, is performing a service growing out of and incidental to his employment and is acting within the course of his employment if, as a condition of his employment, he is required to be on call within such jurisdiction during his off-duty hours.

(b) As used in this section, "peace officer" means active law enforcement officers and fire suppression personnel who are full-time employees of a city, county, police or fire protection district, or of any other district furnishing police protection or fire suppression services.

(c) As used in subdivisions (a) and (d), "peace officer" shall also mean those employees of the Division of Forestry of the Department of Conservation named as peace officers for purposes of subdivision (f) of Section 830.3 of the Penal Code.

(d) This section shall not apply to any off-duty peace officer while he is engaged, either as an employee or as an independent contractor, in any capacity other than as a peace officer.

(e) This section shall not preclude a peace officer, as defined in subdivision (b), from any recovery of benefits under this division to which he might be entitled pursuant to Section 50921 of the Government Code.

CHAPTER 632

An act to amend Sections 2701, 2702, 2703, 2715, 2810, 2812, and 2814 of, to add Section 2710.5 to, and to repeal Sections 2718, 2719, and 2720 of, the Business and Professions Code, relating to nursing.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2701 of the Business and Professions Code, as amended by Section 3 of Chapter 122 of the Statutes of 1973, is amended to read:

2701. The California Board of Nursing Education and Nurse Registration, consisting of nine members, is continued in existence in the Department of Consumer Affairs as the Board of Registered Nursing.

Within the meaning of this chapter, board, or the board, refers to the Board of Registered Nursing. Any reference in state law to the Board of Nurse Examiners of the State of California or California Board of Nursing Education and Nurse Registration shall be construed to refer to the Board of Registered Nursing.

This section shall remain in effect until July 1, 1977, and on such date is repealed.

SEC. 2. Section 2701 of the Business and Professions Code as amended by Section 4 of Chapter 122 of the Statutes of 1973 is amended to read:

2701. The California Board of Nursing Education and Nurse Registration, consisting of nine members, is continued in existence in the State Department of Health as the Board of Registered Nursing.

Within the meaning of this chapter, board, or the board, refers to the Board of Registered Nursing. Any reference in state law to the Board of Nurse Examiners of the State of California or California Board of Nursing Education and Nurse Registration shall be construed to refer to the Board of Registered Nursing.

This section shall become operative on July 1, 1977.

SEC. 3. Section 2702 of the Business and Professions Code is amended to read:

2702. Each member of the board shall be a citizen of the United States and a resident of the State of California. Two members shall represent the public at large, and shall not be licensed under any board under this division or any board referred to in Section 1000 or 3000, and shall have no pecuniary interests in the provision of health care services. Three members shall be licensed registered nurses under the provisions of this chapter, each of whom shall be active in the practice of his profession engaged primarily in direct patient care with at least five continuous years of experience, and who shall not be engaged as an educator or administrator of a nursing education

program under the provisions of this chapter. Two members shall be licensed registered nurses under the provisions of this chapter who shall be active as educators or administrators in an approved program to train registered nurses. One member shall be a licensed registered nurse who is an administrator of a nursing service with at least five continuous years of experience. One member shall be a licensed physician active in the practice of his profession with at least five years of continuous experience.

SEC. 4. Section 2703 of the Business and Professions Code is amended to read:

2703. The Governor shall appoint the members of the board. The members in office on the effective date of the amendments made to this section at the 1973–74 Regular Session shall continue in office until the expiration of the terms they are then serving. The first vacancy in the offices of the nurse members whose terms expire June 1, 1975 shall be filled by the appointment of nurses engaged primarily in direct patient care for terms expiring June 1, 1979. The first vacancy in the office of the nurse member whose term expires June 1, 1976 shall be filled by the appointment of a nurse educator or administrator for a term expiring June 1, 1980. The first vacancy in the office of the public member whose term expires June 1, 1976 shall be filled by the appointment of a public member for a term expiring June 1, 1980. The first vacancy in the office of the nurse member whose term expires June 1, 1977 shall be filled by the appointment of a nurse educator or administrator for a term expiring June 1, 1981. The first vacancy in the office of the public member whose term expires June 1, 1977 shall be filled by the appointment of a public member for a term expiring June 1, 1981. The first vacancy in the office of the nurse member whose term expires June 1, 1978 shall be filled by the appointment of a nurse engaged primarily in direct patient care for a term expiring June 1, 1982. The nursing service administrator member first appointed shall be appointed for a term expiring June 1, 1977. The physician member first appointed shall be appointed for a term expiring June 1, 1978. Thereafter all appointments shall be for a term of four years and vacancies shall be filled for the unexpired term. No person shall serve more than two consecutive terms.

SEC. 5. Section 2710.5 is added to the Business and Professions Code, to read:

2710.5. The board, with permission of the Director of the Department of Consumer Affairs, may form advisory committees to advise the board on the implementation of this chapter. Members of such advisory committees shall be entitled to a per diem and expenses as provided in Section 103.

SEC. 6. Section 2715 of the Business and Professions Code is amended to read:

2715. The board shall prosecute all persons guilty of violating the provisions of this chapter.

Except as provided by Section 159.5, the board, in accordance with

the provisions of the Civil Service Law, may employ such personnel as it deems necessary to carry into effect the provisions of this chapter.

The board shall have and use a seal bearing the name "Board of Registered Nursing." The board may adopt, amend, or repeal, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of this chapter.

SEC. 8. Section 2810 of the Business and Professions Code is amended to read:

2810. There is established in the State Treasury a Board of Registered Nursing Fund. The California Board of Nursing Education and Nurse Registration Fund of the State of California is abolished. The Controller, on, January 1, 1975, shall transfer any balance in that fund to the Board of Registered Nursing Fund. Any reference in state law to the Board of Nurse Examiners Fund or the Board of Nurse Examiners Fund of the State of California shall be construed to refer to the Board of Registered Nursing Fund.

SEC. 9. Section 2812 of the Business and Professions Code is amended to read:

2812. Within 10 days after the beginning of each month, the board shall report to the State Controller the amount and source of all collections made under the provisions of this chapter. At the same time, all such amounts shall be paid into the State Treasury, where they shall be placed to the credit of the Board of Registered Nursing Fund.

SEC. 10. Section 2814 of the Business and Professions Code is amended to read:

2814. All money in the Board of Registered Nursing Fund is hereby appropriated to carry out the provisions of this chapter, and the promotion of nursing education in this state.

SEC. 11. Section 2718 of the Business and Professions Code, as amended by Chapter 1823 of the Statutes of 1961, is repealed.

SEC. 12. Section 2718 of the Business and Professions Code, as amended by Chapter 1593 of the Statutes of 1971, is repealed.

SEC. 13. Section 2719 of the Business and Professions Code is repealed.

SEC. 14. Section 2720 of the Business and Professions Code is repealed.

CHAPTER 633

An act to amend Section 1176.5 of the Unemployment Insurance Code, relating to unemployment disability insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1176.5 of the Unemployment Insurance Code is amended to read:

1176.5. (a) Except as provided by subdivision (c) of this section, refunds and credits under Section 1176 shall be claimed pursuant to Section 17061 of the Revenue and Taxation Code on the personal income tax return of the claimant for the year in which the wages in excess of the applicable limitation are received. In no event shall the credit or refund be made unless the claim is made on a return filed within three years from the last day prescribed for filing the return, without regard to any extensions. The director shall transfer from the Disability Fund to the General Fund an amount equal to the amount of credits and refunds allowed by the Franchise Tax Board.

(b) If the Franchise Tax Board disallows an individual's claim filed pursuant to subdivision (a) of this section, he may file a protest and submit the claim to the director within 30 days of the date of mailing of the notice of disallowance by the Franchise Tax Board pursuant to Section 17061 of the Revenue and Taxation Code. An additional 30 days for the filing of the protest may for good cause be granted by the director.

(c) If any individual is not required to file a personal income tax return for a year with the Franchise Tax Board, he may, within three years after the calendar year in which the wages in excess of the applicable limitation are received, file a claim for refund or credit under Section 1176 with the director.

(d) The director shall make refunds from the Disability Fund if he allows a claim under this section. The provisions of Sections 1180, 1182 and 1183 shall apply whenever the director denies any claim for refund or credit under this section.

SEC. 2. The amendments to Section 1176.5 of the Unemployment Insurance Code made by this act shall apply to credits or refunds of excess employee contributions for disability insurance claimed for years beginning on or after January 1, 1973.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act extending the period for filing claims for refunds of excess unemployment disability insurance contributions to apply to all excess payments in 1973, it is necessary that this act take effect immediately.

CHAPTER 634

An act to amend Section 10751 of the Education Code, relating to student records, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10751 of the Education Code is amended to read:

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school providing instruction in any of grades kindergarten through 12 shall permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

(f) An officer or employee of a county agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

(g) An officer or employee of any adoption agency licensed by the Department of Social Welfare, as to a minor placed with or under the supervision of that agency, or another minor from the same family as such minor, or as to children in families for which an investigation by the agency is required under Section 226.6 of the Civil Code.

The restrictions imposed by this section are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be

identified by name in the information submitted for research. Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff.

Notwithstanding the restrictions imposed by this section, the names and addresses of pupils, the record of a pupil's daily attendance, the pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents or guardian, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States seeking this information in the course of his duties, when the pupil is a veteran of military service with the United States, or an orphan or dependent of such veteran, or an alien. Notwithstanding the restrictions imposed by this section, school personnel of a public, private, or parochial high school may furnish the names and addresses of graduating seniors to elected federal, state, county, or district officials, or to a commissioned officer, or his designee, in charge of recruitment for the National Guard or an active or reserve component of the armed forces, as defined pursuant to Section 18540 of the Government Code, seeking information in the course of his recruitment duties.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assist the national government and the apparent national policy of establishing an all-volunteer military force of the United States, and provide military recruiters with the same access to information concerning students as other private and public individuals, and, in that regard, to assist students who may be interested in securing the benefits and experience available from service in the armed forces, at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 635

An act to amend Sections 280, 24600, 24603, 24607, 25252, and 34710 of, and to repeal Section 25101 of, the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 280 of the Vehicle Code is amended to read:

280. "Darkness" is any time from one-half hour after sunset to one-half hour before sunrise and any other time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of 1,000 feet.

SEC. 2. Section 24600 of the Vehicle Code is amended to read:

24600. During darkness every motor vehicle which is not in combination with any other vehicle and every vehicle at the end of a combination of vehicles shall be equipped with lighted taillamps mounted on the rear as follows:

(a) Every such vehicle shall be equipped with one or more taillamps.

(b) Every such vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with not less than two taillamps, except that trailers and semitrailers manufactured after July 23, 1973, which are less than 30 inches wide, may be equipped with one taillamp which shall be mounted at or near the vertical centerline of the vehicles. If such a vehicle is equipped with two taillamps, they shall be mounted as specified in subdivision (d).

(c) Every such vehicle or vehicle at the end of a combination of vehicles, subject to subdivision (a) of Section 22406 shall be equipped with not less than two taillamps.

(d) When two taillamps are required, at least one shall be mounted at the left and one at the right side respectively at the same level.

(e) Taillamps shall be red in color and shall be plainly visible from all distances within 500 feet to the rear except that taillamps on vehicles manufactured after January 1, 1969, shall be plainly visible from all distances within 1,000 feet to the rear.

(f) Taillamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches nor higher than 72 inches.

SEC. 3. Section 24603 of the Vehicle Code is amended to read:

24603. Every motor vehicle which is not in combination with any other vehicle and every vehicle at the end of a combination of vehicles shall at all times be equipped with stoplamps mounted on the rear as follows:

(a) Every such vehicle shall be equipped with one or more stoplamps.

(b) Every such vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with two stoplamps, except that trailers and semitrailers manufactured after July 23, 1973, which are less than 30 inches wide, may be equipped with one stoplamp which shall be mounted at or near the vertical centerline of the trailer. If such vehicle is equipped with two stoplamps, they shall be mounted as specified in subdivision (d).

(c) Stoplamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches or higher than 72

inches.

(d) Where two stoplamps are required, at least one shall be mounted at the left and one at the right side, respectively, at the same level.

(e) Stoplamps shall emit a red or amber light and shall be plainly visible and understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime, except that stoplamps on a vehicle of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet during such times.

(f) Stoplamps shall be actuated upon application of the service (foot) brake and the hand control head for air, vacuum, or electric brakes. In addition, all stoplamps may be activated by a mechanical device designed to function only upon sudden release of the accelerator while the vehicle is in motion. Such mechanical device shall be approved by, and comply with specifications and regulations established by, the department.

(g) Any vehicle may be equipped with supplemental stoplamps mounted to the rear of the rearmost portion of the driver's seat in its rearmost position in addition to the lamps required to be mounted on the rear of the vehicle. The supplemental stoplamp on that side of a vehicle toward which a turn will be made may flash as part of the supplemental turn signal lamp.

SEC. 4. Section 24607 of the Vehicle Code is amended to read:

24607. Every vehicle subject to registration under this code shall at all times be equipped with red reflectors mounted on the rear as follows:

(a) Every vehicle shall be equipped with at least one reflector so maintained as to be plainly visible at night from all distances within 350 to 100 feet from the vehicle when directly in front of the lawful upper headlamp beams.

(b) Every vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1965, shall be equipped with at least two reflectors meeting the visibility requirements of subdivision (a), except that trailers and semitrailers manufactured after July 23, 1973, which are less than 30 inches wide, may be equipped with one reflector which shall be mounted at or near the vertical centerline of the trailer. If such vehicle is equipped with two reflectors, they shall be mounted as specified in subdivision (d).

(c) Every motortruck having an unladen weight of more than 5,000 pounds, every trailer coach, every camp trailer, every vehicle or vehicle at the end of a combination of vehicles subject to subdivision (a) of Section 22406, and every vehicle 80 or more inches in width manufactured on or after January 1, 1969, shall be equipped with at least two reflectors maintained so as to be plainly visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper headlamp beams.

(d) When more than one reflector is required, at least one shall be mounted at the left side and one at the right side respectively, at the same level. Reflectors shall be mounted not lower than 15 inches

nor higher than 60 inches.

(e) Reflectors on truck tractors may be mounted on the rear of the cab. Any reflector installed on a vehicle as part of its original equipment prior to January 1, 1941, need not be of an approved type provided it meets the visibility requirements of subdivision (a).

SEC. 5. Section 25101 of the Vehicle Code is repealed.

SEC. 6. Section 25252 of the Vehicle Code is amended to read:

25252. Every authorized emergency vehicle shall be equipped with at least one steady burning red warning lamp visible from at least 1,000 feet to the front of the vehicle to be used as provided in this code.

In addition, authorized emergency vehicles may display revolving, flashing, or steady red warning lights to the front, sides or rear of the vehicles.

SEC. 7. Section 34710 of the Vehicle Code is amended to read:

34710. As used in this division, "passenger vehicle" means any motor vehicle defined in Section 465, except any of the following motor vehicles:

(a) Motorcycles.

(b) Housecars.

(c) Specially constructed vehicles.

(d) Motor vehicles equipped with four-wheel drive.

(e) Motor vehicles constructed on a truck chassis.

(f) Motor vehicles operated for hire, compensation, or profit.

(g) Makes of motor vehicles of a model year manufactured or sold in California in quantities of less than 2,000 units for each such model year.

(h) Motor vehicles designed and constructed by the manufacturer of such vehicles, for off-highway use, as determined by the Department of Motor Vehicles.

CHAPTER 636

An act to amend Section 13005 of the Health and Safety Code, relating to fire prevention.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13005 of the Health and Safety Code is amended to read:

13005. Every person is guilty of a misdemeanor who:

(a) Sells, offers for sale, leases, or rents to any person any tractor, engine, machine, or truck equipped with an internal combustion engine that is operated on hydrocarbon fuels, if either:

(1) It is specifically designed for use in harvesting or moving grain

or hay or for use on land covered with any other flammable agricultural crop, unless the exhaust system of such engine is equipped with a spark arrester in effective working order.

(2) It is not specifically designed for any of the uses described in paragraph (1) but could be used for any such uses, unless such person provides written notice to the purchaser or bailee of his criminal liability for operating it without a spark arrester in effective working order as provided in subdivision (b).

(b) Operates or causes to be operated, without maintaining in effective working order a spark arrester attached to the exhaust system, any tractor, engine, machine, or truck equipped with an internal combustion engine that is operated on hydrocarbon fuels in harvesting or moving grain or hay, or operates, without maintaining in effective working order a spark arrester attached to the exhaust system, any such equipment or vehicle on land covered with any other flammable agricultural crop.

Spark arrester, as used in this section, is as defined in Section 4442 of the Public Resources Code.

Spark arresters attached to the exhaust system of engines on equipment or vehicles, as described in this section, shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

Motortrucks, truck tractors, buses and passenger vehicles, except motorcycles, are not subject to the provisions of paragraph (2) of subdivision (a) if the exhaust system is equipped with a muffler as defined in the Vehicle Code.

CHAPTER 637

An act to amend Section 4000.1 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) The department shall require, pursuant to law or regulation of the State Air Resources Board adopted pursuant to Section 39176.1 of the Health and Safety Code, upon initial registration, and upon transfer of ownership and registration, of any motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a motor vehicle pollution control

device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

With respect to new vehicles having a gross vehicle weight of 6,001 pounds or less, the department shall accept a statement completed pursuant to subdivision (b) of Section 24007 in lieu of the certificate of compliance.

The provisions of this section shall not apply to a transfer of ownership and registration when the transferor is either the parent, grandparent, child, or spouse of the transferee, when a vehicle registered to a sole proprietorship is transferred to such proprietor as owner, or when the transfer is between companies whose principal business is leasing vehicles, if there is no change in the lessee or operator of the vehicle.

(b) The State Air Resources Board established under Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code may exempt designated classifications of motor vehicles from the provisions of subdivision (a) as they deem necessary, and shall notify the department of such action; provided, however, that no exemption shall be granted to those vehicles subject to the provisions of subdivision (g) of Section 39129 of the Health and Safety Code, except as provided therein.

CHAPTER 638

An act to add Section 46990 to the Food and Agricultural Code, relating to citrus fruit.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 46990 is added to the Food and Agricultural Code, to read:

46990. The varietal designation of Temple Orange Mandarin Fruit grown in this state shall be "Royal Mandarin" for labeling purposes.

CHAPTER 639

An act to amend Section 856 of the Fish and Game Code, and to amend Section 830.3 of the Penal Code, relating to peace officers.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 856 of the Fish and Game Code is amended to read:

856. (a) All members of the Wildlife Protection Branch designated by the director as deputized law enforcement officers are peace officers. The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Every peace officer described in this section, prior to the date that he is first deputized by the department, shall have satisfactorily completed the basic course as set forth in the regulations of the Commission on Peace Officer Standards and Training.

(c) Every peace officer described in this section who is not promoted, appointed, or transferred to a first-level supervisory position, as defined in the regulations of the Commission on Peace Officer Standards and Training, shall satisfactorily complete at least once every four years the advanced officer course as set forth in the regulations of the Commission on Peace Officer Standards and Training.

(d) Every peace officer described in this section who is promoted, appointed, or transferred to a first-level supervisory position, as defined in the regulations of the Commission on Peace Officer Standards and Training, shall satisfactorily complete, within the minimum time limit prescribed by the regulations of the Commission on Peace Officer Standards and Training, the supervisory course as set forth in such regulations.

(e) Persons described in this section as peace officers who do not satisfactorily complete the courses required by subdivisions (b) to (d), inclusive, shall not have the powers of a peace officer.

SEC. 2. Section 830.3 of the Penal Code is amended to read:

830.3. (a) The Deputy Director and the Assistant Director of the Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city

or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Consumer Affairs are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) (1) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to, and meeting the requirements of, Section 856 of the Fish and Game Code are peace officers. The authority of any such peace officers extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(2) Other deputies of the Department of Fish and Game deputized pursuant to Section 851 of the Fish and Game Code, and county fish and game wardens deputized pursuant to Section 875 of such code, are peace officers, provided that the exclusive duty of such deputies or county fish and game wardens shall be the enforcement of the provisions of the Fish and Game Code and the regulations made pursuant thereto.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary firewardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the

enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(k) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 8597 of the Government Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(*l*) The Chief and such inspectors of the Bureau of Food and Drug as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(m) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(o) All investigators of the Division of Labor Law Enforcement, as designated by the Labor Commissioner, are peace officers; provided that the primary duty of any such peace officer shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(p) The authority of any peace officer listed in subdivisions (c) and (d), paragraph (2) of subdivision (e), and subdivisions (f) through (o), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6 of this code, or Section 8597 of the Government Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 3. Section 830.3 of the Penal Code is amended to read:

830.3. (a) The Deputy Director, assistant directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with

respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Consumer Affairs are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) (1) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to, and meeting the requirements of, Section 856 of the Fish and Game Code are peace officers. The authority of any such peace officers extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(2) Other deputies of the Department of Fish and Game deputized pursuant to Section 851 of the Fish and Game Code, and county fish and game wardens deputized pursuant to Section 875 of such code, are peace officers, provided that the exclusive duty of such deputies or county fish and game wardens shall be the enforcement of the provisions of the Fish and Game Code and the regulations made pursuant thereto.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary firewardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce

any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(k) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 8597 of the Government Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(*l*) The Chief and such inspectors of the Bureau of Food and Drug as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(m) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section

25429 of the Education Code.

(o) All investigators of the Division of Labor Law Enforcement, as designated by the Labor Commissioner, are peace officers; provided that the primary duty of any such peace officer shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(p) The authority of any peace officer listed in subdivisions (c) and (d), paragraph (2) of subdivision (e), and subdivisions (f) through (o), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6 of this code, or Section 8597 of the Government Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 771 are both chaptered and become effective January 1, 1975, both bills amend Section 830.3 of the Penal Code, and this bill is chaptered after Senate Bill No. 771, that the amendments to Section 830.3 of the Penal Code proposed by both bills be given effect and incorporated in Section 830.3 of the Penal Code in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 771 are both chaptered and become effective January 1, 1975, both amend Section 830.3 of the Penal Code, and this bill is chaptered after Senate Bill No. 711, in which case Section 2 of this act shall not become operative.

CHAPTER 640

An act to add Section 23428.23 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.23 is added to the Business and Professions Code, to read:

23428.23. For the purposes of this article "club" also means any letter carriers local which is chartered by a national labor organization having affiliates in each state of the United States, which has been in existence for at least five years, which consists of not less than 1,500 members as defined by the National Labor Relations Act, and which owns or leases a building of not less than 5,000 square feet that is used by the members, or by the members of other labor organizations, or both, for their social activities. No letter carriers local which makes any discrimination, distinction, or restriction against any person on account of such person's age, sex, color, race, religion, ancestry, or national origin shall be licensed pursuant to this section. No club licensed under this section shall engage in the sale of alcoholic beverages for consumption outside of the licensed premises.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the state, cities and counties may benefit from revenue generated from licensing clubs qualified under this act, it is necessary for this act to take effect immediately.

CHAPTER 641

An act to add Section 1111.11 to the Education Code, relating to school elections.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1111.11 is added to the Education Code, to read:

1111.11. When a community college district or community college district trustee area includes within its boundaries the same territory, or territory that is in part the same, as a chartered city which holds a city election on a date other than one of the two regular election dates established by Section 2504 of the Elections Code for the conduct of city elections in odd-numbered years, the governing board member elections of the community college district or community college district trustee area may be consolidated with the city election pursuant to Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code. Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the community college district upon

the written request of the governing board of the community college district, with the written consent of the legislative body of the city. The provisions of this section shall be controlling in the event of any conflict with a prior order of the county superintendent of schools made pursuant to Section 1331.

Successors to incumbents holding office upon adoption of this section, who in the absence of this section would have been elected at a different time, shall be chosen for office at the election nearest the time the terms of office of such incumbents would have otherwise expired. If an incumbent's term of office is extended because of this section, he shall hold office until a successor qualifies therefor, but in no event shall the term of an incumbent be extended to exceed four years.

CHAPTER 642

An act to add Part 1.7 (commencing with Section 34100) to Division 24 of the Health and Safety Code, relating to redevelopment.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Part 1.7 (commencing with Section 34100) is added to Division 24 of the Health and Safety Code, to read:

PART 1.7. COMMUNITY DEVELOPMENT COMMISSION

CHAPTER 1. DEFINITIONS

34100. "Community" means a city, county, city and county, or Indian tribe, band, or group which is incorporated or which otherwise exercises some local governmental powers.

34101. "Commission" means a community development commission created by this part.

34102. "Redevelopment agency" means a redevelopment agency created pursuant to the Community Redevelopment Law, Part 1 (commencing with Section 33000).

34103. "Housing authority" means a housing authority created pursuant to the Housing Authorities Law, Chapter 1 (commencing with Section 34200) of Part 2.

34104. "Legislative body" means the city council, board of supervisors, or other legislative body of the community.

CHAPTER 2. ESTABLISHMENT, CREATION, AND SUSPENSION OF COMMISSION

Article 1. Declaration of Creation and Establishment

34110. There is hereby created and established in each community a public body, corporate and politic, known as the community development commission.

34111. There is also in each community a public body, corporate and politic, known as the redevelopment agency of the community. There is also in each community a public body, corporate and politic, known as the housing authority of the community. Nothing in this part changes the existence of such entities as separate public bodies, corporate and politic.

34112. The commission is created and established in order that a community may have the option of operating and governing its redevelopment agency and its housing authority under a single operating entity and board. The commission is also created and established for the purpose of exercising any other powers regarding community development which the legislative body of a community may desire to delegate to the commission subject to such conditions as may be imposed by the legislative body.

Article 2. Procedures Making Commission Operative

34115. A commission may not transact any business or exercise any powers under this part unless, by ordinance, the legislative body declares that there is need for a commission to function in the community. The ordinance of the legislative body declaring that there is need for a commission to function in the community shall be subject to referendum as prescribed by law for a county or a city ordinance.

34116. The commission shall cause a certified copy of the ordinance to be filed in the office of the Secretary of State and with the Department of Housing and Community Development.

34117. In any proceeding involving the validity or enforcement of, or relating to, any contract by a commission, the commission is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the filing with the Secretary of State and with the Department of Housing and Community Development of such an ordinance.

Article 3. Legislative Body as Commission

34120. The legislative body may, at the time of the adoption of an ordinance declaring that there is a need for a commission to function in the community or at any time thereafter, by adoption of an ordinance, declare itself to be the commission in which case, all the rights, powers, duties, privileges and immunities, vested by this part

in a commission, except as otherwise provided in this part, shall be vested in the legislative body of the community.

34121. A legislative body which has declared itself to be the commission pursuant to Section 34120 may at any time by resolution determine that it shall no longer function as the commission, in which event, the mayor or chairman of the board of supervisors or similar official, with the approval of the legislative body, shall appoint resident electors of the community as members of the commission.

Article 4. Suspension of Commission

34125. The legislative body of the community may by ordinance declare that there is no further need for the commission. Upon adoption of the ordinance the offices of the commissioners are vacated and the capacity of the commission to transact business or exercise any powers is suspended until the legislative body subsequently adopts an ordinance declaring the need for the commission to function. If the commission has outstanding bonded indebtedness issued in the name of the commission, the legislative body of the community may adopt an ordinance declaring there is no further need for the commission only if the unanimous consent of the commissioners is first obtained.

34126. The legislative body of the community shall file with the Secretary of State and with the Department of Housing and Community Development a certified copy of any ordinance suspending a commission.

CHAPTER 3. APPOINTMENT, COMPENSATION, AND REMOVAL OF COMMISSIONERS

34130. (a) When the legislative body adopts an ordinance declaring the need for a commission, the mayor or chairman of the board of supervisors or similar official, with the approval of the legislative body, shall appoint the number of resident electors of the community as commissioners as the legislative body prescribe by ordinance. The legislative body by ordinance may increase or decrease the number of commissioners. The legislative body shall establish and provide for the terms, compensation, and removal of the commissioners. The legislative body shall provide procedures for appointment or election of the officers of the commission.

(b) In addition to the commissioners mentioned in subdivision (a) of this section, the mayor or chairman of the board of supervisors or similar official, with the approval of the legislative body, may at any time appoint two tenants of the housing authority as members of the commission.

(c) Upon the appointment and qualification of a majority of the commissioners, the commission shall be vested with all the powers, duties, and responsibilities of the members of the redevelopment agency and the commissioners of the housing authority, and such

members of the redevelopment agency and commissioners of the housing authority shall have no powers, duties, and responsibilities as long as the commission functions.

34131. A commissioner, unless the legislative body is the commission, may not be an elective officer or an employee of the community, but may be a member, commissioner, or employee of any other agency or authority in the community.

CHAPTER 4. NATURE, JURISDICTION, AND GENERAL POWERS OF COMMISSION

34140. The powers duties, and responsibilities of the commission, the redevelopment agency, and the housing authority are vested in the commissioners in office. Each commission exercises governmental functions and has the powers prescribed in this part. Each commission is performing a public function of the community.

34141. The nature, power, authority, functions and jurisdiction of the commission include, but are not limited to, all of the nature, power, authority, functions, and jurisdiction of redevelopment agencies and housing authorities. The commission also has the nature, power, authority, functions, and jurisdiction relating to community development as may be delegated to the commission by the legislative body, subject to such conditions as may be imposed by the legislative body.

34142. All property of a commission, including funds, owned or held by it for the purposes of this part shall be exempt from levy and sale by virtue of an execution or other judicial process. Execution or other judicial process shall not issue against such property of a commission nor shall any judgment against a commission be a charge or lien upon such property. This section does not apply to or limit the right of obligees to foreclose or otherwise enforce any any mortgage, deed of trust, or other encumbrance of an agency or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by a commission on its rents, fees, or revenues.

34143. A commission may:

(a) Sue and be sued.

(b) Have a seal.

(c) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(d) Make, amend, and repeal bylaws and regulations not inconsistent with, and to carry into effect the powers and purposes of this part and all other powers and purposes delegated to them by the legislative body.

34144. (a) A commission may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or encumbrance of the budgetary funds appropriated to the commission. The

commission shall adopt personnel rules and regulations applicable to all its employees. Such rules shall contain procedures affecting conflicts of interest, use of funds, personnel procedures on hiring and firing including removal of personnel for inefficiency, neglect of duties, or misconduct in office. Such rules and regulations shall be a public record.

(b) A commission may contract with the Department of Housing and Community Development or any other agency or entity for the furnishing by the department, agency, or entity of any necessary staff services associated with or required and which could be performed by the staff of a commission.

34145. In addition to all other powers and authorities of the commission, the commission may hire, employ, or contract for staff, contractors, and consultants, or the commission may use community staff, contractors or consultants under contract or other arrangements with the community at the expense of the commission, the community, the redevelopment agency, or the housing authority.

34146. Any grants or loans of money appropriated by the legislative body of the community to the commission is not to be construed as making the commission a department of the community or placing the officers, agents, counsel, and employees under civil service of the community.

34147. The commission may accept financial assistance from public or private sources for the purposes of this part.

34148. The commission may accept any other assistance from the state or federal government or any public or private source for any of the commission's activities, powers, and duties.

34149. The commission shall have such other powers as may be authorized by the legislative body of the community.

34150. The legislative body of the community may delegate to or establish in a general manager, executive director, or administrator of the community or of the commission any or all of the power and authority of the commission for the administration of the activities of the commission, the redevelopment agency, or the housing authority. The commission may also delegate and establish any or all of the power and authority of the commission in a general manager, executive director, or administrator of the community or commission.

34151. A chartered city may enact its own procedural ordinance and exercise powers granted by this part.

34152. A commission is authorized to delegate to a community any of the powers or functions of the commission and such community is hereby authorized to carry out or perform such powers or functions for the commission.

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CHAPTER 5. COMMUNITY REDEVELOPMENT LAW AND HOUSING AUTHORITIES LAW

34160. Inconsistent provisions of the Community Redevelopment Law Part 1 (commencing with Section 33000) and the Housing Authorities Law Chapter 1 (commencing with Section 34200) of Part 2 are inoperative during the time that an ordinance has been adopted declaring a need for the commission to function, the commissioners have been appointed and qualified or the legislative body has declared itself to be the commission, and no suspension ordinance has been adopted.

CHAPTER 643

An act to amend Section 14810 of the Government Code, relating to state contracts.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14810 of the Government Code is amended to read:

14810. The department shall adopt, publish and apply uniform standards of rating bidders, on the basis of questionnaires and required statements, with respect to contracts upon which each bidder is qualified to bid.

The department may remove, for a period not to exceed 90 calendar days, from any list of qualified bidders prepared by the department any bidder who, based upon his performance on contracts which he has previously been awarded by the state, has demonstrated a lack of reliability in complying with and completing such previously awarded contracts.

Any bidder temporarily removed under this section shall be returned to the list of qualified bidders at any time during this 90-day period, upon demonstrating to the department's satisfaction that the problems which resulted in the bidders previously demonstrated unreliability in completing state contracts, have been corrected.

CHAPTER 644

An act to repeal and add Section 12509 of, the Vehicle Code, relating to instruction permits.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12509 of the Vehicle Code is repealed.

SEC. 2. Section 12509 is added to the Vehicle Code, to read:

12509. (a) Except as otherwise provided in subdivision (f) of Section 12514, the department, for good cause, may issue an instruction permit to any physically and mentally qualified person who meets one of the following requirements and who applies to the department for an instruction permit:

(1) Is age 15 years and 6 months or over and has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507.

(2) Is age 15 years and 6 months or over and has successfully completed an approved course in automobile driver education and is taking driver training as provided in Section 12507.

(3) Is age 15 years or over and is enrolled in an approved driver education course and is at the same time or during the same semester enrolled in an approved driver training course.

(4) Is over the age of 17 years and 6 months.

(b) An instruction permit issued pursuant to subdivision (a) shall entitle the applicant to operate a vehicle, subject to the limitations imposed by this section and any other provisions of law, upon the highways for a period not exceeding 12 months.

(c) Any person, while having in his immediate possession a valid permit issued pursuant to subdivision (a), may operate a motor vehicle, other than a motorcycle, when either taking the driver training instruction of a kind referred to in Section 12507, or when practicing such instruction, and when accompanied by, and under the immediate supervision of, a California licensed driver 18 years of age or over whose driving privilege is not on probation.

(d) Any person while having in his immediate possession a valid permit issued pursuant to subdivision (a), who is age 15 years and 6 months or over and who has successfully completed approved courses in automobile education and driver training as provided in Section 12507, and any person while having in his immediate possession a valid permit issued pursuant to subdivision (a) who is age 17 years and 6 months or over, may, in addition to operating a motor vehicle pursuant to subdivision (c), also operate a motorcycle, except that such person shall not operate a motorcycle during hours of darkness, shall stay off any freeways which have full control of access and no crossings at grade and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code.

(e) No student shall take driver training instruction unless he is at the same time taking driver education instruction or has successfully completed driver education.

(f) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the

person to obtain driver training instruction and to practice such instruction in order to obtain another class of driver's license or an endorsement.

(g) The department may further restrict permits issued under subdivision (a) as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

CHAPTER 645

An act to amend Section 216 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 216 of the Streets and Highways Code is amended to read:

216. The noise level produced by the traffic on a state freeway shall be measured in the classrooms, libraries, and multipurpose rooms of a public or private elementary or secondary school if the classrooms, libraries, or multipurpose rooms were constructed prior to the award of the initial construction contract for the freeway route and prior to January 1, 1974, or were constructed after December 31, 1973, and were constructed prior to the issuance of a statement of present and projected noise levels of the freeway route by the department pursuant to subdivision (g) of Section 65302 of the Government Code, and are being used for the purpose for which they were constructed.

Such measurements shall be made at appropriate times during regular school hours and shall not include noise from sources that exceed the maximum permitted by law.

If the noise level produced from the freeway traffic exceeds 50 decibels on the "A" scale, the department may undertake a noise abatement program in any such classroom, library, or multipurpose room to reduce the freeway traffic noise level therein to 50 or fewer decibels on the "A" scale by, but not limited to, installing acoustical materials, eliminating windows, installing air conditioning, or constructing sound baffle structures.

If it becomes necessary to convert such classrooms, libraries, or multipurpose rooms to other school-related purposes because the freeway traffic noise level therein exceeds 50 decibels on the "A" scale, the department shall pay the cost of such conversions.

If the noise level generated from sources within and without the classrooms, libraries, or multipurpose rooms exceeds 50 decibels on the "A" scale prior to construction of the freeway and the noise from

the freeway also exceeds 50 decibels on the "A" scale, the department shall be required to undertake such a noise abatement program that will reduce the noise to its preconstruction level.

Priority for noise abatement programs shall be given to those public and private elementary and secondary classrooms, libraries, and multipurpose rooms constructed in conformance with Article 4 (commencing with Section 15451), Chapter 2, Division 11 of the Education Code.

As used in this section, the "A" scale means the "A" weighting described in Section 3.1 of the American National Standard specification for sound level meters, S1.4-1971, approved April 27, 1971, and published by the American National Standards Institute.

The department shall submit to the Legislature, on or before February 1 of each year, an annual report on its program for the implementation of this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will remove any ambiguities of interpretation of school eligibility in the section and conform to the original legislative intent.

CHAPTER 646

An act to amend Sections 18211 and 18215.5 of the Health and Safety Code, and to add Section 10658 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 18211 of the Health and Safety Code is amended to read:

18211. "Mobilehome" is a vehicle designed and equipped to contain not more than two dwelling units to be used without a permanent foundation.

SEC. 2. Section 18215.5 of the Health and Safety Code is amended to read:

18215.5. "Recreational vehicle" is a motorhome, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobe, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

SEC. 3. Section 10658 is added to the Vehicle Code, to read:

10658. (a) The provisions of this chapter shall not apply to the

storage of any recreational vehicle owned by a mobilehome park resident and stored in a mobilehome park.

(b) As used in this section, "recreational vehicle" shall have the same meaning as defined in Section 18215.5 of the Health and Safety Code, and "mobilehome park" shall have the same meaning as defined in Section 18214 of the Health and Safety Code.

CHAPTER 647

An act to amend Section 6322.1 of the Business and Professions Code, relating to law libraries.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6322.1 of the Business and Professions Code is amended to read:

6322.1. (a) Except in counties containing a population of 4,000,000 and over, the board of supervisors of any county may increase the costs provided in Sections 6321 and 6322 to not more than seven dollars ($7) for each event there described whenever it shall determine that the increase is necessary to defray the expenses of the law library.

(b) In counties containing a population of 4,000,000 and over, the board of law library trustees may increase the costs provided in Section 6321 and 6322 to not more than five dollars ($5) for each event therein described whenever it shall determine that the increase is necessary to defray the expenses of the law library.

(c) Notwithstanding the provisions of any other section, any increase or decrease in costs of law library fees in any county shall not be effective until January 1 of the year next following adoption by the board of supervisors or the law library board of trustees of such increase or decrease.

CHAPTER 648

An act to amend Section 21350 of the Vehicle Code, relating to traffic control devices.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 21350 of the Vehicle Code is amended to read:

21350. The Department of Transportation shall place and maintain, or cause to be placed and maintained, with respect to highways under its jurisdiction, appropriate signs, signals, and other traffic control devices as required hereunder, and may place and maintain, or cause to be placed and maintained, such appropriate signs, signals, or other traffic control devices as may be authorized hereunder, or as may be necessary properly to indicate and to carry out the provisions of this code, or to warn or guide traffic upon the highways. The Department of Transportation may, with the consent of the local authorities, also place and maintain, or cause to be placed and maintained, in or along city streets and county roads, appropriate signs, signals, and other traffic control devices, or may perform, or cause to be performed, such other work on city streets and county roads, as may be necessary or desirable to control, or direct traffic, or to facilitate traffic flow, to or from or on state highways.

CHAPTER 649

An act to add Section 8519 to the Business and Professions Code, and to add Section 1099 to the Civil Code, relating to structural pest control reports.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 8519 is added to the Business and Professions Code, to read:

8519. Certification as used in this section means a written statement by the licensee attesting to the statement contained therein relating to the absence or presence of wood-destroying pests or organisms and, listing such recommendations, if any, which appear on an inspection report prepared pursuant to Section 8516, and which relate to (1) infestation or infection of wood destroying pests or organisms found, or (2) repair of structurally weakened members caused by such infestation or infection, and which recommendations have not been completed at the time of certification.

Any licensee who makes an inspection report pursuant to Section 8516, shall, if requested by the person ordering such inspection report, prepare and deliver to such person or his designated agent, a certification, to provide:

(a) When the inspection report prepared pursuant to Section 8516 has disclosed no infestation or infection: "This is to certify that the

above property was inspected on _____ (date) in accordance with the Structural Pest Control Act and rules and regulations adopted pursuant thereto, and that no evidence of active infestation or infection was found."

(b) When the inspection report prepared pursuant to Section 8516 discloses infestation or infection and the notice of work completed prepared pursuant to Section 8518 indicates that all recommendations to remove that infestation or infection and to repair damage caused by that infestation or infection have been completed: "This is to certify that the property described herein is now free of evidence of active infestation or infection."

(c) When the inspection report prepared pursuant to Section 8516 discloses infestation or infection and the notice of work completed prepared pursuant to Section 8518 indicates that the licensee has not completed all recommendations to remove that infestation or infection or to repair damage caused by it: "This is to certify that the property described herein is now free of evidence of active infestation or infection except as follows: _____ (describing infestations, infections, damage or evidence thereof, excepted)."

Such certificate shall be accompanied by a copy of the inspection report prepared pursuant to Section 8516, and by a copy of the notice of work completed prepared pursuant to Section 8518, if any such notice has been prepared at the time of the certification, or such certification may be endorsed on and made a part of that inspection report or notice of work completed.

SEC. 2. Section 1099 is added to the Civil Code, to read:

1099. (a) As soon as practical before transfer of title of any real property or the execution of a real property sales contract as defined in Section 2985, the transferor, fee owner, or his agent, shall deliver to the transferee a copy of a structural pest control inspection report prepared pursuant to Section 8516 of the Business and Professions Code upon which any certification in accordance with Section 8519 of the Business and Professions Code may be made, provided that certification or preparation of a report is a condition of the contract effecting that transfer, or is a requirement imposed as a condition of financing such transfer.

(b) If a notice of work completed as contemplated by Section 8518 of the Business and Professions Code, indicating action by a structural pest control licensee in response to an inspection report delivered or to be delivered under provisions of subdivision (a), or a certification pursuant to Section 8519 of the Business and Professions Code, has been received by a transferor or his agent before transfer of title or execution of a real property sales contract as defined in Section 2985, it shall be furnished to the transferee as soon as practical before transfer of title or the execution of such real property sales contract.

(c) Delivery to a transferee as used in this section means delivery in person or by mail to the transferee himself or any person authorized to act for him in the transaction or to such additional

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transferees who have requested such delivery from the transferor or his agent in writing. For the purposes of this section, delivery to either husband or wife shall be deemed delivery to a transferee, unless the contract affecting the transfer states otherwise.

(d) No transfer of title of real property shall be invalidated solely because of the failure of any person to comply with the provisions of this section unless such failure is an act or omission which would be a valid ground for rescission of such transfer in the absence of this section.

SEC. 3. The provisions of this act shall become operative July 1, 1975.

CHAPTER 650

An act to repeal and add Section 5552 of the Public Resources Code, relating to regional park districts.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5552 of the Public Resources Code is repealed.

SEC. 2. Section 5552 is added to the Public Resources Code, to read:

5552. The controller is the custodian of the funds of the district, and shall make payments by check or by warrant drawn upon the district's depositories for obligations which have been approved by the board of directors. Checks or warrants drawn in payment of approved obligations shall be signed by the president, or other authorized officer, and attested by the secretary. The board of directors may by ordinance authorize checks or warrants to be signed by some other specified officer instead of the president.

The controller shall keep an account of all receipts and disbursements, and shall deposit all money received by him in a depository or depositories selected by the board of directors.

CHAPTER 651

An act to add Section 1609.5 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1609.5 is added to the Revenue and Taxation Code, to read:

1609.5. Whenever an employee of the board is desired as a witness before a county board in a hearing on an application for reduction, a subpoena requiring his attendance may be served by delivering a copy either to the employee personally or to the executive secretary of the board at his office in Sacramento.

The employee shall attend as a witness as required by the subpoena, regardless of the distance to be traveled, provided the subpoena is accompanied by fees payable to the State Board of Equalization in the amount of one hundred fifty dollars ($150) per day for each day that such employee is required to remain in attendance pursuant to such subpoena. Such fees are to be paid by the party requesting the subpoena.

The employee shall receive the salary or other compensation to which he is normally entitled during the time he travels to and from the place where the hearing is conducted and while he is required to remain at such place pursuant to such subpoena. He shall also receive usual and customary travel expenses and per diem. If the actual expenses should later prove to be less than the amount paid by the party, the excess shall be refunded by the board.

In the event the employee is subpoenaed at the request of the applicant and the county board grants a reduction in the assessment, the county board may reimburse the applicant in whole or in part for the actual witness fees paid pursuant to this section.

Any person who pays or offers to pay any money or other form of consideration for the services of any employee of the board required to appear as a witness, other than the compensation provided in this section, is guilty of a misdemeanor, and any employee who receives any such payment is guilty of a misdemeanor.

SEC. 2. No appropriation is made by this act and no obligation is created thereby under Section 2231 of the Revenue and Taxation Code for reimbursing local government for state-mandated costs under this act because the use of the subpoena power to secure state employees to testify at local equalization hearing on behalf of local government is discretionary with, and to the benefit of, local government, and the decision to reimburse successful applicants is also discretionary.

CHAPTER 652

An act to amend Sections 4085 and 4087 of, and to repeal Section 4088 of, the Business and Professions Code, relating to pharmacy.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 4085 of the Business and Professions Code is amended to read:

4085. The board shall register as registered pharmacists, and issue a certificate to all applicants who meet the following requirements:

(a) That the applicant is 18 years of age. (b) That the applicant has been graduated from a college of pharmacy or department of pharmacy of a university recognized by the board, which school or college of pharmacy or department of pharmacy of a university requires a resident attendance of not less than eight calendar months of each year of its course. The course in pharmacy shall consist of not less than 3,200 hours distributed over a period of not less than four years. Any student, however, may complete the required course of 3,200 hours in a lesser period of time. (c) That the applicant has had 1,500 hours of practical experience in accordance with regulations adopted by the board. (d) That the applicant has passed a written and practical examination given by the board.

SEC. 2. Section 4087 of the Business and Professions Code is amended to read:

4087. Pharmaceutical experience constitutes service and experience in a pharmacy under the personal supervision of a registered pharmacist, and consists of service and experience predominantly related to the selling of drugs, compounding physician's prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.

To be credited to the total number of hours required by Section 4085, this experience shall have been obtained in pharmacies and under conditions set forth by rule or regulation of the board adopted in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Section 4088 of the Business and Professions Code is repealed.

CHAPTER 653

An act to amend Section 381.2 of the Insurance Code, relating to personal property insurance.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 381.2 of the Insurance Code is amended to read:

381.2. When a policy includes coverage for loss or damage to a specific item of personal property of the insured, which item is

separately listed and described and on which item a separate amount of insurance is placed, the insurer shall compute any total loss of such item of personal property as being the amount of insurance placed on it. In the adjustment of a partial loss or damage to such item of covered property, the separately listed amount of insurance applying to the specific item shall be used as the value of the item prior to its partial loss or damage. If a different method is to be used in the computation of loss, the policy, and any application therefor, shall set forth, in type of prominent size, the actual method of such loss computation used by the insurer.

The provisions of this subdivision shall not apply to any property used for a business purpose or to any motor vehicle.

If there are two or more policies insuring the same property against the loss, the loss shall be prorated among the policies.

CHAPTER 654

An act to amend Section 12736 of the Business and Professions Code, relating to public weighmasters.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12736 of the Business and Professions Code is amended to read:

12736. The tare weight of any vehicle, or combination of vehicles, when being used for (1) the transportation of farm products from the field or packing shed to a receiving station or processing plant for storage or processing, or (2) the transportation of primary forest products from the forest to a receiving station, log deck, or processing plant for storage or processing, when ascertained by a public weighmaster, may be accepted by any deputy at a branch location of that public weighmaster as the correct tare weight of that vehicle or combination of vehicles for the purpose of determining, for certification, the correct weight of such farm products or primary forest products transported in such vehicle or combination of such vehicles for a period of 24 hours, or the first delivery in such vehicles or combination, after the end of such 24 hours.

All vehicles or combination of vehicles referred to in this section shall be correctly identified pursuant to Section 12716 of this chapter.

For the purpose of this section, a tare weight may be taken upon demand of either buyer or seller at any time.

For the purpose of this section, "primary forest products" means unmilled posts, poles, pilings, sawlogs, or pulpwood.

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CHAPTER 655

An act to amend Section 42.1 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to drainage districts.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 42.1 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is amended to read:

Sec. 42.1. Under the provisions of this section the rate of the drainage district tax, as determined in Sec. 42, may be based on the assessed value of land only, excluding improvements.

Such an alteration of district tax basis may be proposed by a resolution, adopted by a four-fifths vote of the entire board of directors of the district calling the hereinafter described special election. Such an alteration may also be proposed by a petition presented to the board of directors of such district, signed by at least 10 percent of the qualified voters in such district, which petition shall request the board of directors to call a special election for the purpose of submitting to those qualified to vote in the district as provided by Sections 7 and 7.5 of the act, the question whether the district tax, shall be levied upon the assessed value of the land in such district exclusive of the assessed value of the improvements thereon as shown on the county tax roll of the county or counties wherein such district is located.

The secretary of the board of directors shall, upon presentation of such petition, determine that the persons signatory thereto comprise at least 10 percent of all persons qualified as electors, and the board of directors, in the event such petition qualifies hereunder, shall call a special election and cause a notice of special election to be posted in three public places in each election precinct in such district, and also to be published in some newspaper of general circulation published in the district, or in the event no such newspaper is published in the district, then in the county wherein the board of directors regularly meets, for at least three successive weeks before such election. Such notice shall specify the time of holding the election, the polling places as established by the board of directors, the hours the polls are to remain open, and a concise statement of the issue to be voted upon. Such election shall be held not more than six weeks after the secretary of the board of directors qualifies the petition.

The ballots cast at such election shall contain the words: "Shall the district tax be levied upon the land of the district exclusive of improvements thereon?," or words equivalent thereto, but no particular form of ballot shall be required. Voting procedure, qualification of voters, and number of votes each shall be entitled to cast shall be governed by the provisions of Sections 7 and 7.5. When the vote is canvassed by the board of directors and entered of record,

if a majority of the votes cast shall favor changing the basis of the district tax levy, the board shall thereupon pass a resolution declaring the result of the election and directing the secretary to forward a copy of such resolution, certified by him, to the board of supervisors of the county or counties wherein such district is located. The board of supervisors of each such county shall thereafter levy the tax for such district only upon the assessed value of the land of the district exclusive of the improvements thereon, as shown on the tax roll of the county or counties wherein such district is located.

The district may change the drainage district tax base, back to land and improvements, by the same proceedings as herein provided.

Nothing herein is intended to impair any lien against its property or the contractual obligation of any district which has an existing bonded indebtedness at the time an alteration of district tax basis is proposed. In addition to any other rights he may have, if any bondholder at any time has reasonable cause to believe a district which has altered its tax basis will be unable to meet its obligations to pay bond principal or interest, as called for in the bond contract, then the bondholder may make written demand upon the board of supervisors of each county wherein the district is located to change the district tax base back to land and improvements. If the district has failed to make any principal or interest payment in timely fashion or if tax delinquencies in the district exceed 10 percent in any year, then the board of supervisors shall forthwith order the district tax base changed back to land and improvements. If the district has not failed to make such payments and if tax delinquencies do not exceed 10 percent in any year, then the board of supervisors may order the district tax base changed back to land and improvements. Any bondholder dissatisfied with the decision of the board of supervisors may petition the superior court of any county in which the district is located for a declaratory judgment determining whether the alteration of tax basis has impaired the district's obligation under the bond contract. If the court finds an impairment has occurred, the board of supervisors shall forthwith order the district tax base changed back to land and improvements.

CHAPTER 656

An act to amend Section 32310 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 32310 of the Health and Safety Code is amended to read:

32310. Bonds shall be sold for at least par value. Before making any sales, the board of directors of the district shall, by resolution entered on its minutes, declare its intention to sell a specified amount of bonds, and the day, hour, and place at which bids will be received for such bonds. Notice of the sale shall be given by publication, once, not less than 10 days prior to the date of sale, in a newspaper of general circulation in the district and shall state that sealed proposals for the purchase of bonds will be received at the place designated for the receipt of bids until the day and hour named in the resolution.

CHAPTER 657

An act to amend Section 25100.5 of the Government Code, relating to county clerks.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 25100.5 of the Government Code is amended to read:

25100.5. In any county having a population over 2,000,000, the clerk of the board of supervisors shall be appointed by the board of supervisors in the same manner as other county officers are appointed. In any county having a population over 50,000 and under 55,000 or having a population over 400,000 and under 450,000 or having a population over 557,000 and under 625,000, over 650,000 and under 1,350,000, or over 1,360,000 and under 4,000,000, as designated by Section 28020, as amended in 1971, the clerk of the board of supervisors may be appointed by the board of supervisors in the same manner as other county officers are appointed. In such counties, the county clerk is not ex officio clerk of the board of supervisors.

The clerk of the board of supervisors shall perform those duties prescribed by law for the county clerk as ex officio clerk of the board of supervisors or for the clerk of the board of supervisors and such additional duties as the board of supervisors shall prescribe by ordinance. He may perform all the duties vested in the county clerk other than those vested in the county clerk as ex officio clerk of the superior court or registrar of voters and may take acknowledgments and administer and certify oaths in the performance of his official duties.

CHAPTER 658

An act to add Section 775.1 to the Financial Code, relating to banks and trust companies.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 775.1 is added to the Financial Code, to read:

775.1. Notwithstanding any other provision of law, any commercial bank (as defined in Section 105) and any trust company (as defined in Section 107) holding securities in a fiduciary capacity or while engaged in a trust business (as defined in Section 106), or while acting in any capacity under a court or private trust, or while acting in such capacity with one or more persons as cofiduciary or cofiduciaries, unless the instrument creating such trust contains a provision to the contrary, is authorized to deposit or arrange for the deposit with a federal reserve bank of any such securities the principal and interest of which the United States or any department, agency or instrumentality thereof has agreed to pay, or has guaranteed payment, to be credited to one or more accounts on the books of such federal reserve bank in the name of such commercial bank or trust company, to be designated fiduciary or safekeeping accounts, to which accounts other similar securities may be credited. Any commercial bank or trust company which deposits or arranges for the deposit of such securities pursuant to this section shall maintain records which at all times show the ownership of the securities so deposited. A commercial bank or trust company so depositing securities pursuant to this section shall be subject to such rules and regulations as in the case of state-chartered institutions, the superintendent and, in the case of national banking associations, the Comptroller of the Currency, may from time to time issue. Ownership of, and other interests in, the securities credited to such account may be transferred by entries on the books of said federal reserve bank without physical delivery of any securities. A commercial bank or trust company acting as custodian for a fiduciary shall, on demand by the fiduciary, certify in writing to the fiduciary the securities deposited by such commercial bank or trust company pursuant to this section for the account of the fiduciary. A fiduciary shall, on demand by any party to its accounting, certify in writing to such party the securities deposited for its account as such fiduciary pursuant to this section. This section shall apply to all fiduciaries and custodians for fiduciaries, acting on the effective date of this section or who thereafter may act regardless of the state of the instrument or court order by which they are appointed

CHAPTER 659

An act to add Section 1106 to the Education Code, relating to school district governing boards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1106 is added to the Education Code, to read:

1106. When a member of the governing board of a school district which is being reorganized and which will cease to exist takes office as a member of the initial or interim governing board of a newly formed school district, he shall cease to be a member of the governing board of the district being reorganized.

The county board of education shall then appoint another person who is eligible to serve on the governing board of the district being reorganized to the vacant position for the duration of the existence of the district being reorganized, but in no case for longer than 12 months.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the expeditious appointment of persons to fill vacancies on the governing boards of school districts which are being reorganized and which will cease to exist after a relatively brief period of time, and so assure an orderly period of reorganization, at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 660

An act to amend Sections 18211, 18215.5, 18513, and 18611, and to repeal Section 18203, of the Health and Safety Code, relating to mobilehome parks.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 18203 of the Health and Safety Code is repealed

SEC. 2. Section 18211 of the Health and Safety Code is amended to read:

18211. "Mobilehome" is a vehicle designed and equipped to

contain not more than two dwelling units to be used without a permanent foundation.

SEC. 3. Section 18215.5 of the Health and Safety Code is amended to read:

18215.5. "Recreational vehicle" is a motorhome, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

SEC. 4. Section 18513 of the Health and Safety Code is amended to read:

18513. Any permittee receiving a notice issued pursuant to Section 18511 may request and shall be granted a hearing on the matter before an authorized representative of the enforcement agency. The permittee shall file with the enforcement agency a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days of the date of mailing of such notice.

SEC. 5. Section 18611 of the Health and Safety Code is amended to read:

18611. (a) The minimum distance required for the separation of a mobilehome from a building shall be 10 feet. The minimum distance required for the separation of a mobilehome from any other mobilehome shall be: 10 feet from side to side, 8 feet from side to rear, and 6 feet from rear to rear; provided, however, that each mobilehome shall not be located closer than 3 feet from the rear or side lot line. The minimum distance required for the separation or location of buildings from property lines shall be in accordance with the requirements of the regulations adopted pursuant to Section 18620 of this part.

The minimum distance required for the separation or location of mobilehome accessory buildings or structures shall be in accordance with the requirements of the regulations adopted pursuant to Section 18552 until January 1, 1976, and pursuant to Section 18053 on and after January 1, 1976.

(b) In mobilehome parks, or portions thereof, constructed prior to September 15, 1961, no mobilehome shall be located closer than six feet from any permanent building or another mobilehome. The subdivision does not, however, apply to a building which contains only a private toilet or bath, or both, that is constructed for the exclusive use of the occupants of the mobilehome lot.

CHAPTER 661

An act to amend Section 24260 of, and to add Section 25300 to the Government Code, relating to county government.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 24260 of the Government Code is amended to read:

24260. In all counties county officers shall keep their offices open for the transaction of business during such hours and on such days as are fixed by the board of supervisors by ordinance or resolution.

SEC. 2. Section 25300 is added to the Government Code, to read:

25300. The board of supervisors shall prescribe the compensation of all county officers and shall provide for the number, compensation, tenure, appointment and conditions of employment of county employees. Except as otherwise required by Section 1 or 4 of Article XI of the California Constitution, such action may be taken by resolution of the board of supervisors as well as by ordinance.

CHAPTER 662

An act to amend Sections 3713, 4020, and 5155 of the Elections Code, and Section 34461 of the Government Code, relating to local governments.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 3713 of the Elections Code is amended to read:

3713. Whenever any ordinance is required by this article to be submitted to the voters of a county at any election, the county clerk shall cause the ordinance to be printed. He shall mail a printed copy of the ordinance, enclosed in an envelope with a sample ballot, to each voter, at least 10 days prior to the election.

The county clerk may include in such mailing, as official matter, the provisions of the proposed ordinance, showing therein the difference from existing provisions of law, by the use of distinguishing type styles.

SEC. 2. Section 4020 of the Elections Code is amended to read:

4020. Whenever any ordinance or measure is required by this article to be submitted to the voters of a city at any election, the clerk

of the legislative body shall cause the ordinance or measure to be printed. He shall mail a copy of the ordinance or measure, enclosed in an envelope with a sample ballot, to each voter at least 10 days prior to the election.

The legislative body may direct that its clerk include in such mailing, as official matter, the provisions of the proposed ordinance or measure, showing therein the difference from existing provisions of law, by the use of distinguishing type styles.

SEC. 3. Section 5155 of the Elections Code is amended to read:

5155. Whenever any ordinance is required by this article to be submitted to the voters of a district at any election, the clerk of the district board shall cause the ordinance to be printed. He shall mail a printed copy of the ordinance, enclosed in an envelope with a sample ballot, to each voter, at least 10 days prior to the election.

The district board may also direct that its clerk include in such mailing, as official matter, the provisions of the proposed ordinance, showing therein the difference from existing provisions of law, by the use of distinguishing type styles.

SEC. 4. Section 34461 of the Government Code is amended to read:

34461. If the petitions have a sufficient number of signatures the governing body of the city or city and county shall submit the amendment or amendments proposed or the proposal for charter repeal to the electors. Amendments proposed by the governing body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted or the proposal for charter repeal shall be advertised in the same manner as provided for the advertisement of a proposed or revised charter. If the governing body causes copies of any proposed charter amendments to be mailed to the voters, the text of such proposed charter amendments may show the difference from existing provisions of law by the use of distinguishing type styles. The election on the proposed amendments or the proposal for charter repeal shall be held at a date to be fixed by the governing body of the city or city and county, which is not less than 40, and not more than 60, days after the completion of the advertising in the official paper.

CHAPTER 663

An act to amend Section 19161 of the Business and Professions Code, relating to fire standards.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 19161 of the Business and Professions Code is amended to read:

19161. One year after adoption of regulations by the bureau, but not later than June 7, 1973, all mattresses manufactured for sale in this state, including any mattress manufactured for sale for use in a hotel, motel, or other place of public accommodation in this state, shall be fire retardant. On and after October 1, 1975 all upholstered furniture sold or offered for sale by a manufacturer or wholesaler for use in this state, including any upholstered furniture sold to or offered for sale for use in a hotel, motel, or other place of public accommodation in this state, shall be fire retardant and shall be labeled in a manner specified by the bureau. "Fire retardant," as used in this section, means a product that meets the regulations adopted by the bureau.

SEC. 2. Section 19161 of the Business and Professions Code is amended to read:

19161. All mattresses manufactured for sale in this state, including any mattress manufactured for sale for use in a hotel, motel, or other place of public accommodation in this state, shall be fire retardant. On and after October 1, 1975, all upholstered furniture sold or offered for sale by a manufacturer or wholesaler for use in this state, including any upholstered furniture sold to or offered for sale for use in a hotel, motel, or other place of public accommodation in this state, shall be fire retardant and shall be labeled in a manner specified by the bureau. "Fire retardant," as used in this section, means a product that meets the regulations adopted by the bureau.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 3796 are both chaptered and amend Section 19161 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 3796, that the amendments to Section 19161 proposed by both bills be given effect and incorporated in Section 19161 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 3796 are both chaptered, both amend Section 19161, and Assembly Bill No. 3796 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 664

An act to amend Sections 8276, 8278, and 8282 of, and to repeal Sections 8276, 8276.4, 8278, and 8278.5 of, the Fish and Game Code, and to repeal Sections 7 and 8 of Chapter 621 of the Statutes of 1973, relating to crabs, and declaring the urgency thereof, to take effect immediately

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 8276 of the Fish and Game Code, as amended by Section 1 of Chapter 621 of the Statutes of 1973, is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 1st and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

SEC. 2. Section 8276 of the Fish and Game Code, as added by Section 2 of Chapter 621 of the Statutes of 1973, is repealed.

SEC. 3. Section 8276.4 of the Fish and Game Code is repealed.

SEC. 4. Section 8278 of the Fish and Game Code, as amended by Section 4 of Chapter 621 of the Statutes of 1973, is amended to read:

8278. Except as otherwise provided, no crab less than six and one-quarter (6¼) inches in breadth, and no female crab, may be taken, possessed, bought, or sold except that not more than 1 percent in number of any load or lot of crabs may be less than six and one-quarter (6¼) inches in breadth but not less than five and three-quarters (5¾) inches in breadth. Crabs shall be measured by the shortest distance through the body from edge of shell to edge of shell directly from front of points (lateral spines).

SEC. 5. Section 8278 of the Fish and Game Code, as added by Section 5 of Chapter 621 of the Statutes of 1973, is repealed.

SEC. 6. Section 8278.5 of the Fish and Game Code is repealed.

SEC. 7. Section 7 of Chapter 621 of the Statutes of 1973 is repealed.

SEC. 8. Section 8 of Chapter 621 of the Statutes of 1973 is repealed.

SEC. 9. Section 8282 of the Fish and Game Code is amended to read:

8282. North of Point Conception each crab trap may have any number of openings of any size but shall have at least two rigid circular openings of not less than four (4) inches inside diameter if constructed prior to January 1, 1975, or four and one-quarter inches (4¼) inside diameter if constructed on or after January 1, 1975, so constructed on the top or side of the trap. If side openings are used, one of such openings shall be located so that at least one-half of the opening is in the upper half of the trap.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act to be operative in time to extend the present crab season and to thereby prevent major economic loss to the crab industry, it is necessary that this act go into immediate effect.

0 4256 63 8 120 80

CHAPTER 665

An act to amend Sections 21404 and 22310 of, and to repeal Section 22156, 22201.6, and 22211 of, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 21404 of the Government Code is amended to read:

21404. The insurance benefit shall be paid upon death of an insured member of this system to the beneficiary entitled to receive the basic death benefit if all of the following conditions concur:

(a) Death occurs either:

(1) While in such state service; or

(2) While absent from such state service on military service or on approved leave of absence, or

(3) Within four months of discontinuance of such state service; or

(4) While physically or mentally incapacitated for performance of duty continuously from discontinuance of such state service.

(b) Death occurs while a member and before the effective date of retirement or if an optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of the beneficiary has not been elected and an allowance under Section 21263, 21263.2 or 21263.4 is not payable, after the effective date and before approval of the retirement.

(c) Death occurs during a period of insurance.

(d) Death occurs under circumstances other than those described in subdivision (a) (5) of Section 21360.

SEC. 2. Section 22156 of the Government Code is repealed.

SEC. 3. Section 22201.6 of the Government Code is repealed.

SEC. 4. Section 22211 of the Government Code is repealed.

SEC. 5. Section 22310 of the Government Code is amended to read:

22310. Upon giving at least two years' advance notice to the board, a public agency other than a school district may terminate, subject to approval of the federal agency, effective at the end of a calendar quarter specified in the notice, its coverage under the provisions of this part and the federal system either

(1) With respect to all employees of the public agency having such coverage, but only if such coverage has been in effect from the effective date of coverage of such employees under the federal

system for not less than five years prior to the receipt of such notice; or

(2) With respect to any coverage group of such public agency, but only if such coverage has been in effect from the effective date of coverage of such coverage group under the federal system for not less than five years prior to the receipt of such notice.

In no event shall the effective date of the termination be earlier than the date prescribed by the Secretary of Health, Education and Welfare.

Any termination of coverage under the federal system shall be subject to the provisions of Section 218 (g) of the Social Security Act and federal regulations adopted pursuant thereto and rules and regulations promulgated by the board pursuant to this part.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

Chapter 374, Statutes of 1974, operative July 1, 1974, provides a new insurance benefit for state members to be paid to a designated beneficiary. It is essential to assuring payment of this benefit in accordance with members' designations currently of record that this bill take immediate effect.

CHAPTER 666

An act to amend Sections 20863, 21257.2, 21363, 21363.3, and 21363.6 of, and to repeal and add Section 20862 of, the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 20862 of the Government Code is repealed.

SEC. 2. Section 20862 is added to the Government Code, to read:

20862. One year of service credit shall be granted for service rendered in a fiscal year in full-time employment for:

(a) 10 months of service for persons employed on a monthly basis,

(b) 215 days of such service since June 30, 1951, and 250 days prior to July 1, 1951, for persons employed on a daily basis, and

(c) 1,720 hours of such service for persons employed on an hourly basis.

A fractional year of credit shall be given for service rendered in a fiscal year in full-time employment for less than the time prescribed in this section.

SEC. 3. Section 20863 of the Government Code is amended to read:

20863. For the purpose of calculating retirement allowances, credit for service rendered on a part-time basis in each fiscal year shall be based on the ratio that the service rendered bears to 10 months if rendered on a monthly basis or, if rendered on a per diem basis, on the ratio that the service rendered bears to 250 days if the service was rendered prior to July 1, 1951, or on the ratio that the service rendered bears to 215 days if the service was rendered after June 30, 1951, on the ratio that the service rendered bears to 1,720 hours if rendered on an hourly basis.

SEC. 4. Section 21257.2 of the Government Code is amended to read:

21257.2. If a miscellaneous member retires for service before attaining age 55, his current and prior service pensions shall be reduced to that amount which the value of such pensions as deferred to age 60 will purchase at the actual age at retirement on the basis of the mortality tables and actuarial interest rate in effect on December 1, 1970, under the system with respect to such members.

SEC. 5. Section 21363 of the Government Code is amended to read:

21363. The special death benefit is payable if the deceased was a patrol, prison, state safety or local safety member, if his death was industrial, and if there is a survivor who qualifies under subdivision (b), Section 21364. The Workmen's Compensation Appeals Board, using the same procedure as in workmen's compensation hearings, shall in disputed cases determine whether the death of a member was industrial.

SEC. 6. Section 21363.3 of the Government Code is amended to read:

21363.3. The special death benefit is also payable if the deceased was a state member appointed by the Governor, the Director of Corrections, or the Adult Authority, if his death occurred as a result of injury or disease arising out of and in the course of his official duties within a state prison or facility of the Department of Corrections, and if there is a survivor who qualifies under subdivision (b) of Section 21364. The Workmen's Compensation Appeals Board, using the same procedure as in workmen's compensation hearings, shall in disputed cases determine whether the death of the member occurred as a result of such injury or disease.

SEC. 7. Section 21363.6 of the Government Code is amended to read:

21363.6. The special death benefit is also payable if the deceased was the Administrator of the Youth and Adult Corrections Agency, or was a state member appointed by the Administrator of the Youth and Adult Corrections Agency, the Youth Authority, the Board of Trustees of the California Institution for Women or the California Women's Board of Terms and Parole, the Board of Corrections, or was a member of the Board of Corrections or the Youth Authority not already classified as a prison member, provided that his death occurred as a result of misconduct of an inmate of a state prison,

correctional school or facility of the Department of Corrections or the Youth Authority, or a parolee therefrom.

The special death benefit provided by this section is not payable unless the death of the member arose out of and was in the course of his official duties and unless there is survivor who qualifies under subdivision (b) of Section 21364. The Workmen's Compensation Appeals Board, using the same procedure as in workmen's compensation hearings, shall in disputed cases determine whether the member's death arose out of and in the course of his official duties.

CHAPTER 667

An act to amend Section 1158 of the Evidence Code, relating to evidence.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1158 of the Evidence Code, as amended by Chapter 250 of the Statutes of 1974, is amended to read:

1158. Whenever, prior to the filing of any action or the appearance of a defendant in an action, an attorney at law presents a written authorization therefor signed by an adult patient, by the guardian or conservator of his person or estate, or, in the case of a minor, by a parent or guardian of such minor, or by the personal representative or an heir of a deceased patient, a physician and surgeon, dentist, registered nurse, dispensing optician, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, or clinical laboratory technologist, duly licensed as such under the laws of the state, or a licensed hospital, shall make all of the patient's records under his or its custody or control available for inspection and copying by such attorney at law or his representative, promptly upon the presentation of the written authorization.

Failure to make such records available, during business hours, within five days after the presentation of the written authorization, may subject the person or entity having custody or control of the records to liability for all reasonable expenses, including attorney's fees, incurred in any proceeding to enforce the provisions of this section.

SEC. 2. Section 1158 of the Evidence Code is amended to read:

1158. Whenever, prior to the filing of any action or the appearance of a defendant in an action, an attorney at law, insurance company, nonprofit hospital or health care service plan, either directly or through an authorized agent, presents a written

authorization therefor signed by an adult patient, by the guardian or conservator of his person or estate, or, in the case of a minor, by a parent or guardian of such minor, or by the personal representative or an heir of a deceased patient, a physician and surgeon, dentist, registered nurse, licensed vocational nurse, dispensing optician, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, or clinical laboratory technologist, duly licensed as such under the laws of the state, or a licensed hospital, shall make all of the applicable patient's records under his or its custody or control available for inspection and copying by such attorney at law or his representative, insurance company, nonprofit hospital or health care service plan, or by any of their authorized agents, promptly upon the presentation of the written authorization. The written authorization shall describe the event or events to which the records requested pertain and the specific time period related thereto.

If the authorized person desires a copy of the records it shall be furnished to him at cost or he shall be allowed to copy the records. If the records are copied by the authorized person, a fee of twelve dollars ($12) may be charged.

Failure to make such records available, during business hours, within 10 days after the presentation of the written authorization, may subject the person or entity having custody or control of the records to liability for all reasonable expenses, including attorney's fees, incurred in any proceeding to enforce the provisions of this section.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 23 are both chaptered and amend Section 1158 of the Evidence Code, and this bill is chaptered after Senate Bill No. 23, that the amendments to Section 1158 proposed by both bills be given effect and incorporated in Section 1158 on the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 23 are both chaptered, both amend Section 1158, and Senate Bill No. 23 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 668

An act to amend Section 1094.5 of the Code of Civil Procedure, relating to writs of mandate.

[Approved by Governor September 5, 1974. Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1094.5 of the Code of Civil Procedure is amended to read:

1094.5. (a) Where the writ is issued for the purpose of inquiring into the validity of any final administrative order or decision made as the result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in the inferior tribunal, corporation, board or officer, the case shall be heard by the court sitting without a jury. All or part of the record of the proceedings before the inferior tribunal, corporation, board or officer may be filed with the petition, may be filed with respondent's points and authorities or may be ordered to be filed by the court. If the expense of preparing all or any part of the record has been borne by the prevailing party, such expense shall be taxable as costs.

(b) The inquiry in such a case shall extend to the questions whether the respondent has proceeded without, or in excess of jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.

(c) Where it is claimed that the findings are not supported by the evidence, in cases in which the court is authorized by law to exercise its independent judgment on the evidence, abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence; and in all other cases abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.

(d) Where the court finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before respondent, it may enter judgment as provided in subdivision (e) of this section remanding the case to be reconsidered in the light of such evidence; or, in cases in which the court is authorized by law to exercise its independent judgment on the evidence, the court may admit such evidence at the hearing on the writ without remanding the case.

(e) The court shall enter judgment either commanding respondent to set aside the order or decision, or denying the writ. Where the judgment commands that the order or decision be set aside, it may order the reconsideration of the case in the light of the court's opinion and judgment and may order respondent to take such further action as is specially enjoined upon it by law but the judgment shall not limit or control in any way the discretion legally vested in the respondent.

(f) The court in which proceedings under this section are instituted may stay the operation of the administrative order or decision pending the judgment of the court, or until the filing of a

notice of appeal from the judgment or until the expiration of the time for filing such notice whichever occurs first; provided that no such stay shall be imposed or continued if the court is satisfied that it is against the public interest; provided that the application for the stay shall be accompanied by proof of service of a copy of the application on the respondent. Service shall be made in the manner provided by Title 5 (commencing with Section 405) of Part 2 or Chapter 5 (commencing with Section 1010) of Title 14 of Part 2. If an appeal is taken from a denial of the writ, the order or decision of the agency shall not be stayed except upon the order of the court to which such appeal is taken; provided that, in cases where a stay is in effect at the time of filing the notice of appeal, such stay shall be continued by operation of law for a period of twenty (20) days from the filing of such notice. If an appeal is taken from the granting of the writ, the order or decision of the agency is stayed pending the determination of the appeal unless the court to which such appeal is taken shall otherwise order. Where any final administrative order or decision is the subject of proceedings under this section, if the petition shall have been filed while the penalty imposed is in full force and effect the determination shall not be considered to have become moot in cases where the penalty imposed by the administrative agency has been completed or complied with during the pendency of such proceedings.

CHAPTER 669

An act to amend Section 1191 of the Military and Veterans Code, relating to veterans' memorial districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1191 of the Military and Veterans Code is amended to read:

1191. Every district may:

(a) Provide and maintain memorial halls, assembly halls, buildings, or meetingplaces, together with suitable indoor and outdoor park and recreation facilities including swimming pools, picnic areas and playgrounds, for the use of persons or organizations other than veterans pursuant to subdivisions (h) and (i) of this section and veteran soldiers, sailors and marines who have honorably served the United States in any wars or campaigns recognized by law for the purposes of Section 1¼ of Article XIII of the Constitution, or for the use of patriotic, fraternal, or benevolent associations of such persons; provided, that no district shall provide and maintain indoor

and outdoor park and recreation facilities including swimming pools, picnic areas and playgrounds, unless such projects have been approved by a majority of the voters at either the general district election or at a special election called for that purpose. The question of whether the district shall provide and maintain indoor and outdoor park and recreation facilities may be submitted to the electors of the district by the board on its own motion and shall be submitted by the board upon petition signed by 8 percent of the registered electors of the district, at either the general district election or at a special election called for that purpose. If submitted at a special election the election shall be called, conducted, governed, and regulated in the same manner as the general district election.

All plans for indoor and outdoor park and recreation facilities, including swimming pools, picnic areas and playgrounds, shall be approved initially by the board of supervisors.

(b) Purchase, receive by donation, condemn, lease, or acquire real or personal property necessary or convenient for the construction or maintenance of such halls, buildings, meetingplaces and facilities and improve, preserve, manage and control the same.

(c) Purchase, construct, lease, build, furnish, or repair such halls, buildings, meetingplaces and facilities upon sites owned or leased by the district or made available to the district; and provide custodians, employees, attendants, and supplies for the proper maintenance, care and management thereof.

(d) Furnish sites for such halls, buildings, meetingplaces, or facilities, to be built either by the district or by or for patriotic, fraternal or benevolent associations of veterans, the funds for such sites to be supplied by the district or from other sources.

(e) Enter into agreements with county, municipal, school, park, or other public authorities or agencies, conveying, leasing, or making available to the district either gratuitously or for compensation, sites upon public lands, for the construction, maintenance, and management thereon by the district of such assembly or memorial halls, buildings or meetingplaces, or facilities; and construct and maintain thereon such halls, buildings, meetingplaces or facilities.

(f) Sell or lease any district property; provided, that any sale or lease shall be to the highest responsible bidder as determined by the board, except as provided in Section 1191.3. The board shall, prior to any sale, make a call for bids and advertise such call pursuant to Section 6062 of the Government Code in a newspaper of general circulation in the district, inviting sealed bids for the sale or lease of the property. The board may either accept the highest responsible bid or reject all bids. The board may require the successful bidder to file with the board good and sufficient undertaking to be approved by the board to insure faithful performance of the contract of sale or lease. No sales or lease shall be transacted, however, if a petition has been filed with the board requesting them not to enter into the sales or leasing of the property. Such petition shall:

(1) Have affixed thereto, as petitioners, the signatures, indicating place of residence and place of signing, of the electors of the district in a number equal to at least ten percent (10%) of the votes cast in the district at the last preceding general election held in the state.

(2) Should the petition be found to meet the requirements of (1) above, as determined by the records of the county clerk or registrar of voters for the county or counties in which said district lies, the board shall not convey the property or shall submit to the electors of the district to be voted upon at the next primary or general election, or at a special election called for the purpose to ratify or reject the action of the district to sell or lease the property.

(g) Sell or lease any district property to any political subdivision in which the district lies, or any portion thereof, to be used for the purpose of roads, streets or highways, or for the improvements thereof, without regard to the highest responsible bidder but otherwise meeting the requirements in paragraphs (1) and (2) of subdivision (f) above.

(h) Adopt, from time to time, reasonable rules and regulations for the use of such halls, buildings, meetingplaces and facilities by veterans or by organizations thereof, and to allow such halls, buildings, meetingplaces and facilities to be used for lawful purposes consistent with the objects hereof by persons or organizations other than veterans either free of charge or for stated compensation to aid in defraying the cost of maintenance thereof, but only when such use will not unduly interfere with the reasonable use of the facilities by veterans' associations.

(i) Enter into a joint powers agreement for recreational services within the boundaries of the district.

In conformance with the provisions of this section, a district may provide recreational facilities or services at any location within the district boundaries irrespective of the location of district-owned facilities. A district may not increase its tax levy for the purpose of providing recreational services for persons other than veterans, unless such increase is first approved by the majority vote of the electors of the district who vote upon the proposal.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to maintain harmony and understanding between veterans memorial districts and the communities in which they are located, it is necessary that this act go into immediate effect.

CHAPTER 670

An act to amend Section 39177.1 of the Health and Safety Code, and to amend and repeal Section 4602, as amended by Chapter 1507 of the Statutes of 1971, of, and to amend Section 4602, as amended by Chapter 889 of the Statutes of 1973, of, the Vehicle Code, relating to air pollution.

[Approved by Governor September 5, 1974 Filed with Secretary of State September 5, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 39177.1 of the Health and Safety Code is amended to read:

39177.1. (a) Whenever an exhaust emission control device meeting the standards established by the board under Section 39107.6 is accredited pursuant to the provisions of this article and is available for installation as determined by the board, every 1966 through 1970 model year motor vehicle having a manufacturer's gross vehicle weight rating of under 6,001 pounds shall be equipped with such an accredited exhaust emission control device as follows:

(1) If registered in any county included, in whole or in part, within the South Coast Air Basin, as defined by the board, in accordance with the schedule of installation adopted by regulation by the board in July 1974.

(2) If registered in any other county, upon initial registration and upon transfer of ownership and registration.

(b) Enforcement of the provisions of subdivision (a) shall be as follows:

(1) Vehicle inspections shall be conducted pursuant to Section 2814 of the Vehicle Code.

(2) Certificates of compliance shall be required upon initial registration, and upon transfer of ownership and registration pursuant to Section 4000.1 of the Vehicle Code.

(3) Certificates of compliance shall be required upon renewal of registration for the year 1976, pursuant to Section 4602 of the Vehicle Code, for such motor vehicles registered in any county included, in whole or in part, within the South Coast Air Basin, as defined by the board.

(4) By such other authorized means as the board, the Department of Motor Vehicles, and the Department of the California Highway Patrol find practicable.

(c) After one or more devices are initially accredited, no device shall be accredited which is less effective than the one or ones initially accredited. Any subsequent accreditation of a more effective device shall not affect the accreditation of a previously accredited device.

SEC. 2. Section 4602, as amended by Chapter 1507 of the Statutes of 1971, of the Vehicle Code is amended to read:

4602. Application for renewal of a vehicle registration expiring on the 31st day of December shall be made by the owner not later than midnight of the first Friday in February succeeding the expiration date and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full annual fee for the vehicle as provided in this code.

This section shall remain in effect only until March 10, 1975, and as of that date is repealed.

SEC. 3. Section 4602, as amended by Chapter 889 of the Statutes of 1973, of the Vehicle Code is amended to read:

4602. Application for renewal of a vehicle registration shall be made by the owner not later than midnight of the expiration date, and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full registration year fee for the vehicle as provided in this code.

This section shall become operative on March 10, 1975.

CHAPTER 671

An act relating to private colleges and universities.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares that California has one of the most extensive networks of private institutions for postsecondary education in the nation; that they are governed by Division 21 of the Education Code which requires the licensing of institutions ranging from colleges and universities with a full complement of educational offerings to proprietary schools and institutes offering limited curricula; that programs authorized under Title X of the Higher Education Act of 1965 as amended by the Education Amendments of 1972 (P.L. 92-318) contain authorizations for substantial expenditures of funds for occupational education, some of which may be allocated to both nonprofit and proprietary institutions of postsecondary education; that insufficient information is currently available concerning private unaccredited institutions of postsecondary education to permit the prudent allocation of such funds as are appropriated by the Congress; and that the acquisition of such information will be essential prior to the development of a well-articulated state plan for occupational education by the statewide postsecondary education planning commission.

SEC. 2. The California Postsecondary Education Commission is authorized and requested to provide for the organization and coordination of a comprehensive study of Division 21 of the Education Code, such study to include consideration of, but not necessarily be limited to, the following subjects:

(a) The development of a complete listing of all private institutions of postsecondary education in California with information as to the legal authority under which each such institution is operating;

(b) The development of information on the number of students enrolled in such private institutions, the programs offered, fees charged, and rates of student attrition; and

(c) An assessment of the operation and effectiveness of Division 21 of the Education Code in assuring the quality of degree, certificate, and other educational programs offered by private institutions of postsecondary education, and in providing the educational consumer with protection from substandard educational enterprises, together with recommendations for necessary and desirable changes in that division.

SEC. 3. The California Postsecondary Education Commission is requested to submit the study together with its findings and recommendations, prepared pursuant to Section 2 of this act, to the Legislature on or before January 1, 1976. Prior to conducting the study, the commission shall submit its study design to the Superintendent of Public Instruction and to the Council for Private Postsecondary Educational Institutions for review and comment. Prior to submitting the completed study to the Legislature, the commission shall submit the study to the Superintendent of Public Instruction and to the Council for Private Postsecondary Educational Institutions for review and comments, which shall be attached as appendix to such study.

CHAPTER 672

An act to amend Sections 9023, 9024, 9135, 9145, 9164, and 9200 of, and to repeal Sections 9140, 9203, and 9207 of the Public Resources Code, relating to resource conservation districts.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 9023 of the Public Resources Code is amended to read:

9023. "Voter" means a person registered as an elector pursuant to the provisions of Chapter 2 (commencing with Section 200) of Division 1 of the Elections Code and residing within the district.

SEC. 2. Section 9024 of the Public Resources Code is amended to read:

9024. "Proxy" means a written authorization to sign a petition. Landowners may sign petitions under this division by proxy. The proxy of an individual landowner shall be acknowledged by him. The holder of a proxy of an individual landowner shall be an individual 18 years of age or over or a corporation, partnership, or other legal entity. The proxy of a corporation shall contain a statement by the secretary or manager of the corporation that the proxy was authorized by the corporation. A corporation owning land may sign a petition only by proxy.

SEC. 3. Section 9135 of the Public Resources Code is amended to read:

9135. The county clerk of any county in which an election under this division is to be held, may provide separate ballots for such election, but the election officer shall furnish a ballot to each voter at a polling place without his having to make a request therefor. The separate ballots shall be sufficient if they conform to the requirements of this division and they need not conform to the provisions of the Elections Code relating to the form of ballots.

Election officers shall be appointed, ballots and supplies provided, and the election conducted as prescribed by the provisions of this division relating to general resource conservation district elections.

SEC. 4. Section 9140 of the Public Resources Code is repealed.

SEC. 5. Section 9145 of the Public Resources Code is amended to read:

9145. An election under this article may be contested by any voter in the proposed district.

SEC. 6. Section 9164 of the Public Resources Code is amended to read:

9164. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the last Friday in November of the next even-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the last Friday in November of the second even-numbered year after the year in which the meeting is held.

SEC. 7. Section 9200 of the Public Resources Code is amended to read:

9200. "General district election" is the district election required to be held on the first Tuesday after the first Monday in November in each even-numbered year, at which a successor shall be chosen for each director whose term of office expires in that month.

SEC. 8. Section 9203 of the Public Resources Code is repealed.

SEC. 9. Section 9207 of the Public Resources Code is repealed.

SEC. 10. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because

there are savings as well as costs in this act which, in the aggregate, do not result in significant cost changes.

CHAPTER 673

An act to amend Section 5750.9 of the Education Code, relating to special schools and classes.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 5750.9 of the Education Code is amended to read:

5750.9. The provisions of this article shall be applicable only to Santa Clara County, Monterey County, Marin County, and Lassen County.

CHAPTER 674

An act to amend Section 72602 of the Government Code, relating to municipal courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	3
South Bay Municipal Court District	5
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	64
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	3

Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	3
Santa Monica Municipal Court District	3
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	4
Pomona Municipal Court District	3
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	1
Newhall Municipal Court District	2
Malibu Municipal Court District	1

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

By decree of the Los Angeles Superior Court on December 14, 1973, pursuant to an action for declaratory relief brought under the provisions of Section 71043 of the Government Code and according to the constitutional requirement that there shall be a municipal court in each district of more than 40,000 residents (Section 5, Articles VI), the Justice Court of Malibu Judicial District, Los Angeles County, was made a municipal court. In order to avoid unnecessary confusion and delay, and so that the Government Code may accurately reflect this constitutionally mandated municipal court, it is therefore necessary that this act take effect at the earliest possible time.

CHAPTER 675

An act to add Sections 8708 and 11056 to the Education Code, relating to public schools.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 8708 is added to the Education Code, to read:

8708. The governing board of a school district may exempt any pupil enrolled in his last semester or quarter, as the case may be, of the 12th grade who, pursuant to Section 11056, is permitted to attend school less than 240 minutes per day, from attending courses of physical education.

SEC. 2. Section 11056 is added to the Education Code, to read:

11056. Notwithstanding Section 11052, the governing board of a school district may permit a 12th-grade student in his last semester or quarter, as the case may be, before graduation, who would complete all of the requirements for graduation by attending high school, except courses of physical education, for less than 240 minutes each day, to attend high school for less than a minimum day of 240 minutes, upon the written request of a parent or legal guardian or upon his own written request if he is 18 years of age or over. Attendance pursuant to this section shall, for apportionment purposes and for school district revenue limitation purposes, be deemed to be attendance for a minimum day of 240 minutes.

CHAPTER 676

An act to add Chapter 7.8 (commencing with Section 25882) to Division 20 of the Health and Safety Code, relating to wire-core wicks.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.8 (commencing with Section 25882) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 7.8. WIRE-CORE WICKS

25882. For the purposes of this chapter, the following definitions shall apply:

(a) "Lead alloy" and "lead substance" mean lead in combination with any other metal or other material.

(b) "Wire-core wicked candles" means those candles which have as the core, or part of the wick, a wire, or such like substance, which is composed of lead, a lead substance, or a lead alloy.

25883. After December 31, 1976, it shall be unlawful to sell at retail any wire-core wicked candles.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this act nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 677

An act to amend Section 36900 of the Government Code, relating to city ordinances.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 36900 of the Government Code is amended to read:

36900. (a) Violation of a city ordinance is a misdemeanor unless by ordinance it is made an infraction. Such a violation may be prosecuted by city authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding fifty dollars ($50) for a first violation; (2) a fine not exceeding one hundred dollars ($100) for a second violation of the same ordinance within one year; (3) a fine not exceeding two hundred fifty dollars ($250) for each additional violation of the same ordinance within one year.

CHAPTER 678

An act to amend Section 73075 of the Government Code, relating to courts.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 73075 of the Government Code is amended to read:

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Alameda Judicial District	1
Berkeley-Albany Judicial District	4
Oakland-Piedmont Judicial District	14
San Leandro-Hayward Judicial District	6
Fremont-Newark-Union City Judicial District	3
Livermore-Pleasanton Judicial District	2

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this

section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity which desired legislative authority to act to carry out the program specified in this act.

SEC. 3. This act shall become operative on July 1, 1975, if and only if an ordinance establishing the Livermore-Pleasanton Judicial District becomes operative on the same date. If this act becomes operative, the provisions of Article 3 (commencing with Section 71080) of Chapter 6 of Title 8 of the Government Code governing the personnel, records, and cases of superseded courts shall apply. If for any reason such ordinance is invalidated by a court, the provisions of law governing the Livermore Judicial District in effect immediately prior to July 1, 1975, shall become operative on the date the judgment of the court invalidating the ordinance becomes final.

CHAPTER 679

An act to amend Section 68547 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 68547 of the Government Code is amended to read:

68547. For the purposes of this article, a judge or justice shall be deemed to be serving or sitting under assignment on each day during which it is necessary for him on account of the assignment to serve on the court to which assigned, to travel to or from such court, or to be absent from his residence. If a judge so serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding such period.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A question has arisen as to the application of the present law relating to the assignment of judges which will result in great confusion. This act clarifying that law must go into immediate effect if confusion is to be avoided.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and

Taxation Code because this act consists of technical changes to already existing statutes.

CHAPTER 680

An act to amend Sections 5350.3 and 5350.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5350.3 of the Vehicle Code is amended to read:

5350.3. No trailer coach, camp trailer, or housecar manufactured or fabricated on or after July 1, 1975, shall be sold or offered for sale in this state, unless such trailer coach, camp trailer, or housecar has been issued, upon completion of the manufacturing or fabricating process, a certificate of origin, on a form approved by the department, which contains the following:

(a) The name and address of the manufacturer or fabricator.

(b) The trade name of the unit.

(c) The series or model name of the unit.

(d) The shipping weight of the unit.

(e) The width and length of the unit.

(f) The serial number of the unit, and, in the case of a housecar, the motor number and chassis designation provided by the manufacturer thereof.

(g) The date that the ownership was transferred from the manufacturer or fabricator and to whom the ownership was transferred.

(h) A certification of facts signed by a responsible agent of the manufacturer or fabricator.

(i) As used in this section, "housecar" does not include a motortruck to which a camper has been permanently attached.

SEC. 2. Section 5350.5 of the Vehicle Code is amended to read:

5350.5. (a) Application for the original registration of, or for an original certificate of ownership to, a new trailer coach, a new camp trailer, or a new housecar, shall be accompanied by a certificate of origin, or true copy thereof, from the manufacturer or fabricator showing the date of sale to the dealer or person first receiving it from the manufacturer or fabricator, the name of the dealer or person and a description sufficient to identify the trailer coach, camp trailer, or housecar, and a certification that the trailer coach, camp trailer, or housecar was new when sold. If sold through a dealer, the dealer shall certify that the trailer coach, camp trailer, or housecar was new when sold to the applicant.

(b) As used in this section, "housecar" does not include a motortruck to which a camper has been permanently attached.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session, a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 4. This act shall become operative on July 1, 1975.

CHAPTER 681

An act to add Sections 12058 and 12059 to the Elections Code, relating to election campaigns.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12058 is added to the Elections Code, to read:

12058. (a) Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of such statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

NOTICE TO VOTERS
(Required by Law)

This is not an official ballot or an official sample ballot prepared by the county clerk, registrar of voters, or the Secretary of State

This is an unofficial, marked ballot prepared by _____ (insert name and address of the person or organization responsible for preparation thereof)

Nothing in this section shall be construed to require any such notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

(b) No such simulated ballot or simulated sample ballot shall bear any official seal or the insignia of any public entity, nor shall any such

seal or insignia appear upon the envelope in which it is mailed or otherwise delivered.

SEC. 2. Section 12059 is added to the Elections Code, to read:

12059. In addition to any other penalty, any person who prints or otherwise duplicates, or causes to be printed or duplicated, a simulated ballot or simulated sample ballot which does not contain the statement required by Section 12058, or which uses an official seal or insignia in violation thereof, is guilty of a misdemeanor.

The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of Section 12058, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 682

An act to add Section 220.5 to the Streets and Highways Code, relating to safety roadside rests.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 220.5 is added to the Streets and Highways Code, to read:

220.5. The department may, on an experimental basis, authorize the placement of vending machines in safety roadside rests, unless prohibited by federal laws, rules, or regulations.

Any profits derived from such vending machines shall be transferred by the department to the General Fund.

CHAPTER 683

An act to add Section 104.13 to the Streets and Highways Code, relating to state highway property, and making an appropriation therefor.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 104.13 is added to the Streets and Highways Code, to read:

104.13. (a) The lessee of a dwelling leased by the department may, in any year, apply to the department for a credit against future rental payments on the dwelling, or for a refund from the Highway Properties Rental Account in the Transportation Tax Fund if he is no longer leasing the dwelling, upon submission of evidence to the department that he had paid the tax imposed upon him for that year for his possessory interest in the dwelling.

(b) The credit or the refund, as the case may be, shall be deducted from the payments made pursuant to Section 104.10 to the county in which the dwelling is located.

(c) The department shall report the amount of credit and refund granted pursuant to subdivision (a) in each county during the prior fiscal year to the Department of Finance by October 1.

CHAPTER 684

An act to amend Section 3247 of the Civil Code, relating to payment bonds for public works contracts.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3247 of the Civil Code is amended to read:

3247. (a) Every original contractor to whom is awarded a contract by a public entity involving an expenditure in excess of ten thousand dollars ($10,000) for any public work shall, before entering upon the performance of the work, file a payment bond with and approved by the officer or public entity by whom the contract was awarded.

A public entity shall state in its call for bids for any such contract that such a bond is required in the case of such an expenditure.

(b) A payment bond filed and approved in accordance with this section shall be sufficient to enter upon the performance of work under a duly authorized contract which supplements the contract for

which such payment bond was filed, if the requirement of a new bond is waived by the public entity.

CHAPTER 685

An act to amend Section 11055 of the Health and Safety Code, relating to controlled substances.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11055 of the Health and Safety Code is amended to read:

11055. (a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, with the exception of naloxone hydrochloride (N-allyl-14-hydroxy- nordihydromorphinone hydrochloride), but including the following:

(i) Raw opium.
(ii) Opium extracts.
(iii) Opium fluid extracts.
(iv) Powdered opium.
(v) Granulated opium.
(vi) Tincture of opium.
(vii) Apomorphine.
(viii) Codeine.
(ix) Ethylmorphine.
(x) Hydrocodone.
(xi) Hydromorphone.
(xii) Metopon.
(xiii) Morphine.
(xiv) Oxycodone.
(xv) Oxymorphone.
(xvi) Thebaine.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or

preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Alphaprodine.
(2) Anileridine.
(3) Bezitramide.
(4) Dihydrocodeine.
(5) Diphenoxylate.
(6) Fentanyl.
(7) Isomethadone.
(8) Levomethorphon.
(9) Levorphanol.
(10) Metazocine.
(11) Methadone.
(12) Methadone—intermediate, 4-cyano-2-dimethyl-amino-4,4-diphenyl butane.
(13) Moramide—intermediate, 2-methyl-3-morpho-lino-1,1-diphenyl-propane-carboxylic acid.
(14) Pethidine.
(15) Pethidine—intermediate—A, 4-cyano-1-methyl-4-phenyl-piperidine.
(16) Pethidine—intermediate—B, ethyl-4-phenylpi-peridine-4-carboxylate.
(17) Pethidine—intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
(18) Phenazocine.
(19) Piminodine.
(20) Racemethorphan.
(21) Racemorphan.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
(2) Phenmetrazine and its salts.
(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.
(4) Methylphenidate.

CHAPTER 686

An act to repeal and add Section 12756 to the Food and Agricultural Code, relating to agricultural chemicals.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12756 of the Food and Agricultural Code is repealed.

SEC. 2. Section 12756 is added to the Food and Agricultural Code, to read:

12756. "Regulating plant growth" means the use of any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof.

However, it shall not include the use of substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

Also, "regulating plant growth" shall not be required to include at all the use of any of such of those nutriment mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants and are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

CHAPTER 687

An act to repeal Section 6282.1 of the Revenue and Taxation Code, and to amend Section 286 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6282.1 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 286 of the Vehicle Code is amended to read:

286. The term "dealer" does not include:

(a) Insurance companies, banks, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the

purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(b) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to this code.

(c) Persons regularly employed as salesmen by vehicle dealers licensed under this code while acting within the scope of such employment.

(d) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions. Persons not exclusively engaged in the bona fide business of exporting vehicles but who are engaged in the business of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States shall be exempt from licensure as dealers only if their sales of such vehicles produces less than 10 percent of their total gross revenue from all business transacted.

(e) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(f) Persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under this code, midget autos or racers advertised as being built exclusively for use by children, minibikes, tote goats, and vehicles of a similar nature which are not intended for use on the highways

(g) Persons temporarily retained as auctioneers solely for the purpose of disposing of vehicle stock inventories on behalf of the owners thereof by means of public auctions at the location of such owners' place of business, or as otherwise approved by the department, provided intermediate physical possession or control of, or an ownership interest in such inventory is not conveyed to the persons so retained.

(h) Persons who are engaged exclusively in the business of purchasing, selling, servicing, or exchanging racing vehicles, parts for racing vehicles, and trailers designed and intended by the manufacturer exclusively for carrying racing vehicles. For purposes of this subdivision, "racing vehicle" means a motor vehicle of a type used exclusively in a contest of speed or in a competitive trial of speed which is not intended for use on the highways.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 4. The sum of twenty-nine thousand five hundred dollars ($29,500) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for expenditure, during the 1974–75 fiscal year, for costs incurred in issuing dealer licenses and special plates to persons who are engaged in the purchase, sale, or exchange of boat trailers.

CHAPTER 688

An act to add Section 24045.3 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 24045.3 is added to the Business and Professions Code, to read:

24045.3. (a) The department may issue a special temporary retail package off-sale beer and wine license to a women's educational and charitable organization which is a part of a national organization having at least 10 chapters in California at least one of which has been incorporated since 1928, whose purpose is to foster interest among its members in the social, economic, and civic conditions of their community and to give effective volunteer service. An applicant for such a license shall accompany the application with a fee of one hundred dollars ($100).

(b) Such a license shall only entitle the licensee to sell at auction for charitable purposes wine donated to it; however, no such wine shall be sold at less than the minimum retail price therefor, established pursuant to provisions of this division. None of the funds realized from such auction shall be used for the administrative expenses of the auction and all such funds shall be placed in trust for a charitable purpose. Notwithstanding any other provision of this division, licensees may donate wine, to an organization licensed under this section, provided such donations are not made in connection with a sale of an alcoholic beverage.

(c) Such a license shall be for a period not exceeding one day. Only one such license shall be issued to any organization in any

12-month period.

CHAPTER 689

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district distribution districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community college districts.
Community facilities districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.
County sanitation district improvement districts.

County service area improvement areas.
County service areas.
County sewerage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural development districts.
Horticultural protection districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal facilities districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.

Parking districts.
Park, recreation, and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Project areas of redevelopment agencies.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
Resource conservation districts.
River port districts.
Road districts.
Sanitary agencies.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.

Zones of county water authorities.
Zones of county waterworks districts.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other

proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any

presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1974.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health, and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 690

An act to amend Section 32134 of the Education Code, relating to continuous school programs.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 32134 of the Education Code is amended to read:

32134. Any school district with an average daily attendance of more than 500 which, prior to July 1, 1979, converts one or more schools to a continuous school program pursuant to this chapter, shall, upon the approval of the Superintendent of Public Instruction, receive from funds appropriated for this purpose, a one-time grant not to exceed twenty-five thousand dollars ($25,000). School districts already operating continuous school programs on effective date of this section shall be eligible for the grant.

Any school district with an average daily attendance of 500 or less, which, prior to July 1, 1979, converts one or more schools to a continuous school program pursuant to this chapter, shall, upon the approval of the Superintendent of Public Instruction, receive from funds appropriated for this purpose, a one-time grant not to exceed five thousand dollars ($5,000).

CHAPTER 691

An act to amend Sections 14800 and 14801 of the Elections Code, relating to elections.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14800 of the Election Code is amended to read:

14800. Any voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, nursing home, or place of residence, or any voter unable because of a physical handicap to go to his polling place or because of such handicap is unable to vote at his polling place due to existing architectural barriers at his polling place denying him physical access to the polling place, voting booth, or voting apparatus or machinery, may request in a written state- statement, signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot, at the office of the clerk, to any authorized representative of

the voter possessing a written statement from the voter's physician or practitioner or a written statement signed by an official of the hospital, sanatorium, or nursing home stating that the voter is a patient in a hospital, sanatorium or nursing home, and that the voter will be confined therein on election day.

In the event the voter is confined in his place of residence on election day, such confinement must have occurred because of conditions arising after the closing day for absent voter ballot applications. Such voter may request in a written statement signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot at the office of the clerk to any authorized representative of the voter possessing a written statement from the voter's physician or practitioner stating that the voter will be confined at his place of residence on election day.

After marking his ballot the voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope on or before election day and return it to the office of the clerk.

Upon receipt of the envelope the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the envelope in a safe place in his office to be kept by him until the time prescribed for counting such ballot. Thereafter, the clerk shall count these ballots and add them to the totals for absent voter ballots.

A request for a ballot under this section shall be made, and the ballot delivered to the voter and returned to the clerk no later than the time the polls close on election day.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting insofar as those provisions are not inconsistent with the provisions of this section.

SEC. 2. Section 14801 of the Election Code is amended to read:

14801. Any voter unable to go to the polls because of conditions arising after the closing date for absent voter ballot applications, which will result in his absence from the precinct on election day, may apply at the office of the county clerk for an absent voter ballot. Any voter unable to go to the polls because of a physical handicap arising after the closing date for absent voter ballot applications, or, any voter unable because of a physical handicap to vote at his polling place due to architectural barriers at his polling place arising after the closing date for absent voter ballot applications thereby denying such handicapped person physical access to the polling place, voting booth, or voting apparatus or machinery, may apply for an absent voter ballot at the office of the county clerk. Upon receipt of an affidavit signed by the voter, on a form provided by the clerk, and attesting to the fact that the voter will be compelled to be absent from his precinct on election day because of such conditions arising after the closing date for absent voter ballot applications, the clerk shall provide the voter with an absent voter ballot. The ballot may be voted in the clerk's office or voted outside the clerk's office and

returned to the clerk or any precinct board in the county on or before the close of the polls on the day of election.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 692

An act to amend Sections 5105 and 5106 of the Vehicle Code, relating to environmental license plates, and making an appropriation therefor.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 5105 of the Vehicle Code is amended to read:

5105. (a) An applicant for issuance of environmental license plates or renewal of such plates in the subsequent year pursuant to this article shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a registration number. There shall be no duplication of registration numbers, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in Article 8 (commencing with Section 5000) of Chapter 1 of Division 3.

(b) The department may cancel and order the return of any environmental license plate heretofore or hereafter issued, containing any combination of letters, or numbers, or both, which the department determines carries connotations offensive to good taste and decency or which would be misleading. Whenever the department orders any person to return any such environmental license plate containing any combination of letters or numbers, or both, which the department determines carries connotations offensive to good taste and decency or which would be misleading, the person so ordered may, in writing and within 10 days after receiving the order, demand a hearing, which shall be granted. The provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, shall apply to hearings provided for in this subdivision. Any person ordered to return such plates shall either be reimbursed for any additional fees he paid for the plates pursuant to Section 5106 or 5108 for the registration year

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in which they are recalled, or be given, at no additional cost therefor, replacement environmental license plates, the issuance of which is in compliance with this code.

(c) The department may cancel and order the return of any environmental license plate, without opportunity to be heard, as specified in subdivision (b) of this section, if the license plate issued is a duplication of license plates provided for in Article 8 (commencing with Section 5000) of Chapter 1 of Division 3 or if the fee specified under subdivision (c) of Section 5106 has not been paid.

SEC. 2. Section 5106 of the Vehicle Code is amended to read:

5106. (a) In addition to the regular registration fee, the applicant shall be charged a fee of twenty-five dollars ($25).

(b) In addition to the regular renewal fee, the applicant for a renewal of such plates shall be charged an additional fee of ten dollars ($10).

(c) Notwithstanding the provisions of subdivision (b) of this section, when payment of renewal fees is not required as specified in Section 4000, the holder of any environmental license plate shall be required annually to pay a fee of ten dollars ($10) for the privilege of retaining such plate.

CHAPTER 693

An act to amend Section 3898 of, to add Section 3904 to, and to add Article 6 (commencing with Section 4195) to Chapter 6, Part 3, Division 3 of, the Food and Agricultural Code, relating to fairs.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3898 of the Food and Agricultural Code is amended to read:

3898. District 46 is all that portion of the County of Riverside which is not included in District 54.

SEC. 2. Section 3904 is added to the Food and Agricultural Code, to read:

3904. District 54 is all of the portion of Riverside County east of the Coachella Branch of the All-American Canal and east of the line running due north from the northernmost point of that canal.

SEC. 3. Article 6 (commencing with Section 4195) is added to Chapter 6 of Part 3 of Division 3 of the Food and Agricultural Code, to read:

Article 6. 54th District Agricultural Association

4195. The fair site of the 54th District Agricultural Association shall be the property near the City of Blythe known as the Blythe Community Fair Grounds. The association shall not accept any donation or gift of land or other property which is not free and clear of all debts and encumbrances.

CHAPTER 694

An act to amend Sections 8304 and 8305.5 of, and to add Sections 8308 and 8309 to, the Fish and Game Code, relating to abalone.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 8304 of the Fish and Game Code is amended to read:

8304. It is unlawful to take any abalone, the shell of which, measured in greatest diameter, is less than the following specifications: red abalone, 7¾ inches; green abalone, 7 inches; pink abalone and white abalone, 6¼ inches; black abalone, 5¾ inches; all other abalone, 4 inches.

SEC. 2. Section 8305.5 of the Fish and Game Code is amended to read:

8305.5. In District 19, within one mile of the shores of San Nicolas, San Clemente, and San Miguel Islands and in less than 20 feet of water, abalones may be taken for commercial purposes, except that, upon a finding that the further taking of abalone will endanger the resource, the director may close such area or any part of such area to the taking of abalone for commercial purposes until such time as he determines that such taking will no longer endanger the resource.

SEC. 3. Section 8308 is added to the Fish and Game Code, to read:

8308. It is unlawful for a holder of a permit to commercially take abalone to possess more than 20 dozen black abalone on any boat at any time.

SEC. 4. Section 8309 is added to the Fish and Game Code, to read:

8309. It is unlawful for the holder of a permit to commercially take abalone to take abalone from one-half hour after sunset to one-half hour before sunrise.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental

entities which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 695

An act to amend Section 944 of the Penal Code, relating to bail.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 944 of the Penal Code is amended to read:

944. An indictment, when found by the grand jury, must be presented by their foreman, in their presence, to the court, and must be filed with the clerk. No recommendation as to the dollar amount of bail to be fixed shall be made to any court by any grand jury.

CHAPTER 696

An act making an appropriation for the support of the Department of Fish and Game.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one million dollars ($1,000,000) is hereby appropriated from the General Fund to the Department of Fish and Game to be available for expenditure during the 1974–75 fiscal year solely for the support of programs devoted to nongame species management and protection programs.

CHAPTER 697

An act to add Section 418.4 to the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

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SECTION 1. Section 418.4 is added to the Streets and Highways Code, to read:

418.4. (a) With respect to environmental impact reports for that portion of Route 118 between DeSoto Avenue and Balboa Boulevard in the communities of Chatsworth, Granada Hills, and Northridge in the San Fernando Valley, the department shall submit such reports to federal, state, and local agencies by June 30, 1974.

(b) The state and local agencies shall submit their comments on such reports to the department by September 1, 1974.

(c) The department shall (1) hold public hearings, as required, on such reports by September 15, 1974; (2) complete, by November 1, 1974, any additional studies necessary to prepare the final drafts of such reports; and (3) complete the final drafts of such reports by December 1, 1974.

(d) The state and local agencies shall complete the final processing of such reports by January 1, 1975.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the processing of environmental impact reports may be expedited for that portion of Route 118 between DeSoto Avenue and Balboa Boulevard in the City of Los Angeles so that construction thereof may commence as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 698

An act to amend Sections 186 and 188.3 of the Streets and Highways Code, relating to the maintenance of state highways and toll bridges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 186 of the Streets and Highways Code is amended to read:

186. For general administration and for maintenance, the department and the commission shall be limited in expenditures, out of the money available each year in the State Highway Account in the State Transportation Fund, to an amount not exceeding the net revenue derived from one and one-eighth cents ($0.01125) per gallon tax on motor vehicle fuel under Part 2 (commencing with Section 2301), and on the use of fuel under Part 3 (commencing with Section 8601), of Division 2 of the Revenue and Taxation Code,

except that during the 1972–73 fiscal year the limit on such expenditures shall not exceed the net revenue derived from one and one-fourth cents ($0.0125) per gallon of such tax, and during the 1973–74 fiscal year the limit on such expenditures shall not exceed the net revenues derived from one and three-eighths cents ($0.01375) per gallon of such tax, and that during the 1974–75 fiscal year the limit on such expenditures shall not exceed the revenues derived from one and one-half cents ($0.015) per gallon of such tax. Of that amount, the department shall expend such proportion as the commission determines is necessary for each of the following:

(a) General administration purposes.

(b) Maintenance of all state highways, including all traversable highways between the termini of and approximately on authorized state highway routes.

(c) Maintenance of highways in state parks.

SEC. 2. Section 188.3 of the Streets and Highways Code is amended to read:

188.3. Notwithstanding Section 186, the cost of maintenance of all landscaping and functional planting on state highways by the department and the cost of maintenance of all toll bridges under the jurisdiction of the California Toll Bridge Authority shall be paid out of money in the State Highway Account in the State Transportation Fund available for the construction of state highways, prior to the allocation of money between county groups under Section 188, provided that expenditures for the maintenance of landscaping and functional planting shall be limited to twenty million dollars ($20,000,000) annually.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that sufficient funds be available to the Department of Transportation during the 1974–75 fiscal year to maintain the state highway system in a safe and adequate fashion, it is necessary that this act take effect immediately.

CHAPTER 699

An act to amend Sections 24081 and 25503.10 of the Business and Professions Code, relating to alcoholic beverage licensees.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 24081 of the Business and Professions Code is amended to read:

24081. (a) Notwithstanding any other provision of law in this division including, but not limited to, requirements relating to the issuance or transfer of a license, any licensee whose premises, for which a license, other than an off-sale license, has been issued, have been destroyed as a result of fire or any act of God or other force beyond the control of such licensee may carry on his business for a period of not more than 60 days at a location within 500 feet of the premises for which the license was issued and while such premises are being repaired or rebuilt and he shall be entitled to carry on his business under his existing license upon the former premises when they have been repaired or rebuilt.

(b) Notwithstanding any other provision of law in this division, including, but not limited to, requirements relating to the issuance or transfer of a license, any licensee whose premises, for which an off-sale license has been issued, have been destroyed as a result of fire or any act of God or other force beyond the control of such licensee, may carry on his business for a period of not more than six months at a location within 500 feet of the premises for which the license was issued and while such premises are being repaired or rebuilt and he shall be entitled to carry on his business under his existing license upon the former premises when they have been repaired or rebuilt.

SEC. 2. Section 25503.10 of the Business and Professions Code is amended to read:

25503.10. (a) Notwithstanding any other provision of this division, the department may approve a lease or sublease, or amendments to such lease or sublease, where a manufacturer, manufacturer's agent, winegrower, California winegrower's agent, rectifier, importer, or wholesaler is the lessor and a retailer is the lessee when each of the following conditions are incorporated in the lease:

(1) The lease is confined to real property and improvements thereon which have become part of the real property

(2) No trade fixtures or other personal property are included in the lease.

(3) The rent to be paid by the lessee is not less than the current value for such a lease, which the lessor shall establish by submission of competent proof to the department.

(4) The rent is due and payable monthly beginning with the first month of occupancy.

(5) Any money received by the lessor from the lessee when the rent is due shall be first applied by the lessor to the payment of the rent.

(6) The lessee shall purchase from the lessor no more than 10 percent of his yearly supply of the type of alcoholic beverages sold on his licensed premises. The percentage shall be computed on a calendar-year basis.

(b) The original lease and any amendments to the original lease

or to an amended lease shall be submitted to the department for its approval.

(c) The department may suspend or revoke the license of the lessor or the lessee for violations of any of the above conditions or for any misrepresentation in the terms of the lease.

(d) The ownership of shares of stock in a corporation licensed as a retailer under the provisions of this division, when such shares of stock are sold to the general public on any national or local stock exchange, shall not be deemed to be the ownership, either in whole or in part, of the land upon which a retail license issued to such corporation is located. The person who holds such shares of stock shall not be held to be a lessor under the provisions of this section.

SEC. 3. Section 1 of this act shall apply to premises destroyed within 60 days of the effective date of this act as a result of fire or any act of God or other force beyond the control of such licensee, and to premises so destroyed thereafter.

CHAPTER 700

An act to add Section 11526.3 to the Business and Professions Code and to amend Section 65402 of the Government Code, relating to planning.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11526.3 is added to the Business and Professions Code, to read:

11526.3. The responsibilities of the governing body under the provisions of Sections 11526, 11549.5, 11549.6, and 11551.6 may be assigned to an advisory agency or appeal board provided the governing body adopts an ordinance which allows any interested person to appeal any decision of the advisory agency or the appeal board relative to such matters to the governing body. Such appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 11552.

SEC. 2. Section 66474.7 is added to the Government Code, to read:

66474.7. The responsibilities of the governing body under the provisions of Sections 66473.5, 66474, 66474.1 and 66474.6 may be assigned to an advisory agency or appeal board provided the governing body adopts an ordinance which allows any interested person to appeal any decision of the advisory agency or the appeal board relative to such matters to the governing body. Such appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5.

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SEC. 3. Section 65402 of the Government Code is amended to read:

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the

purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 977 are both chaptered and become effective on or before January 1, 1975, this bill adds Section 11526.3 to the Business and Professions Code, and Senate Bill 977 adds Division 2 (commencing with Section 66410) to Title 7 of the Government Code, and this bill is chaptered after Senate Bill No. 977, that Section 11526.3 as proposed to be added to the Business and Professions Code, by Section 1 of this bill shall not become operative, and Section 66474.7 as proposed to be added to the Government Code by Section 2 of this act shall become operative. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 977 are both chaptered and become effective on or before January 1, 1975, this bill adds Section 11526.3 to the Business and Professions Code and Senate Bill 977 adds Division 2 (commencing with Section 66410) to Title 7 of the Government Code, and this bill is chaptered after Senate Bill No. 977, in which case Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

CHAPTER 701

An act to repeal Section 1336 of the Code of Civil Procedure, to amend Section 1027 of, and to repeal Section 1026 of the Probate Code, relating to nonresident alien inheritance.

[Filed with Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1336 of the Code of Civil Procedure is repealed.

SEC. 2. Section 1026 of the Probate Code is repealed.

SEC. 3. Section 1027 of the Probate Code is amended to read:

1027. Executors or administrators, public or otherwise, must apply for distribution of an estate at the time of filing a final account. Notice of such application must be given in the manner provided in Section 1200 of the Probate Code. If the court, at the time set for the hearing of the final account, or such time thereafter to which the matter may be continued, does not distribute the entire balance of the estate remaining for distribution to known heirs, devisees or legatees entitled to succeed thereto, it must distribute to the State of California that portion of such estate not distributed to such known heirs, devisees or legatees. Insofar as practical, any real property or tangible personal property shall be converted to money prior to transmittal to the state.

Whenever it appears that the estate or any portion thereof is to be distributed to the State of California because there are no known heirs or that the estate or any portion thereof is to be distributed to heirs, devisees or legatees whose whereabouts are unknown, the executor or administrator must serve the State Controller, personally or by mail, with a copy of the petition for distribution, together with notice of the hearing thereon, specifying the date of such hearing, and a copy of the latest account filed with the court, at least 30 days prior to the date of such hearing.

If the court distributes the estate or any portion thereof to the State of California, and the distributing clause contains words otherwise creating a trust in favor of certain unknown or unidentified persons as a class, such distribution shall vest in the State of California both legal and equitable title to the property so distributed; saving, however, the right of claimants to appear and claim the estate or any portion thereof, as in this section provided.

Upon the rendition of a decree of distribution, any money distributed to the State of California shall forthwith be delivered to the State Treasurer by the executor or administrator, and all other personal property so distributed shall forthwith be delivered to the State Controller for deposit in the State Treasury.

A certified copy of the decree of distribution and of any court orders amending the same must be delivered to the State Controller by the executor or administrator at the time of making any remittance in connection with an estate.

No deposit of property in an estate shall be made in the county treasury by any executor or administrator, public or otherwise, if the estate has previously been distributed to the State of California pursuant to this section, but such estate shall be transmitted forthwith to the State Treasurer or State Controller as provided in this section.

The property so distributed shall be held by the State Treasurer for a period of five years from the date of the decree making such

distribution, within which time any person may claim the estate or any part thereof in the manner provided by Title 10 (commencing with Section 1300) of Part 3 of the Code of Civil Procedure.

Any person who does not appear and claim, as herein required, shall be forever barred, and such property, or so much thereof as is not claimed, shall vest absolutely in the state.

CHAPTER 702

An act to amend Section 70141.12 of the Government Code, relating to courts.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 70141.12 of the Government Code is amended to read:

70141.12. In Ventura County, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code, and if appointed by the presiding judge of juvenile court, shall perform the duties of a referee as specified in Section 553 of the Welfare and Institutions Code.

The commissioner shall receive a salary representing 70 percent, 75 percent, or 80 percent of the annual salary for a superior court judge. The court shall determine the level of salary to be received by the court commissioner, making adjustments on the three levels in accordance with the qualifications, performance, and other factors deemed relevant by the court. He shall also be allowed actual traveling expenses pursuant to Section 70148.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by any local governmental entity pursuant to the act, because the affected local governmental entity has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

CHAPTER 703

An act to amend Section 25825 of the Government Code, relating to sewer construction and maintenance.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25825 of the Government Code is amended to read:

25825. The board of supervisors may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate within or without the county sewers, drains, septic tanks, sewerage collection and treatment works and other sanitary disposal systems; and storm water drains and storm water collection and disposal systems, provided, however, that the full costs thereof shall be borne by the properties benefited except to the extent that such costs may be borne by eligible county federal revenue sharing funds.

The board may make and enforce all necessary and proper regulations for the use of sewerage collection, treatment and disposal facilities not in conflict with the Constitution and the laws of the state. The board may collect compensation from private or public parties for the connection to and use of sewerage collection, treatment and disposal facilities. It may restrict the use of the facilities to the inhabitants of the county.

CHAPTER 704

An act to amend Section 12662 of, and to add Sections 12662.1 and 12662.2 to, the Water Code, relating to flood control.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12662 of the Water Code is amended to read:

12662. The project for flood control and other purposes for the Kings River and Tulare Lake Basin is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Number 630, Seventy-sixth Congress, Third Session, as adopted and authorized by the act of Congress approved December 22, 1944 (Public Law 78-534, the "Flood Control Act of 1944"), as modified by data in the Design Memorandum No. 3, Kings River and Tulare Lake, California, Kings River Channel Improvement, General Design, dated April 20, 1959, and by Letter Supplement No. 1 to such Design Memorandum No.

3, by the District Engineer, Sacramento District, Corps of Engineers, at no cost to the state prior to July 1, 1967, and thereafter at an estimated cost to the state of such sums as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriations of available funds.

It is the intent of the Legislature that the state shall share only in costs for work done in accordance with Letter Supplement No. 1 to such Design Memorandum No. 3.

SEC. 2. Section 12662.1 is added to the Water Code, to read:

12662.1. The Kings River Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by the act of Congress approved December 22, 1944 (Public Law 78-534, the "Flood Control Act of 1944"), as modified by Design Memorandum No. 3, Kings River and Tulare Lake, California, Kings River Channel Improvement, General Design, dated April 20, 1959, and by Letter Supplement No. 1 to such Design Memorandum No. 3, will be furnished by the district in connection with the plan of improvement for flood control adopted and authorized in Section 12662.

SEC. 3. Section 12662.2 is added to the Water Code, to read:

12662.2. The Kings River Conservation District, in conjunction with the Department of the Army, shall execute the plan of improvement for flood control referred to in Section 12662 and exercise all powers granted to it in the Kings River Conservation District Act (Chapter 931, Statutes of 1951), and the district may make such modifications or amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part. The department shall have authority and is hereby authorized to enter into an agreement with the local agency pursuant to Section 12585.4. Notwithstanding the provisions of Sections 12585.2 and 12585.3 the local agency may receive credit against its share of the costs of lands, easements, and rights-of-way required for the project which were acquired by the local agency after July 1, 1967.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 705

An act to amend Sections 74692, 74693, and 74693.1 of the Government Code, relating to municipal courts.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 74692 of the Government Code is amended to read:

74692. There shall be one clerk of the municipal court who shall receive a biweekly salary at the rate specified in range 65 of the salary schedule.

SEC. 2. Section 74693 of the Government Code is amended to read:

74693. The clerk may appoint:

(a) One assistant municipal court clerk, who shall receive a biweekly salary at the rate specified in range 54 of the salary schedule.

(b) Two deputy court clerks, grade IV, who shall receive a biweekly salary at the rate specified in range 45 of the salary schedule.

(c) Twelve deputy court clerks, grade III, who shall receive a biweekly salary at the rate specified in range 40 of the salary schedule.

(d) Thirteen deputy court clerks each of whom shall be either grade I or grade II. Grade II deputy clerks shall receive a biweekly salary at the rate specified in range 32 of the salary schedule. Grade I deputy clerks shall receive a biweekly salary at the rate specified in range 27 of the schedule.

(e) One typist-clerk, grade I, who shall receive a biweekly salary at the rate specified in range 24 of the salary schedule.

(f) One account clerk, grade II, who shall receive a biweekly salary at the rate specified in range 33 of the salary schedule.

SEC. 3. Section 74693.1 of the Government Code is amended to read:

74693.1. Whenever reference to a numbered salary range is made in any section of this article, the schedule of biweekly salaries adopted by resolution of the Board of Supervisors of Santa Cruz County on March 19, 1974, shall apply.

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to a salary range incorporated by this section, shall for the first six months of service, receive the rate of biweekly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next

higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

In the case of persons in the positions specified in Sections 74692 and 74693, on the effective date of any amendments to this section, they shall have their existing salaries adjusted to the same relative step in any new range enacted by such amendments, and such adjustment shall not alter the anniversary date or eligibility of the employee for consideration for a regular step increase under this section.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because this act is in accordance with the request of a local government entity which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 706

An act to amend Section 1254 of the Code of Civil Procedure, relating to condemnation, and making an appropriation therefor.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1254 of the Code of Civil Procedure is amended to read:

1254. (a) In any case in which the plaintiff is not in possession of the property sought to be condemned, the plaintiff may, at any time after trial and judgment entered or pending an appeal from the judgment and after payment into court for the defendant of the full amount of the judgment and such further sum as may be required by the court as a fund to pay any further damages and costs that may be recovered in the proceeding, apply ex parte for an order authorizing it to take possession of and to use the property sought to be condemned.

(b) If in the judgment the court determined that the plaintiff is entitled to acquire the property by eminent domain and if the court determines that the plaintiff has made the required payment into court, the court shall by order authorize the plaintiff to take possession of and use the property during the pendency of and until the final conclusion of the litigation, and shall, if necessary, stay all actions and proceedings against the plaintiff on account thereof. The order shall state the date after which the plaintiff is authorized to take possession of the property which date, unless the plaintiff requests a later date, shall be 10 days after the date of the order.

(c) At least 10 days prior to the time possession is taken, the

plaintiff shall serve upon the defendants and their attorneys, either personally or by mail, a copy of the order of the court authorizing it to take possession of the property. A single service upon or mailing to those at the same address is sufficient.

(d) At any time after the court has made an order authorizing the plaintiff to take possession pursuant to this section, the court may, upon motion of any party to the eminent domain proceeding, order an increase or a decrease in the amount that the plaintiff is required to pay into court as a further sum pursuant to this section.

(e) The plaintiff shall not be held to have abandoned or waived the right to appeal from the judgment by paying into court the amount of the judgment and such further sum as may be required by the court and taking possession of the property pursuant to this section.

(f) The defendant, who is entitled to the money paid into court for him upon any judgment, shall be entitled to demand and receive the full amount of the judgment at any time thereafter upon obtaining an order therefor from the court. The court, or a judge thereof, upon application by such defendant, shall order and direct that the money so paid into court for him be delivered to him upon his filing a satisfaction of the judgment, or upon his filing a receipt therefor, and an abandonment of all defenses to the action or proceeding, except as to the amount of damages that he may be entitled to in the event that a new trial is granted. A payment to a defendant, as aforesaid, shall be held to be an abandonment by such defendant of all defenses interposed by him, excepting his claim for greater compensation.

(g) Any amount withdrawn by any party in excess of the amount to which he is entitled as finally determined in the eminent domain proceeding shall be paid without interest to the party entitled thereto, and the court in which the eminent domain proceeding is pending shall enter judgment therefor against such party.

(h) The payment of the money into court, as hereinbefore provided for, shall not discharge the plaintiff from liability to keep the said fund full and without diminution; but such money shall be and remain, as to all accidents, defalcations, or other contingencies (as between the parties to the proceeding), at the risk of the plaintiff, and shall so remain until the amount of the compensation or damages is finally settled by judicial determination, and until the court awards the money, or such part thereof as shall be determined upon, to the defendant, and until he is authorized or required by rule of court to take it. If, for any reason, the money shall at any time be lost, or otherwise abstracted or withdrawn, through no fault of the defendant, the court shall require the plaintiff to make and keep the sum good at all times until the litigation is finally brought to an end, and until paid over or made payable to the defendant by order of court, as above provided. The court shall order the money to be deposited in the State Treasury, unless the plaintiff requests the court to order deposit in the county treasury, in which case the court

shall order deposit in the county treasury. If the court orders deposit in the State Treasury, it shall be the duty of the State Treasurer to receive all such moneys, duly receipt for, and to safely keep the same in the Condemnation Deposits Fund, which fund is hereby created in the State Treasury and for such duty he shall be liable to the plaintiff upon his official bond. Money in the Condemnation Deposits Fund shall be invested under the provisions of Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code.

(i) The State Controller shall apportion as of June 30th and December 31st of each year the interest earned or increment derived and deposited in the fund during the six calendar months ending with such dates. There shall be apportioned and paid to each plaintiff having a deposit in the fund during the six-month period for which an apportionment is made, an amount directly proportionate to the total deposits in the fund and the length of time such deposits remained therein. The State Treasurer shall pay out the money deposited by a plaintiff in such manner and at such times as the court or a judge thereof may, by order or decree, direct.

(j) In all cases where a new trial has been granted upon the application of the defendant, and he has failed upon such trial to obtain greater compensation than was allowed him upon the first trial, the costs of such new trial shall be taxed against him.

CHAPTER 707

An act to add Section 5096.1 to the Revenue and Taxation Code, relating to tax refunds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5096.1 is added to the Revenue and Taxation Code, to read:

5096.1. Except as hereinafter provided, taxes collected on behalf of a special district from a taxpayer whose property has been annexed to a city but was not detached from the special district due to error or inadvertence shall be deemed to have been erroneously collected for purposes of Section 5096 if the governing board of the special district makes a finding by resolution that detachment proceedings were not commenced due to excusable neglect. If the special district is a fire protection district the governing body of the annexing city may make the finding by resolution that detachment proceedings were not commenced following annexation due to excusable neglect. For purposes of determining the amount of the

refund the property shall be deemed to have been detached from the special district on the date annexation proceedings were completed.

This section shall not apply to taxes which would be collectible under authority of Government Code Section 56492 even though the annexed property had been detached from the special district.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Because of the failure of special districts or cities to detach territory from special districts upon annexation of the territory to a city, taxpayers have erroneously paid property taxes to two public agencies. In order that such taxes may be refunded at the earliest possible date it is essential that this act take immediate effect.

CHAPTER 708

An act to repeal Chapter 1c (commencing with Section 4656) of, and to add Chapter 1c (commencing with Section 4656) to, Part 8 of Division 1 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1c (commencing with Section 4656) of Part 8 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 2. Chapter 1c (commencing with Section 4656) is added to Part 8 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 1c. REDEMPTIONS

4656. As used in this chapter, "taxes" includes all liens charged on the secured roll which are determined by the application of an ad valorem tax rate. In the case of property not assessed for any year, "taxes" also includes such liens that would have been charged on the secured roll for such year if the property had been assessed.

4656.1. As used in this chapter "assessments" includes all liens charged on the secured roll which are not determined by the application of an ad valorem tax rate. In the case of property not assessed for any year, "assessments" also includes such liens that

would have been charged on the secured roll for such year if the property had been assessed.

4656.2. Taxes, and all delinquent penalties, interest and redemption penalties accruing thereon, shall be distributed to each fund on the basis of the tax rate established for the fiscal year preceding that in which distribution is made and in the same proportion as the tax rate for each fund bears to the total tax rate applicable.

4656.3. Assessments, and all delinquent penalties, interest and redemption penalties accruing thereon, shall be distributed to each fund in the same proportion as the assessments due each fund bears to the total amount of assessments due at the time of payment.

4656.4. Amounts collected as the cost for preparing the delinquent list shall be distributed to the county general fund.

4656.5. All redemption fees shall be distributed 50 percent to the State of California for deposit in the General Fund and 50 percent to the county that is the situs of the tax-sold land for deposit in its general fund.

4656.6. All or any part of moneys received under the provisions of Chapter 3 (commencing with Section 4186) of Part 7 may be held until redemption is made, or may be distributed as the money is received. The money shall be distributed as provided in this chapter.

4656.7. On termination of the right of redemption, amounts collected on defaulted installment plans shall be distributed as provided in this chapter, unless previously distributed.

CHAPTER 709

An act to amend Sections 6006 and 6363.6 of, and to repeal Section 6010.2 of, the Revenue and Taxation Code, relating to sales and use taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6006 of the Revenue and Taxation Code is amended to read:

6006. "Sale" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for

consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(d) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.

(e) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(f) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(g) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Mobile transportation equipment for use in transportation of persons or property as defined in Section 6023.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor or transferor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

SEC. 2. Section 6010.2 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 6363.6 of the Revenue and Taxation Code is amended to read:

6363.6. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use or other consumption in this state of, meals and food products for human consumption furnished or served to and consumed by patients and inmates of:

(a) A health facility as defined in Section 1250 of the Health and Safety Code, which holds the license required pursuant to Section 1253, or is exempt from the license requirement pursuant to subdivision (a) of Section 1270, or is operated by the United States.

(b) A community care facility as defined in Section 1502 of the Health and Safety Code, which holds the license required by Section

1508, or is a residential facility selected by a licensee pursuant to Section 1506 and exclusively used for the reception and care of persons placed by such licensee, or is exempt from the license requirement pursuant to subdivision (f) of Section 1505, or is operated by the United States.

SEC. 4. Notwithstanding Section 2230 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because any loss of revenue cause by this act is minor in nature and will not cause any financial burden to local government.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Provisions of the Health and Safety Code and Welfare and Institutions Code previously referred to in Section 6363.6 of the Revenue and Taxation Code have been revised effective January 1, 1974. In order to coordinate the Revenue and Taxation Code with those revisions and eliminate confusion as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 710

An act to repeal Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, as added by Chapter 415 of the 1972 Statutes, relating to city selection committees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, as added by Chapter 415 of the 1972 Statutes, is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

In order to avoid further confusion between two like-numbered articles, it is necessary that this act take effect immediately.

CHAPTER 711

An act to amend Sections 16307 and 16310 of the Welfare and Institutions Code, relating to life care contracts.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 16307 of the Welfare and Institutions Code is amended to read:

16307. The agreement must:

(a) Show the value of all property transferred, including, but not limited to, donations, subscriptions, fees, and any other amounts paid or payable by or on behalf of the aged person.

(b) Show all the services which are to be provided by the person or organization to the transferor, including, in detail, all items which the transferor will receive, such as board, room, medical care, clothing, burial, incidentals, and whether such items will be provided for a designated time period or for life.

(c) Be accompanied by a financial statement showing all facts pertinent to the financial condition of the certificate holder.

(d) Include a statement informing the transferor that the agreement may be terminated by either party upon ninety (90) days notice under the terms of the contract, consistent with state law.

(e) Be furnished, together with the financial statement, to the transferor.

SEC. 2. Section 16310 of the Welfare and Institutions Code is amended to read:

16310. In lieu of making a detailed financial investigation, the department may accept an annual audit of the records of the organization or person, made by a certified public accountant or public accountant, which shall include a certification, if such is the case, that the organization or person is maintaining reserves in accordance with the requirements of Section 16304.

Each organization or person specified in Section 16300 shall have an annual audit made of its financial affairs by a certified public accountant or a public accountant, which audit shall include full details on per capita costs of operation for each home operated and on the matter of reserves. A copy of the audit shall be filed with the department and be transmitted to each transferor requesting such audit. Funds and property received as advance payments for maintenance of the transferors shall be reported separately from membership fees, donations, or other funds available for capital expansion.

CHAPTER 712

An act to amend Section 17535.5 of the Business and Professions Code, relating to advertising.

[Approved by Governor September 6, 1974, Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 17535.5 of the Business and Professions Code is amended to read:

17535.5. (a) Any person who intentionally violates any injunction issued pursuant to Section 17535 shall be liable for a civil penalty not to exceed six thousand dollars ($6,000) for each violation. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. In determining the amount of the civil penalty, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the person, whether corporate or individual, and any corrective action taken by the defendant.

(b) The civil penalty prescribed by this section shall be assessed and recovered in a civil action brought in any county in which the violation occurs or where the injunction was issued in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction within his jurisdiction without regard to the county from which the original injunction was issued. An action brought pursuant to this section to recover such civil penalties shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

(c) If such an action is brought by the Attorney General, one-half of the penalty collected pursuant to this section shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of the penalty collected shall be paid to the treasurer of the county in which the judgment is entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county in which the judgment was entered and one-half to the city.

CHAPTER 713

An act to amend Sections 3, 5, 6.1, 6.2, 6.3, 12, 14, 19, and 22 of, to add Section 3.1 to, and to repeal Sections 9 and 19.5 of, the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), relating to the Marin County Flood Control and Water Conservation District.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 3. The board of supervisors of the district created by this act, by resolution thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The boundaries of such zones may overlap or one zone may be entirely included within the boundaries of another zone.

Proceedings, including a hearing and determination of protests, for the establishment, amendment, division or superimposition of any zone or the establishment of any project, the estimated cost of which exceeds ten thousand dollars ($10,000), shall be conducted in the manner prescribed in Section 11 of this act. As an alternative to, and in addition to, the proceedings prescribed in Section 11 of this act for the establishment, annexation, division or superimposition of any zone or any project, the estimated cost of which exceeds ten thousand dollars ($10,000), the board of supervisors of the district may submit proposals for the establishment, annexation, division or superimposition of any zone or any project, the estimated cost of which exceeds ten thousand dollars ($10,000), to the registered voters residing within the zone, the territory of a proposed zone or the territory to be annexed, as the case may be, which election shall be called and held as nearly as practicable in the manner provided in Section 13.

Proceedings for the establishment, amendment, division, or superimposition of zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones.

After a zone has been formed, a subzone or subzones may be formed for areas less than the zone, and a project or projects adopted therefor. Subzones and projects therefor shall be formed in the manner provided in this section and Section 11 of this act. Any subzone so formed shall be entitled with the zone number and a letter of the alphabet.

SEC. 2. Section 3.1 is added to the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), to read:

Sec. 3.1. All of the provisions of this act relating to zones are applicable to subzones formed under Section 3 of this act, and all of the powers and duties conferred or imposed by this act with respect to zones, including the powers and duties to levy and collect taxes or assessments and to incur indebtedness and to issue and sell bonds, shall apply with respect to subzones.

Whenever a special bond election is called and held under Section 13 of this act, or as authorized by Section 24 of this act, with respect to any subzone it shall be called and held only within such subzone for which the bonded indebtedness is proposed to be incurred and need not be called or held in any of the remaining territory of the zone or participating zone of which such subzone is a part.

The zone advisory board provided for in Section 6.2 of this act shall constitute the subzone advisory board.

SEC. 3. Section 5 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act. Construction or improvement of existing facilities may involve landscaping, related recreational activities, and other aesthetic treatment in order that the facility will be compatible with existing or planned development in the area of improvement.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present

and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within

the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies or with the government of the United States, or with any municipality, public district or other public or private corporation or with the County of Marin, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or

operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Marin County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual, of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Marin County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or public district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams

flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary; provided, however, that when the board of supervisors shall, by resolution or ordinance adopted by vote of four-fifths of all its members, have found and determined that the public interest and necessity require the acquisition, construction, or completion by said district of any public improvement for flood control purposes and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence (a) of the public necessity of such proposed public improvement, (b) that such property is necessary therefor, and (c) that such proposed public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or public district to provide for a water supply for such city and county or public district, or as affecting the absolute control of any properties of such city and county or public district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in Marin County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent, with the primary use and purpose of such lands, facilities, and works by such district.

15. In addition to its other powers, the district shall have the power to preserve and enhance its properties, including related recreational enhancement, and, upon a finding by the board of supervisors that the acquisition is necessary for such purposes, to

acquire, preserve, and enhance lands or interests in lands within the County of Marin contiguous to its properties, for the protection and preservation of the scenic beauty and natural environment for such properties or such lands.

SEC. 4. Section 6.1 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 6.1. The board may appoint a commission which, if appointed, shall consist of seven members with at least five, but not more than six, members from incorporated cities within the County of Marin and no more than one member from any one city to assist and advise said board in the institution of projects or works of improvement, and the board may by ordinance provide for compensation for services and payment of the actual necessary expenses incurred by said members in the performance of official duties under this act, payable from the funds of the district. Members of the advisory commission shall serve at the pleasure of the board.

SEC. 5. Section 6.2 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 6.2. Upon the formation of each zone pursuant to the provisions of this act, the board of supervisors shall appoint a zone advisory board composed of either five or seven resident electors of said zone. Said zone advisory board shall be consulted by the board of supervisors or the commissioners of the district in all matters affecting such zone and no action relating to such matters shall be taken by either or both of said bodies until a report on the proposed action shall have been made by the zone advisory board. Said report by said zone advisory board shall be made within 30 days after the mailing to each of its members of a statement of proposed zone action or after a report by the district's staff to its members in open public meeting, and request for a report thereon by said zone advisory board. Said report may contain majority and minority opinions. If such report is not made within said 30-day period, the commissioners or the board of supervisors may proceed with the contemplated action notwithstanding the failure to file such report.

SEC. 6. Section 6.3 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 6.3. The board may transfer funds between the respective zones for district purposes on a temporary basis.

The board shall determine the prevailing interest rate which shall be borne by the borrowing zone. Payment of both principal and interest shall be made by the borrowing zone to the zone whose funds were loaned in the fiscal year two years succeeding the fiscal year in which the temporary transfer was made, or sooner, if financial conditions permit.

SEC. 7. Section 9 of the Marin County Flood and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is

repealed.

SEC. 8. Section 12 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 12. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district, including, but not limited to, the preparation of master plans for specific areas within the district; provided, however, that said ad valorem tax or assessment shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation; and

2. To levy ad valorem taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones.

3. The aggregate of all ad valorem taxes or assessments levied under this act for any one fiscal year shall not exceed one dollar ($1) on each one hundred dollars ($100) of assessed valuation of the taxable property in said zones exclusive of any tax levied to meet the bonded indebtedness of any of said zones and the interest thereon, and exclusive of any tax levied pursuant to subdivision 1 of this Section 12.

4. Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 9. Section 14 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 14. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable

annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than five thousand dollars ($5,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 7 percent per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 10. Section 19 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 19. Notwithstanding Title 5, Division 2, Part 1, Chapter 8 of the Government Code, the Marin County Flood Control and Water Conservation District is validly created for the purposes of assessment and taxation. The creation of any zone in the Marin County Flood Control and Water Conservation District shall not be effective for purposes of assessment or taxation for the fiscal year 1953–1954 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Title 5, Division 2, Part 1, Chapter 8 of the Government Code are filed with the county assessor and the State Board of Equalization on or before the 1st of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the Marin County Flood Control and Water Conservation District.

SEC. 11. Section 19.5 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is repealed.

SEC. 12. Section 22 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 22. Any improvement or unit of work when the cost thereof

according to the estimate of the engineer, will exceed five thousand dollars ($5,000), shall be done by contract let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call pursuant to Section 6066 of the Government Code in said district inviting sealed proposals for the construction of performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into separate convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of channel protection, or maintenance, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds five thousand dollars ($5,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

CHAPTER 714

An act to amend Sections 16370, 16371, 16373, 16374, 16375, 16376, 16379, 16381, 16480, 16482, and 16484 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 16370 of the Vehicle Code is amended to read:

16370. The department shall suspend the privilege of any person to operate a motor vehicle upon receiving a copy of a judgment, and a certificate of facts relative to the judgment, on a form provided by the department, indicating that the person has failed for a period of 30 days to satisfy a judgment rendered against him, except that such suspension shall not be made under this section when security was deposited under Section 16020 to provide for satisfaction of a judgment arising from the same cause of action and the amount of the judgment does not exceed the deposit by more than two hundred dollars ($200) and such deposit has not been refunded.

SEC. 2. Section 16371 of the Vehicle Code is amended to read:

16371. The suspension shall remain in effect, and no license shall be issued to the judgment debtor until the judgment is satisfied in full or to the extent provided in this chapter and until the judgment debtor gives proof of ability to respond in damages as provided in Chapter 3 (commencing with Section 16430), subject to the exemption stated in Section 16375.

SEC. 3. Section 16373 of the Vehicle Code is amended to read:

16373. The clerk of a court, or the judge of a court which has no clerk, shall forward to the department a certified copy of any judgment or a certified copy of the docket entries in an action resulting in a judgment for damages, and a certificate of facts relative to such judgment, on a form provided by the department, the rendering and nonpayment of which judgment requires the department to suspend the driver's license of the judgment debtor. The document shall be forwarded immediately upon the expiration of 30 days after the judgment has become final and when the judgment has not been stayed or satisfied within the amounts specified in this chapter as shown by the records of the court.

SEC. 4. Section 16374 of the Vehicle Code is amended to read:

16374. Whenever after a judgment is satisfied and proof of ability to respond in damages is given, another judgment is rendered against the same person for any accident occurring prior to the date of the giving of such proof and the person fails to satisfy the latter judgment within the amounts specified in this chapter within 15 days after the latter judgment became final, then the department shall again suspend the driver's license of the judgment debtor and shall not issue to him any driver's license while the latter judgment remains unsatisfied and subsisting within the amounts specified in this chapter.

SEC. 5. Section 16375 of the Vehicle Code is amended to read:

16375. Any person whose driver's license has been suspended, or is about to be suspended or shall become subject to suspension under

this chapter, may relieve himself from the effect of the judgment by filing with the department an affidavit stating that at the time of the accident upon which the judgment has been rendered he was insured, that the insurer is liable to pay such judgment, and the reason, if known, why the insurance company has not paid the judgment. He shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the department may require to show that the loss, injury, or damage for which the judgment was rendered, was covered by the policy of insurance.

If the department is satisfied from such papers that the insurer was authorized to issue the policy of insurance in this state at the time of issuing the policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts provided in this chapter, the department shall not suspend the license, or if already suspended, shall reinstate it.

SEC. 6. Section 16376 of the Vehicle Code is amended to read:

16376. If the person against whom judgment is rendered is a nonresident and the person fails within the prescribed time to satisfy the judgment in full or to the extent specified in this chapter, all privileges of operating a motor vehicle in this state given to the person under this code shall be suspended while the judgment remains in effect and unsatisfied and until the nonresident gives proof of his ability to respond in damages in the manner and to the extent provided in Chapter 3 (commencing with Section 16430) for accidents occurring after the date of the giving of proof.

The department shall forward a certified copy of the judgment of a court of record or a certified copy of the docket of a court not of record to the appropriate officer in charge of the licensing of drivers in the state of which the person is a resident.

SEC. 7. Section 16379 of the Vehicle Code is amended to read:

16379. The department shall not suspend a license and shall restore any suspended license following nonpayment of a final judgment when the judgment debtor gives proof of financial responsibility for future damages and when the trial court in which the judgment was rendered orders the payment of the judgment in installments and while the payment of any installment payment is not in default. Whenever the trial court orders the payment of a judgment in installments as provided in this section, it shall forward a certified copy of the order to the department, together with a certified copy of judgment or certified copy of the docket entries in an action resulting in a judgment for damages and a certificate of facts relative to the judgment on a form provided by the department.

SEC. 8. Section 16381 of the Vehicle Code is amended to read:

16381. In the event that it is made to appear to the court that the judgment debtor has failed to pay any installment as permitted by the order of the court, the court shall give notice of the default to the department and the department shall forthwith suspend the driving privilege of the judgment debtor until the judgment is satisfied as

provided in this chapter.

SEC. 9. Section 16480 of the Vehicle Code is amended to read:

16480. (a) The department shall upon request, or may at its own discretion, cancel any bond or any certificate of insurance, or the department shall direct the return to the person entitled thereto of any money or securities deposited pursuant to this code as proof of ability to respond in damages, or the department shall waive the requirement of filing proof of ability to respond in damages in any of the following events:

(1) When the person is no longer required to maintain such proof under the provisions of this code.

(2) At any time after three years from the date such proof was required.

(3) Upon the death of the person on whose behalf such proof was filed.

(4) The permanent incapacity of such person to operate a motor vehicle if such person surrenders for cancellation his driver's license to the department.

(b) The department shall not release proof filed by the bond of individual sureties as set forth in Section 16434, or if given in the manner prescribed by Section 16435, if any action for damages upon a liability referred to in this code is then pending or if any judgment upon any such liability is outstanding and unsatisfied. An affidavit of the applicant of the nonexistence of such facts shall be prima facie evidence thereof.

SEC. 10. Section 16482 of the Vehicle Code is amended to read:

16482. (a) Any person whose privilege to operate a motor vehicle has been suspended because of failure to satisfy a judgment and the judgment has been outstanding for a period of three years or more, may be relieved of the penalties therein provided and the privilege of the person to operate a motor vehicle may be restored in the event the person files with the department and thereafter maintains proof of ability to respond in damages notwithstanding that the judgment which gave rise to the order of suspension has not been paid or fully satisfied.

(b) Any person who has filed proof of ability to respond in damages as hereinbefore required for three years, or who has been eligibile to file such proof for three years, may be relieved of the requirement of filing proof as provided in paragraph (2) of subdivision (a) of Section 16480.

SEC. 11. Section 16484 of the Vehicle Code is amended to read:

16484. Except when a nonresident minor's certificate or minor's license is canceled as required by Sections 12504 and 17704, respectively, whenever any evidence of proof of ability to respond in damages filed by any person under the provisions of this code no longer fulfills the purpose for which required, the department shall require other evidence of ability to respond in damages as required by Article 1 (commencing with Section 16430) and shall suspend the privilege of the person to operate a motor vehicle upon a highway.

The suspension shall remain in effect until adequate proof of ability to respond in damages is filed with the department by the person.

CHAPTER 715

An act to amend Section 1951 of the Financial Code, relating to banks.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1951 of the Financial Code is amended to read:

1951. Any debt due a bank on which interest is past due and unpaid for the period of one year shall be charged off, unless it is well secured or is in process of collection.

CHAPTER 716

An act to add Section 7163 to the Fish and Game Code, relating to fish.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 7163 is added to the Fish and Game Code, to read:

7163. Any mentally retarded person resident in a summer or recreational camp shall be issued a fishing permit, on application therefor, by the department, in lieu of a fishing license and appropriate stamps, authorizing the taking of any fish and amphibia within or adjacent to the camp wherein the person is a resident for purposes other than profit, free of charge.

Such permit shall be valid only during the period of time such person is a resident in the summer or recreational camp. Determination by the person in charge of the summer or recreational camp shall be sufficient proof of the mentally retarded person's status as a resident and the period of time of residency in the summer or recreational camp.

All persons while using such permit shall be accompanied by an adult person except where a representative of the summer or recreational camp certifies this requirement is unnecessary in a particular case.

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CHAPTER 717

An act to amend Section 7090 of the Business and Professions Code, relating to contractors.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 7090 of the Business and Professions Code is amended to read:

7090. The registrar may upon his own motion and shall upon the verified complaint in writing of any person, investigate the actions of any contractor or home improvement salesman within the state and may temporarily suspend or permanently revoke any license or registration if the holder, while a licensee or registrant or applicant hereunder, is guilty of or commits any one or more of the acts or omissions constituting causes for disciplinary action.

The registrar may proceed to take disciplinary action as in this article provided against a person licensed or registered under the provisions of this chapter even though the grounds or cause for such disciplinary action arose upon projects or while the licensee or registrant was acting in a capacity or under circumstances or facts which, under the provisions of Sections 7044, 7045, 7046, and 7048, would otherwise exempt him or his operations from the provisions of this chapter.

Notwithstanding any provision of this chapter, if the registrar finds that any contractor licensed or registered under the provisions of this chapter has willfully and deliberately violated any state or local law relating to the issuance of building permits, the registrar shall suspend or revoke the contractor's license.

For the purpose of this section, there shall be a rebuttable presumption affecting the burden of proof that construction performed without a permit is a willful and deliberate violation.

CHAPTER 718

An act to amend Section 9042 of the Business and Professions Code, relating to clinical social workers.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 9042 of the Business and Professions Code is amended to read:

9042. Each applicant shall furnish evidence satisfactory to the

board that he complies with all the following requirements.

(a) Is at least 21 years of age.

(b) Is of good moral character.

(c) Has received a master's degree from an accredited school of social work.

(d) Has had two years of full-time post-masters experience, acceptable to the board, in the use of psychosocial and psychotherapeutic methods and measures in a hospital, clinic, or agency. One year of such experience shall have been in a hospital, clinic, or agency in which the applicant, under professional supervision or with professional consultation or both, has employed such methods or measures. The board may establish standards for equivalent means of meeting the requirements of this subdivision. Such standards shall insure that the performance of services authorized by Section 9047 by persons complying with such standards shall be done in a manner which protects the health and welfare of the persons receiving such services.

(e) Has not committed any of the offenses set forth in Section 9028.

CHAPTER 719

An act to add Sections 39083.3 and 39090 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 39083.3 is added to the Health and Safety Code, to read:

39083.3. No limited-production vehicle, as defined in Section 39090, shall be required to meet emissions standards of the board that are more stringent than standards adopted by the board for 1974 model year motor vehicles. Such vehicles shall meet the standards adopted by the board for 1974 model year motor vehicles or the standards adopted by the Environmental Protection Agency for 1975 model year motor vehicles, whichever are more stringent.

SEC. 2. Section 39090 is added to the Health and Safety Code, to read:

39090. As used in this chapter, "limited-production vehicle" means a new 1975-model year motor vehicle having a manufacturer's gross vehicle weight rating of under 6,001 pounds that is manufactured or sold in this state in quantities of less than 210 units annually.

SEC. 3. This act is an urgency statute necessary for the

immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Production of 1975 model year motor vehicles has commenced. In order that the emission standards for limited-production vehicles, as defined in Section 39090 of the Health and Safety Code, as proposed by this act be in effect as early as possible in the 1975 model year, it is necessary that this act take effect immediately.

CHAPTER 720

An act to amend Sections 6463, 8650, 22556, 22557, and 22588 of the Streets and Highways Code, relating to public improvements, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6463 of the Streets and Highways Code is amended to read:

6463. The interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year after the date of the bonds. The bonds shall bear the date of the 31st day after the date of recordation of the warrant, whether or not such date falls on a Sunday or holiday. The first interest coupon shall be for interest from the date of the bonds and shall be payable to the holder thereof on the January 2nd next succeeding the September 1st or the July 2nd next succeeding the March 1st, as the case may be, next following the date of the bond. The rate of interest shall not exceed 8 percent per annum on all sums unpaid.

SEC. 2. Section 8650 of the Streets and Highways Code is amended to read:

8650. Except as the legislative body shall provide otherwise under Section 8650.1, the bonds shall be issued in series and an even annual proportion of the aggregate principal sum thereof shall be payable on the second day of July every year succeeding the first 10 months after their date, until the whole is paid. The bonds shall bear interest at a rate not in excess of 8 percent per annum from the 31st day after recording the assessment, or from their date if the work was done under the Municipal Improvement Act of 1913, on all sums unpaid, until the whole of the principal sum and interest are paid.

Interest shall be payable semiannually by coupon, on the second day of January and July, respectively, of each year. The first payment of interest shall not become due until six months before the maturity of the first series of bonds.

SEC. 3. Section 22556 of the Streets and Highways Code is

amended to read:

22556. Mailed notice shall be sent by first-class mail and deposited, postage prepaid, in the United States mails and shall be deemed given when so deposited. Mailed notice to property owners when required by this division shall be given by mailing to those persons whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization assessment roll, as the case may be.

SEC. 4. Section 22557 of the Streets and Highways Code is amended to read:

22557. Mailed notices of hearings for the formation of an assessment district or for the annexation of territory to an existing district shall be given to property owners within the proposed assessment district or within the territory proposed to be annexed to an existing district, as the case may be, under any of the following circumstances only:

(a) Whenever with respect to the particular parcel, the total estimated assessment levy exceeds the sum of one hundred dollars ($100).

(b) Whenever the property owner is a nonresident of the assessment district or the proposed assessment district. For purposes of this subdivision, a nonresident is a property owner whose address, as it appears on the last equalized county assessment roll or the State Board of Equalization assessment roll, as the case may be, is not located within the assessment district or the proposed assessment district.

(c) Whenever the property owner is a public utility subject to the jurisdiction of, and regulated by, the Public Utilities Commission.

(d) Whenever the property owner has filed a written request for such notice with the city clerk of the jurisdiction within which the affected territory is located. Any request for notice filed pursuant to this subdivision shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for notice shall be filed within 90 days after January 1 of each year. Any request for notice, or renewal request, shall contain a description of the property owned by the person filing the request. Such description may be in general terms but shall be sufficiently detailed to readily identify such property.

Mailed notice of those hearings shall be given at least 10 days prior to the date of hearing specified therein.

SEC. 5. Section 22588 of the Streets and Highways Code is amended to read:

22588. The clerk shall give notice of hearing by causing the resolution of intention to be published, posted, and mailed as provided in Section 22556.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inasmuch as there is a great need for financing of badly needed public improvements, and in order that the increase in the maximum interest rate on improvement bonds authorized by this act may, as soon as possible, facilitate such financing, make these bonds more competitive on the market with other types of financing, and do away with the large discount of bond prices which is presently occurring, it is necessary for this act to take effect immediately.

CHAPTER 721

An act to amend Sections 53531, 53532, and 53541 of the Government Code, Sections 13917.5 and 33645 of the Health and Safety Code, and Sections 71800, 71810, and 71811 of the Water Code, relating to local agency indebtedness, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974 Filed with Secretary of State September 6, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 53531 of the Government Code is amended to read:

53531. Any provision of law specifying the maximum interest rate on bonds to the contrary notwithstanding, bonds may bear interest at a coupon rate or rates as determined by the legislative body in its discretion but not to exceed 8 percent per year payable as permitted by law, unless some higher rate is permitted by law.

SEC. 2. Section 53532 of the Government Code is amended to read:

53532. The provisions of Section 53531 shall apply only to coupon rates and shall not affect the power of a local agency to sell bonds at a discount below par if permitted by law. Any provision of law permitting bonds to be sold at a discount but specifying a maximum interest yield on bonds sold at a discount to the contrary notwithstanding, the bonds may be sold at a price yielding to the purchaser an effective interest rate of not to exceed 8 percent per year, payable as permitted by law, according to standard tables of bond values.

SEC. 3. Section 53541 of the Government Code is amended to read:

53541. Any provision of law requiring an election to the contrary notwithstanding, the legislative body without a vote of the electors may issue bonds of the local agency, zone or improvement district if:

(a) The principal amount of such bonds does not exceed the then unissued balance of the principal amount of bonds of the same type authorized at an election heretofore held in the local agency, or in

such zone or improvement district;

(b) The bonds are issued for the same purpose as that for which said unissued bonds were authorized; and

(c) The bonds are issued in accordance with the laws governing the issuance of bonds of the local agency, except for the requirement of a bond election.

Bonds issued pursuant to this section may bear interest at a rate or rates not to exceed 8 percent per year. When bonds are issued pursuant to this section, unissued bonds as referred to in subdivisions (a) and (b) of this section in a principal amount at least equal to the principal amount of bonds issued pursuant to this section, shall be canceled by order of the legislative body and shall not be issued.

SEC. 4. Section 13917.5 of the Health and Safety Code is amended to read:

13917.5. The district may acquire all necessary and proper lands and facilities, or any portion thereof, or equipment, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to three times the actual tax income for the fiscal year preceding the year in which the indebtedness is incurred, and all such indebtedness which is incurred on or after the effective date of this act shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 8 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board if the board has five members or more, and by the affirmative votes of at least two-thirds of the members if the board has less than five members, and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board, if the board has five members or more, or signed by at least two-thirds of the members if the board has less than five members. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

SEC. 5. Section 33645 of the Health and Safety Code is amended to read:

33645 The agency may authorize bonds by resolution. The resolution, trust indenture, or mortgage may provide for:

(a) The issuance of the bonds in one or more series.

(b) The date the bonds shall bear.

(c) The maturity dates of the bonds.

(d) The rate or maximum rate of interest on the indebtedness, which shall not exceed 8 percent, and need not be recited if such rate does not exceed 4½ percent. Such interest shall be payable semiannually, except that interest for the first year after the date of the bonds may be made payable at the end of such year.

(e) The denomination of the bonds.

(f) Their form, either coupon or registered.

(g) The conversion or registration privileges carried by the bonds.

(h) The rank or priority of the bonds.

(i) The manner of their execution.

(j) The medium of payment.

(k) The place of payment.

(*l*) The terms of redemption with or without premium to which the bonds are subject.

SEC. 6. Section 71800 of the Water Code is amended to read:

71800. A district may issue warrants to pay the formation expenses of the district. The warrants may bear interest at a rate not exceeding 8 percent per year from the date of issue until funds are available to pay the warrants.

SEC. 7. Section 71810 of the Water Code is amended to read:

71810. A district may issue negotiable promissory notes pursuant to Sections 71811 and 71812. Such promissory notes shall bear interest at a rate not exceeding 8 percent per year. They shall be payable from revenues and taxes levied for purposes of the district other than the payment of principal and interest on any bonded debt of the district or of an improvement district therein.

SEC. 8. Section 71811 of the Water Code is amended to read:

71811. A district may issue negotiable promissory notes pursuant to this section to acquire funds for any district purposes. The maturity of such promissory notes shall not be later than five years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not exceed the lesser of either two million five hundred thousand dollars ($2,500,000) or 3 percent of the assessed valuation of the taxable property in the district, or, if the assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate. Promissory notes issued pursuant to Section 71812 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The small demand for local agency bonds makes it exceedingly

difficult to sell such bonds at the present rates of interest. It is therefore, imperative that this act which would increase the maximum permissible rate of interest on such bonds take effect immediately.

CHAPTER 722

An act to amend Section 11251 of the Education Code, relating to public schools and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1974. Filed with Secretary of State September 6, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds that police, fire, corrections, and other criminal justice system occupation programs have been offered by community colleges for approximately 15 years, and such programs have continually received state aid in the past. The Legislature further finds that these programs have in the past been conducted by the community colleges under restricted enrollment conditions at the request of local law enforcement, corrections, fire and other criminal justice system agencies.

SEC. 2. Section 11251 of the Education Code is amended to read:

11251. (a) In computing the average daily attendance of a school district, there shall be included only the attendance of pupils while engaged in educational activities required of such pupils and under the immediate supervision and control of an employee of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served. For purposes of computing the average daily attendance of a community college district, attendance shall also include student attendance and participation in approved coordinated instruction systems programs of instruction using television, computer-assisted instruction, automated audio-visual systems, programmed learning materials, and other similar teaching techniques, under the coordination and evaluation of an employee who possessed an appropriate certification document, but not requiring the immediate supervision of such employee. Approved coordinated instruction systems programs of instruction are those recommended by the governing board of the district maintaining the community college and approved by the Board of Governors of the California Community Colleges. One student contact hour is to be counted for each unit of coordinated instruction systems credit in which a student is enrolled during any census period. The state aid apportionment made by the board of governors shall not be greater than one-half the current costs of conducting approved coordinated

instruction systems programs of instruction. Coordinated instruction systems programs of instruction shall be conducted by employees of the district who possess valid credentials or certification documents, who shall determine the need for immediate supervision of the programs of instruction. Such employees shall evaluate individual student progress and assign appropriate grades for students enrolled in classes taught by the coordinated instruction systems programs of instruction.

(b) For the purpose of work experience education programs in the secondary schools meeting the standards of the California State Plan for Vocational Education, "immediate supervision" of off-campus work training stations means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision. The pupil-teacher ratio in any such work experience program shall not exceed 125 students per full-time equivalent certificated coordinator. A pupil enrolled in such work experience program shall not be credited with more than one day of attendance in any calendar day, and shall be a full-time student enrolled in regular classes meeting the requirements set forth in Section 11052 or 11055.

(c) For purposes of computing the average daily attendance of a community college district, attendance shall also include student attendance and participation in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law; provided that such courses are fully open to the enrollment and participation of the public pursuant to subdivision (2) of Section 5753; and provided further, that prerequisites for such courses shall not be established or construed so as to prevent academically qualified persons not employed by agencies in the criminal justice system from enrolling in and attending such courses.

(d) In the event that certain in-service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for such restricted courses shall not be reported for purposes either of state apportionments or district revenue limits computed pursuant to Sections 20935 and 20937. Notwithstanding the provisions of Section 5753, a community college district which restricts enrollment in such in-service training courses may contract with any public agency to provide compensation for the cost of conducting such courses.

(e) Positive records of student admissions and daily attendance in all in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations, as described in subdivision (c), shall be maintained by each district and shall be separately reported annually to the Chancellor's Office of the California Community Colleges.

SEC. 3. The Legislature hereby ratifies, validates, and confirms and declares to be legally effective for all purposes all past apportionments of state aid to community colleges for in-service training courses offered in the areas of police, fire, corrections, and other criminal justice system occupations. However, nothing in this section shall preclude errors of calculating and reporting attendance from being adjusted pursuant to Section 17414 of the Education Code.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or in performing any service required to be carried on or performed by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A serious question has arisen as to whether attendance in police and fire in-service training courses, classes, and programs in community college districts qualify for state funding in the 1974–75 fiscal year. In order to clarify the law in this area, to prevent the serious curtailment of community college programs that would result if community colleges were required to return state school funds for such courses in criminal justice system occupations offered by colleges in prior years, and to permit training programs mandated by the Legislature to continue that are designed to protect the public peace, at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 723

An act to add Section 18850.1 to the Government Code, relating to peace officers.

[Approved by Governor September 17, 1974 Filed with Secretary of State September 17, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 18850.1 is added to the Government Code, to read.

18850.1. Notwithstanding any other provision of law to the contrary, the board shall, commencing with the 1975–76 fiscal year, base recommendations for the salaries of highway patrolmen on the

estimated average salaries as of July 1 of the year in which the recommendations are made for each corresponding rank for the Los Angeles Police Department, the Los Angeles Sheriff's office, the San Diego Police Department, the Oakland Police Department, and the San Francisco Police Department.

CHAPTER 724

An act relating to the Doyle Drive approach to the Golden Gate Bridge.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The California Highway Commission and the Department of Transportation shall not widen the Doyle Drive approach to the Golden Gate Bridge from near Lyon Street to near the bridge toll plaza (State Highway Routes 101 and 480) to more than six lanes of 12 feet in width each, and a concrete median barrier to separate traffic proceeding in opposite directions, without the specific approval of the Board of Supervisors of the City and County of San Francisco by the adoption of a resolution to that effect.

SEC. 2. Nothing in this act shall be construed as an endorsement by the Legislature of any proposal of the Department of Transportation for any freeway connection between the Golden Gate Bridge and any freeway.

CHAPTER 725

An act to amend Section 4303 of the Civil Code, relating to premarital blood tests.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 4303 of the Civil Code is amended to read:

4303. Certificate forms provided by other states having comparable laws will be accepted for persons who have been examined and who have received serological tests for syphilis outside of California provided such examinations and tests are performed not more than 30 days prior to the issuance of a marriage license. Certificates provided by the armed forces of the United States will be accepted for military personnel provided such certificates are

signed by a medical officer commissioned in such armed forces and provided the certificates state the examinations and serological tests for syphilis were performed not more than 30 days prior to the issuance of the marriage license.

Certificate forms provided by other states not having comparable laws will be accepted for persons who have been examined by a physician and surgeon licensed in that state and who have received serological tests for syphilis performed by the official state public health laboratory in that state if the certificate states that such examination and tests were performed not more than 30 days prior to issuance of the marriage license.

CHAPTER 726

An act to amend Section 660 of the Welfare and Institutions Code, relating to process.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 660 of the Welfare and Institutions Code, as amended by Chapter 906 of the statutes of 1972, is amended to read:

660. (a) If the minor is detained the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive such notice and copy of the petition, either personally or by certified mail with request for return receipt, as soon as possible after filing of the petition and at least five days prior to the time set for hearing, unless such hearing is set less than five days from the filing of the petition, in which case, such notice and copy of the petition must be served at least 24 hours prior to the time set for hearing.

(b) If the minor is not detained the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive such notice and copy of the petition, either personally, by certified mail with request for return receipt, or by first-class mail, at least 10 days prior to the time set for hearing. If such person is known to reside outside of the county, the clerk of the juvenile court shall mail the notice and copy of the petition, by certified mail with request for return receipt or by first-class mail, to such person, as soon as possible after filing of the petition and at least 10 days before the time set for hearing. Failure to respond to the notice by certified mail with request for return receipt or by first class mail shall in no way result in arrest or detention. In the instance of failure to appear after notice by certified or first-class mail, the court shall direct that the notice and copy of the petition is to be personally served on all persons required to receive such notice and

copy of the petition. Personal service of the notice and copy of the petition outside of the county at least 10 days before the time set for hearing is equivalent to such service by certified or first-class mail. Service may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service filed with the clerk of the court at or prior to the hearing.

(c) For purposes of this section, except in a case in which a minor is alleged to be a person described in Section 600, service on the minor's attorney shall constitute service on the minor's parent or guardian.

CHAPTER 727

An act to amend Sections 51932 and 51941 of, and add Section 35017 to, the Government Code, relating to local government reorganization and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 51932 of the Government Code is amended to read:

51932. Except as otherwise provided in this article, the election, if a special election, shall be conducted as other special elections in the county; or, if a general election, as other general elections in the county. Notwithstanding any other provision of law, the county counsel's analysis of the proposed charter, prepared pursuant to Section 3781 of the Elections Code, shall not exceed 1,500 words.

SEC. 2. Section 51941 of the Government Code is amended to read:

51941. Upon reorganization every special district within the county or exercising all or any part of its jurisdiction or powers within the county except as may be otherwise provided in the charter, is deemed dissolved. The functions of all such dissolved districts shall be assumed by the city-county government, except as may be otherwise provided in the charter. The provisions of Section 51942, 51943, 51944, and 51945 shall be applicable to the merger of every such special district merged with the city-county pursuant to this charter.

SEC. 3. Section 35017 is added to the Government Code, to read:

35017. Notwithstanding any other provision of this chapter to the contrary, if a city and county is formed with the adoption of a charter which authorizes the establishment of urban and rural areas or zones within the territory of the city and county, the annexation of territory within the rural areas or zones, as so established pursuant

to the charter, to any city which is not merged and consolidated into the city and county shall be governed by the provisions of this chapter as though the territory in the rural areas or zones was unincorporated territory.

The provisions of this section shall apply only in a city and county whose charter expressly permits annexations by cities not merged and consolidated of territory in rural areas or zones, as established pursuant to the charter, as though territory in such rural areas or zones were unincorporated territory.

SEC. 4. The Legislature finds and declares that the amendments to Section 51941 of the Government Code made by this act is declaratory of existing law.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the cities in Sacramento County and the County of Sacramento may proceed with their reorganization plans this statute must be given immediate effect.

CHAPTER 728

An act to amend Section 2416 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2416 of the Vehicle Code is amended to read:

2416. (a) The Commissioner of the California Highway Patrol may issue authorized emergency vehicle permits only for the following vehicles, and then only upon a finding in each case that the vehicle is used in responding to emergency calls for fire or law enforcement or for the immediate preservation of life or property or for the apprehension of law violators:

(1) Any vehicle maintained in whole or in part by the state, a county or a city and privately owned and operated by a constable, deputy constable, or person who is a member of, and who receives salary from, and is regularly employed by, a police department or sheriff's department, provided the state, county or city does not furnish to such person a publicly owned authorized emergency vehicle.

(2) An emergency repair vehicle of a utility or public utility.

(3) Firefighting equipment designed and operated exclusively as such.

(4) Any vehicle operated by the chief, assistant chief, or one other

uniformed person designated by the chief of a fire department organized as provided in the Health and Safety Code or the Government Code or pursuant to special act of the Legislature.

(5) Any vehicle of an air pollution control district used to enforce provisions of law relating to air pollution from motor vehicles.

(6) Any vehicle operated by the chief of any fire department established on any base of the armed forces of the United States.

(7) Vehicles used for law enforcement work by a peace officer of the state park system appointed pursuant to Section 5008 of the Public Resources Code.

(8) Vehicles used for law enforcement work by persons designated by the Board of Supervisors of Kern County to protect Kern County parks from damage and preserve the peace therein pursuant to Section 5380 of the Public Resources Code. Such authorized emergency equipment shall be used only for stopping vehicles for suspected traffic violations or for allowing the movement of the authorized emergency vehicle through traffic during an emergency.

(b) Privately owned ambulances may be operated as emergency vehicles only under a license issued in accordance with the provisions of Chapter 2.5 (commencing with Section 2500) of this division.

SEC. 2. The provisions of this act are necessary because the topographical and population distribution features of Kern County present unique problems with respect to the county parks in Kern County. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this act as a special law is necessary for the solution of the unique problems facing county parks in Kern County.

CHAPTER 729

An act to add Section 15532 to the Corporations Code, relating to limited partnerships.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 15532 is added to the Corporations Code, to read:

15532. (a) The Attorney General, upon complaint that a partnership is failing to comply with the provisions of subdivision (a) or (b) of Section 15510, or to afford to the limited partners other rights given them in the certificate of limited partnership, may in the name of the people of the State of California send to the principal place of business of such partnership, as specified in the certificate

of limited partnership, notice of the complaint.

(b) If the answer of the partnership is not received within 30 days of the date such notice was transmitted or if the answer is not satisfactory, and if the enforcement of the rights of the aggrieved persons by private civil action, by class action or otherwise, would be so burdensome or expensive as to be impractical, the Attorney General may institute, maintain or intervene in such suits, actions or proceedings of any type in any court of competent jurisdiction or before any administrative agency for such relief by way of injunction, the dissolution of entities, the appointment of receivers, or any other temporary, preliminary, provisional or final remedies as may be appropriate to protect the rights of limited partners or to undo the consequences of failure to comply with the requirements of subdivision (a) or (b) of Section 15510 or the certificate of limited partnership. In any such action, suit or proceeding there may be joined as parties all persons and entities involved, or affected by, or instrumental to such activity.

CHAPTER 730

An act to amend Section 70044.5 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 70044.5 of the Government Code is amended to read:

70044.5. In San Mateo County, official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 70043 and shall serve at the pleasure of the judges.

(a) The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be as follows:

	Monthly	Annually
First year	$1,264	$15,168
Second year	1,310	15,720
Third year	1,357	16,284
Fourth year	1,403	16,836
Fifth and succeeding years	1,451	17,412

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by such county

on the effective date of this section and for the purpose of determining the salaries to be paid after this section becomes effective, all years of service rendered by such reporters to such county prior to the effective date of this section shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of sixty dollars ($60) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

(b) If the Board of Supervisors of San Mateo County provides by ordinance or by agreement pursuant to Chapter 10 (commencing with Section 3500), Division 4, Title 1, for a rate of compensation which is higher than that provided by subdivision (a), such higher rate of compensation shall be effective at the same time and in the same manner as other rates of pay for San Mateo County employees generally. Such higher rates shall be payable by the county in the same manner and from the same funds as other salary demands against the county. Any change in compensation made pursuant to this subdivision shall be on an interim basis and shall expire on January 1 after the adjournment of the next regular session of the Legislature unless ratified or superseded by a statute enacted at such session.

(c) During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the superior court as such judge or judges may direct.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to avoid a delay in the implementation of salary increases already negotiated and agreed upon by the County of San Mateo, it is necessary that this act take effect immediately.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local governmental entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 731

An act to amend Sections 73522 and 73523 of, to add Sections 73521.5 and 73523.1 to, and to repeal Section 73523.1 of, the Government Code, relating to municipal courts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 73521.5 is added to the Government Code, to read:

73521.5. Any traffic referee appointed to a municipal court in San Mateo County pursuant to Section 72400 of this code shall receive a salary equal to 50, 53, 56, 59, 62, or 65 percent of the annual salary of a municipal court judge. The court to which the referee is appointed shall determine the level of salary to be received by the referee and shall make adjustments on the six salary levels in accordance with qualifications, performance, and other factors deemed relevant by the court.

SEC. 1.5. Section 73522 of the Government Code amended to read:

73522. There shall be one clerk of each municipal court district who shall receive a monthly salary at the rate specified in salary range number 1565 of the salary schedule.

SEC. 2. Section 73523 of the Government Code is amended to read:

73523. The number and compensation of deputies which may be appointed in the various judicial districts are as follows:

(a) Each clerk may appoint one chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 1191 of the salary schedule.

(b) The Clerk of the Northern Judicial District may appoint five deputy clerks, grade III; the Clerk of the Central Judicial District may appoint four deputy clerks, grade III; the Clerk of the Southern Judicial District may appoint seven deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 1008 of the salary schedule.

(c) The Clerk of the Northern Judicial District may appoint five deputy clerks, grade II; the Clerk of the Central Judicial District may appoint six deputy clerks, grade II; the Clerk of the Southern Judicial District may appoint eight deputy clerks, grade II, each of whom shall receive a monthly salary at the rates specified in salary range number 811 of the salary schedule.

(d) The Clerk of the Northern Judicial District may appoint 22 deputy clerks, grade I; the Clerk of the Central Judicial District may appoint 16 deputy clerks, grade I; the Clerk of the Southern Judicial District may appoint 12 deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number

726 of the salary schedule.

(e) The Clerk of the Northern Judicial District may appoint two part-time deputy clerks, grade I; the Clerk of the Southern Judicial District and the Clerk of the Central Judicial District may each appoint one part-time deputy clerk, grade I, each of whom shall receive a monthly salary at an amount not to exceed one-half of the rates specified in salary range number 726 of the salary schedule.

SEC. 3. Section 73523.1 of the Government Code is repealed.

SEC. 4. Section 73523.1 is added to the Government Code, to read:

73523.1. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

Salary	Steps				
range number	A	B	C	D	E
726.....	581	614	649	687	726
811.....	649	686	725	767	811
1008.....	807	852	901	954	1,008
1191.....	953	1,007	1,065	1,127	1,191
1565.....	1,252	1,324	1,400	1,480	1,565

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this Section nor shall there be an appropriation made by this act because this act is in accordance with the request of a local government entity which desires legislative authority to act to carry out the program specified in the act.

CHAPTER 732

An act to amend Sections 2030, 2033, and 2034 of the Code of Civil Procedure, relating to procedure.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2030 of the Code of Civil Procedure is amended to read:

2030. (a) Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, or body politic, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any other party at any time after service of the summons or the appearance of such other party and without leave of court except that, if service of interrogatories is made by the plaintiff

within 10 days after such service of summons or appearance, leave of court granted with or without notice must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall serve the answers on the party submitting the interrogatories within 30 days after the service of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. For good cause and without notice, the court may enlarge the time not to exceed 15 days. Said answers shall respond to the written interrogatories; or, if any interrogatory be deemed objectionable, the objections thereto may be stated by the party addressed in lieu of response. If the party who has submitted the interrogatories deems that further response is required, he may move the court for an order requiring further response. Such motion must be upon notice given within 30 days from date of service of the answers or objections unless the court, on motion and notice, and for good cause shown, enlarges the time. Otherwise, the party submitting the interrogatories shall be deemed to have waived the right to compel answer pursuant to this section. Copies of all interrogatories and of all answers thereto shall be served upon all other parties to the action who have appeared; but the court on motion with or without notice may waive this requirement if the court determines that enforcement thereof would be unduly expensive, oppressive or burdensome. At any time prior to final judgment and upon written request, the party originating interrogatories or responses thereto shall provide within 30 days of such request a copy thereof to any other party for any reason not previously served.

(b) Each party propounding or responding to written interrogatories shall file a copy of the first page and such succeeding pages thereof as are necessary to show the identity of such propounding or responding parties, the set number and the identity of each party directed to answer, shall file therewith the original of an affidavit of service, and shall deliver at that time the originals of such documents to the clerk, or if there be no clerk, to the judge, to be kept by him in the same manner as exhibits or depositions introduced in the trial of a civil action or proceeding.

(c) Interrogatories may relate to any matters which can be inquired into under subdivision (b) of Section 2016 of this code, and the answers may be used to the same extent as provided in subdivision (d) of Section 2016 of this code for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the court, on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as above provided and except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision

(b) of Section 2019 of this code are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

(d) When in order to answer an interrogatory it is necessary to make a compilation, abstract, audit or summary of the business records of a party, and such a compilation, abstract, audit or summary does not exist, or if it does exist, it is not in the possession or under control of such party, it shall be a sufficient answer to such interrogatory to so state and to specify the records from which the answer may be derived or ascertained and to afford to the party by whom the interrogatory was proposed reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

(e) Service of interrogatories and responses under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

SEC. 2. Section 2033 of the Code of Civil Procedure is amended to read:

2033. (a) After service of summons or the appearance of a party, any other party who has appeared in the action may serve upon such party who has been served or who has appeared a written request for the admission by the latter of the genuineness of any relevant documents described in the request or of the truth of any relevant matters of fact set forth in the request. If a plaintiff desires to serve a request within 10 days after such service of summons or appearance, leave of court, granted with or without notice, must be obtained. Copies of the documents shall be served with the request unless copies have already been furnished, and upon request the originals shall be made available for inspection. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 20 days after service thereof or within such shorter or longer time as the court may allow on motion and notice, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a notice of hearing the objections at the earliest practicable time. For good cause and without notice, the court may enlarge the time not to exceed 15 days. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder If

the party who has submitted the requests for admissions deems that further response is required, he may move the court for an order requiring further response. Such motion must be upon notice given within 30 days from date of service of the responses unless the court, on motion and notice, and for good cause shown, enlarges the time. Otherwise, the party submitting the requests for admissions shall be deemed to have waived the right to compel further responses pursuant to this section. Copies of all requests for admissions and of all responses thereto shall be served upon all other parties to the action who have appeared; but the court on motion with or without notice may waive this requirement if the court determines that enforcement thereof would be unduly expensive, oppressive or burdensome. At any time prior to final judgment and upon written request, the party originating requests for admissions or responses thereto shall provide within 30 days of such written request a copy thereof to any other party for any reason not previously served.

(b) Each party propounding or responding to requests for admissions shall file a copy of the first page and such succeeding pages thereof as are necessary to show the identity of such propounding or responding party, the set number and the identity of each party directed to answer, shall file therewith the original of an affidavit of service, and shall deliver at that time the originals of such documents to the clerk, or if there be no clerk, to the judge, to be kept by him in the same manner as exhibits or depositions introduced in the trial of a civil action or proceeding.

(c) The number of requests for admissions or of sets of requests for admissions to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 are applicable for the protection of the party from whom the admissions are requested under this section.

(d) Any admission made by a party pursuant to such request is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other action.

(e) Service upon a party of any request for admission or response under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

SEC. 3. Section 2034 of the Code of Civil Procedure is amended to read:

2034. (a) If a party or other deponent refuses to answer any question propounded upon examination during the taking of a deposition, or refuses to produce at a deposition any books, documents or other things under his control pursuant to a subpoena duces tecum, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Such proponent, on notice to all persons affected thereby, may move the court in which the action is pending (if the deponent is a party or

otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer or if good cause is shown, the production of such book, document, or other thing. Such motion may also be made, without further notice, if the proponent notifies the refusing party or other deponent at the time of such refusal that the proponent will apply to the court for an order pursuant to this subdivision of this section, at a specified time not less than 10 nor more than 30 days from the date of such refusal, in which event the officer before whom the deposition is taken shall direct the refusing party or other deponent to attend a session of said court at said time. Not less than five days prior to the hearing on any such motion, the proponent must lodge with the court the original transcript of such deposition. Upon the refusal of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. Upon the refusal of a party to admit or deny the genuineness of any documents or the truth of any matters of fact, after having been served with a request under Section 2033 of this code, the party serving such request may on like notice make like application for an order requiring further answers to such request or, in the alternative, for an order that the genuineness of said documents or the truth of said matters of fact be deemed admitted for the purpose of the action. If the motion is granted and if the court finds that the refusal was without substantial justification the court may require the refusing party or deponent and the party or attorney advising the refusal or either of them to pay to the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing party or witness the amount of the reasonable expenses incurred in opposing the motion including reasonable attorney's fees.

(b) (1) The court may punish as a contempt (i) the refusal of any person to obey a subpoena issued by that court to attend a deposition or to be sworn as a witness, or (ii) the refusal of any person to attend a session of court (either personally or by his attorney) after having been directed to attend in the manner provided in subdivision (a) of this section, or (iii) the refusal of any person to obey any order made by the court under subdivision (a) of this section.

(2) If any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee or managing agent of any such party or person refuses to obey an order made under subdivision (a) of this section, or if any party or an officer or managing agent of a party refuses to obey an order made under Sections 2019, 2031 or 2032 of this code, the court may make such

orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental or blood condition of the person sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order:

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of the physical or mental or blood condition of the person sought to be examined;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(iv) An order requiring the disobedient party or the attorney advising such disobedience to pay to the party obtaining an order under this section the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees;

(v) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental or blood examination;

(vi) Where a party has failed to comply with an order under subdivision (a) of Section 2032 of this code requiring him to produce another for examination, such orders as are listed in (i), (ii), and (iii) of this subdivision of this section, unless the party failing to comply shows that he is unable to produce such person for examination.

(c) If a party, after being served with a request under Section 2033 of this code to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. If the court finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

(d) If a party or a person for whose immediate benefit the action or proceeding is prosecuted or defended or anyone who at the time the deposition is set is an officer, director, or managing agent of any such party or person willfully fails to appear before the officer who is to take his deposition, after said party or his attorney has been served with a proper notice in accordance with the provisions of subdivision (a) (4) of Section 2019 of this code, or if a party or an officer or managing agent of a party willfully fails to serve answers to interrogatories submitted under Section 2030 of this code, after

proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose such other penalties of a lesser nature as the court may deem just, and may order that party or his attorney to pay to the moving party the reasonable expenses in making such motion, including reasonable attorney's fees.

SEC. 4. Section 2034 of the Code of Civil Procedure is amended to read:

2034. (a) If a party or other deponent refuses or fails to answer any question propounded upon examination during the taking of a deposition, or refuses or fails to produce at a deposition any books, documents or other things under his control pursuant to a subpoena duces tecum, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Such proponent, on notice to all persons affected thereby, may move the court in which the action is pending (if the deponent is a party or otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer or if good cause is shown, the production of such book, document, or other thing. Such motion may also be made, without further notice, if the proponent notifies the refusing party or other deponent at the time of such refusal or failure that the proponent will apply to the court for an order pursuant to this subdivision of this section, at a specified time not less than 10 nor more than 30 days from the date of such refusal or failure, in which event the officer before whom the deposition is taken shall direct the refusing or failing party or other deponent to attend a session of said court at said time. Not less than five days prior to the hearing on any such motion, the proponent must lodge with the court the original transcript of such deposition. Upon the refusal or failure of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. Upon the refusal or failure of a party to admit or deny the genuineness of any documents or the truth of any matters of fact, after having been served with a request under Section 2033 of this code, the party serving such request may on like notice make like application for an order requiring further answers to such request or, in the alternative, for an order that the genuineness of said documents or the truth of said matters of fact be deemed admitted for the purpose of the action. Upon the refusal or failure of a party to permit inspection or entry after having been served with a request under Section 2031 of this code, the party serving such request may on like notice and upon a showing of good cause make application for an order to compel compliance with the request. If the motion is granted and if the court finds that the refusal or failure was without substantial justification the court may require

the refusing or failing party or deponent and the party or attorney advising the refusal or failure or either of them to pay the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing or failing party or witness the amount of the reasonable expenses incurred in opposing the motion including reasonable attorney's fees.

(b) (1) The court may punish as a contempt (i) the refusal of any person to obey a subpoena issued by that court to attend a deposition or to be sworn as a witness, or (ii) the refusal of any person to attend a session of court (either personally or by his attorney) after having been directed to attend in the manner provided in subdivision (a) of this section, or (iii) the refusal of any person to obey any order made by the court under subdivision (a) of this section.

(2) If any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee or managing agent of any such party or person refuses to obey on order made under subdivision (a) of this section, or if any party or an officer or managing agent of a party refuses to obey an order made under Sections 2019, 2031 or 2032 of this code, the court may make such orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental or blood condition of the person sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of the physical or mental or blood condition of the person sought to be examined;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(iv) An order requiring the disobedient party or the attorney advising such disobedience to pay to the party obtaining an order under this section the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees;

(v) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental or blood examination;

(vi) Where a party has failed to comply with an order under subdivision (a) of Section 2032 of this code requiring him to produce another for examination, such orders as are listed in (i), (ii), and (iii) of this subdivision of this section, unless the party failing to comply shows that he is unable to produce such person for examination.

(c) If a party, after being served with a request under Section 2033 of this code to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. If the court finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

(d) If a party or a person for whose immediate benefit the action or proceeding is prosecuted or defended or anyone who at the time the deposition is set is an officer, director, or managing agent of any such party or person willfully fails to appear before the officer who is to take his deposition, after said party or his attorney has been served with a proper notice in accordance with the provisions of subdivision (a) (4) of Section 2019 of this code, or if a party or an officer or managing agent of a party willfully fails to serve answers to interrogatories submitted under Section 2030 of this code, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose such other penalties of a lesser nature as the court may deem just, and may order that party or his attorney to pay to the moving party the reasonable expenses in making such motion, including reasonable attorney's fees.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 3770 are both chaptered and become effective January 1, 1975, both bills amend Section 2034 of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 3770, that the amendments to Section 2034 proposed by both bills be given effect and incorporated in Section 2034 in the form set forth in Section 4 of this act. Therefore, Section 4 of this act shall become operative only if this bill and Assembly Bill No. 3770 are both chaptered and become effective January 1, 1975, both amend Section 2034, and Assembly Bill No. 3770 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

CHAPTER 733

An act to amend Sections 70025 and 70026 of, and to add Sections 68514 and 74140 to, the Government Code, relating to courts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 68514 is added to the Government Code, to read:

68514. (a) The Judicial council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in any county with a population of more than 300,000 and less than 310,000, as determined by the 1960 federal census. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose; and

(5) Such other information as the Judicial Council may required.

SEC. 1.5. Section 70025 of the Government Code is amended to read:

70025. In a county having a population of more than 300,000 and less than 310,000 as determined by the 1960 federal census, each regular official reporter of the superior court shall receive a biweekly salary of six hundred thirty-five dollars and twenty cents ($635.20). Each official reporter pro tempore of the superior court shall receive compensation at the rate of sixty-four dollars ($64) per day, for reporting in shorthand all proceedings in the superior court as required by law or the order of the superior court.

SEC. 2. Section 70026 of the Government Code is amended to read:

70026. In a county mentioned in Section 70025, an additional fee of sixteen dollars and fifty cents ($16.50) shall be paid to the county clerk by each party, or jointly by parties appearing jointly, whenever a filing fee is required to be paid by Section 26821, 26822, 26823, 26826

or 26827, and no other fee for reporting service, except for transcripts, shall be charged any party. Such additional fee shall be taxed as costs in favor of any party paying it and who is entitled to recover his costs. Such fee shall not be subject to the provisions of Section 6103, unless the fund to which said fee would accrue is the same fund as the source thereof.

SEC. 3. Section 74140 is added to the Government Code, to read:

74140. In each municipal court district, each regular official reporter of the municipal court shall receive a biweekly salary of six hundred thirty-five dollars and twenty cents ($635.20). Each official reporter pro tempore of the municipal court shall receive compensation at the rate of sixty-four dollars ($64) per day, for reporting in shorthand all proceedings in the municipal court as required by law or the order of the municipal court.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 734

An act to amend Sections 25601.1, 25851.1, and 26501.1 of the Education Code, relating to special schools.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25601.1 of the Education Code is amended to read:

25601.1. On or before July 15, the superintendent of each California School for the Deaf shall report in writing to the governing board of each school district of residence the name of each pupil and the number of days attended by each pupil during the fiscal year. For each such pupil in attendance at a California School for the Deaf, under the provisions of this chapter, the school district of residence shall annually pay to the Department of Education an amount determined by (1) dividing the income credited to the general fund of the school district from the levy of the district tax rate, exclusive of taxes levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101, by the average daily attendance of the school district, and (2) multiplying the quotient obtained by the ratio that the number of days the pupil attended the school for the deaf bears to the number of days the school for the deaf was in session.

For determining the school district responsible under the

provisions of this section for making the payment when the pupil resides in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered a resident of the high school district, and pupils 14 years of age or under as of September 1 shall be considered a resident of the elementary district.

The payment shall be made by the Controller withholding from the second principal apportionment of the fiscal year following the year of attendance the amount due on account of the attendance of pupils of the district at the California Schools for the Deaf as reported to the Controller by the Superintendent of Public Instruction, except that in no case shall the apportionment to a district be reduced below the amount prescribed by Section 6 of Article IX of the Constitution. The Controller shall transfer the amount withheld to, or in augmentation of, the appropriate Department of Education support appropriation for the support and maintenance of the appropriate school for the deaf.

SEC. 2. Section 25851.1 of the Education Code is amended to read:

25851.1. On or before July 15, the Superintendent of the California School for the Blind shall report in writing to the governing board of each school district of residence the name of each pupil and the number of days attended by each pupil during the fiscal year. For each such pupil in attendance at the California School for the Blind, under the provisions of this chapter, the school district of residence shall annually pay to the Department of Education an amount determined by (1) dividing the income credited to the general fund of the school district from the levy of the district tax rate, exclusive of taxes levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101, by the average daily attendance of the school district, and (2) multiplying the quotient obtained by the ratio that the number of days the pupil attended the school for the blind bears to the number of days the school for the blind was in session.

For determining the school district responsible under the provisions of this section for making the payment when the pupil resides in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered a resident of the high school district, and pupils 14 years of age or under as of September 1 shall be considered a resident of the elementary district.

The payment shall be made by the Controller withholding from the second principal apportionment of the fiscal year following the year of attendance the amount due on account of the attendance of pupils of the district at the California School for the Blind as reported to the Controller by the Superintendent of Public Instruction, except that in no case shall the apportionment to a district be reduced below the amount prescribed by Section 6 of Article IX of the Constitution. The Controller shall transfer the amount withheld to, or in

augmentation of, the appropriate Department of Education support appropriation for the support and maintenance of the school for the blind.

SEC. 3. Section 26501.1 of the Education Code is amended to read:

26501.1. On or before July 15 of each year, the superintendent of each California Diagnostic School for Neurologically Handicapped Children shall report in writing to the governing board of each school district of residence the name of each pupil and the number of days attended by each pupil during the fiscal year. For each such pupil in attendance at a California Diagnostic School for Neurologically Handicapped Children, under the provisions of this chapter, the school district of residence shall annually pay to the Department of Education an amount determined by (1) dividing the income credited to the general fund of the school district from the levy of the district tax rate, exclusive of taxes levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101, by the average daily attendance of the school district, and (2) multiplying the quotient obtained by the ratio that the number of days the pupil attended the school for the neurologically handicapped bears to the number of days the school for the neurologically handicapped was in session.

For determining the school district responsible under the provisions of this section for making the payment when the pupil resides in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered a resident of the high school district, and pupils 14 years of age or under as of September 1 shall be considered a resident of the elementary district.

The payment shall be made by the Controller withholding from the second principal apportionment of the fiscal year following the year of attendance the amount due on account of the attendance of pupils of the district at the California Diagnostic Schools for Neurologically Handicapped Children as reported to the Controller by the Superintendent of Public Instruction, except that in no case shall the apportionment to a district be reduced below the amount prescribed by Section 6 of Article IX of the Constitution. The Controller shall transfer the amount withheld to, or in augmentation of, the appropriate Department of Education support appropriation for the support and maintenance of the appropriate school for the neurologically handicapped.

CHAPTER 735

An act to repeal and add Section 6309 of, and to add Sections 6309.2, 6309.4, and 6309.6 to, the Harbors and Navigation Code, relating to harbors and ports.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6309 of the Harbors and Navigation Code is repealed.

SEC. 2. Section 6309 is added to the Harbors and Navigation Code, to read:

6309. Except as otherwise provided in Section 660, the board may pass all necessary ordinances for the regulation of the district with respect to the parking of vehicles, the speed and operation of vehicles and vessels, berthing assignments, fire safety ashore and afloat, prohibiting the pumping of raw sewage or waste into port waters, and littering.

SEC. 3. Section 6309.2 is added to the Harbors and Navigation Code, to read:

6309.2. Before any ordinance may be adopted, the ordinance shall be published in its entirety on three separate occasions in a newspaper of general circulation published within the district, or if none, in any newspaper of general circulation published in the county in which the district, or a part thereof, is located, together with a notice of the date on which the board will meet for the purpose of adopting the ordinance. The first such publication shall occur at least 20 days prior to the date of such meeting, and the second and third such publications shall occur at seven-day intervals. The general public shall be allowed to appear at the meeting and be heard on the proposed ordinance. The ordinance shall become effective as provided in Section 3751 of the Elections Code, unless another effective date is set forth by the board.

SEC. 4. Section 6309.4 is added to the Harbors and Navigation Code, to read:

6309.4. Every person who violates any of the provisions of a district ordinance adopted pursuant to Sections 6309 and and 6309.2 is guilty of an infraction and shall be subject to a fine of not to exceed fifty dollars ($50).

SEC. 5. Section 6309.6 is added to the Harbors and Navigation Code, to read:

6309.6. The district's manager, harbormaster or wharfinger, or any duly authorized representative of one of these persons, shall have the power to issue citations for violation of district ordinances in the manner provided by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code.

SEC. 6. Notwithstanding Section 2231 of the Revenue and

Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be any appropriation made by this act, because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 736

An act to amend Section 14791 of, to add Sections 14791 and 53064.5 to, and to repeal Sections 14791 and 53064.5 of, the Government Code, relating to state and local agency bidding requirements.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION. 1. Section 14791 of the Government Code is amended to read:

14791. The bid requirements prescribed in this article are not applicable to purchases or contracts for the purchase of the following:

(a) Fluid milk and fluid cream, the price of which is established in accordance with Chapter 17 of Division 6 of the Food and Agricultural Code.

(b) Fruits and vegetables procured under contract with growers for the use of canneries maintained and operated by state agencies, if such canneries are maintained and operated so that their canned products will meet the standards prescribed for similar commercially packed canned products under federal law.

(c) Such agricultural surpluses as may be available to the state or its agencies by any governmental agency.

(d) Gasoline, diesel fuel, and other petroleum products used in or for motor vehicles.

This section shall remain in effect only until July 1, 1975, and as of that date is repealed.

SEC. 2. Section 14791 is added to the Government Code, to read:

14791. The bid requirements prescribed in this article are not applicable to purchases or contracts for the purchase of the following:

(a) Fluid milk and fluid cream, the price of which is established in accordance with Chapter 17 of Division 6 of the Food and Agricultural Code.

(b) Fruits and vegetables procured under contract with growers for the use of canneries maintained and operated by state agencies, if such canneries are maintained and operated so that their canned

products will meet the standards prescribed for similar commercially packed canned products under federal law.

(c) Such agricultural surpluses as may be available to the state or its agencies by any governmental agency.

This section shall become operative on July 1, 1975.

SEC 3. Section 53064.5 is added to the Government Code, to read:

53064.5. Notwithstanding any other provision of the law, a local agency may purchase or contract to purchase gasoline, diesel fuel, and other petroleum products used in or for motor vehicles without respect to bid requirements. "Local agency" shall include any city, county, city and county, or district. This section shall remain in effect only until July 1, 1975, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1975, deletes or extends such date.

SEC. 4. It is the intent of the Legislature that the amendments to Section 14791 of the Government Code which are made by Section 1 of this act shall remain in effect only until July 1, 1975, and on that date Section 2 of this act shall become operative to restore Section 14791 to the form in which it read immediately prior to the effective date of this act.

CHAPTER 737

An act to amend Section 535.5 of the Welfare and Institutions Code, relating to delinquency prevention.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 535.5 of the Welfare and Institutions Code is amended to read:

535.5. The board of supervisors may by ordinance provide for the establishment, support, and maintenance of a delinquency prevention commission, composed of not fewer than seven citizens, to coordinate on a countywide basis the work of those governmental and nongovernmental organizations engaged in activities designed to prevent juvenile delinquency. If the board so elects, it may designate the juvenile justice commission, or any other committee or council appointed pursuant to Section 535 or 536 of this code, to serve in such capacity.

The commission may receive funds from governmental and nongovernmental sources to hire an executive secretary and necessary staff and to defray needed administrative expenses. The board of supervisors may direct any county department to provide necessary staff service to the commission. The commission may

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expend its funds on specific projects designed to accomplish its objectives.

Members of the delinquency prevention commission shall be appointed by the board of supervisors to serve a term of four years, and they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Upon a vacancy occurring in the membership in the commission and upon the expiration in the term of office of any member, a successor shall be appointed by the board of supervisors. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his predecessor.

The board of supervisors may appoint initial members to any delinquency prevention commission created after the effective date of the amendment made to this section at the 1973–74 Regular Session of the Legislature to hold office for the following terms: one-half of the membership of an even-numbered commission for a term of two years and one-half plus one of the membership of an odd-numbered commission for a term of two years. The remaining initial members and the term of office of each successor appointed to fill a vacancy occurring on the expiration of a term thereafter shall be four years.

For a delinquency prevention commission existing on the effective date of the amendment made to this section at the 1973–74 Regular Session of the Legislature the board of supervisors may at any time upon the expiration of all the members' terms of office appoint members to hold office for the following terms: one-half of the membership of an even-numbered commission for a term of two years and one-half plus one of the membership of an odd-numbered commission for a term of two years. The remaining members and the term of office of each successor appointed to fill a vacancy occurring on the expiration of a term thereafter shall be four years.

Notwithstanding the preceding provisions of this section, the board of supervisors may appoint one or more persons under 18 years of age to membership on a delinquency prevention commission. If only one such person is appointed, the term of office of that person shall be two years; if more than one is appointed, no more than one-half shall be appointed to serve for a term of two years, and the other or others shall serve for a term of one year.

CHAPTER 738

An act to amend Section 621 of, and to add Section 681 to, the Unemployment Insurance Code, relating to unemployment compensation for musicians.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

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The people of the State of California do enact as follows:

SECTION 1. Section 621 of the Unemployment Insurance Code is amended to read:

621. "Employee" means all of the following:

(a) Any officer of a corporation.

(b) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee.

(c) (1) Any individual, other than an individual who is an employee under subdivision (a) or (b), who performs services for remuneration for any employing unit if the contract of service contemplates that substantially all of such services are to be performed personally by such individual either:

(A) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or drycleaning services, for his principal.

(B) As a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(2) An individual shall not be included in the term "employee" under the provisions of this subdivision if such individual has a substantial investment in facilities used in connection with the performance of such services, other than in facilities for transportation, or if the services are in the nature of a single transaction not part of a continuing relationship with the employing unit for whom the services are performed.

(d) Any individual who is an employee pursuant to Section 601.5, 680, or 681.

SEC. 2. Section 681 is added to the Unemployment Insurance Code, to read:

681. (a) In any case in which a person who has executed a written agreement for the purchase of the services of musicians does not come within the provisions of Section 680, such person shall ascertain whether or not the person contracting to provide the musicians' services to the purchaser has a federal employer number and a reserve account established in the Unemployment Fund.

(b) If the person contracting to provide the musicians' services has a federal employer number and a reserve account established in the Unemployment Fund, he shall, for the purposes of this division, be the employer of all musicians providing services for him under such contract if both of the following conditions are present.

(1) The services of the musicians are to be performed for a period in excess of one day.

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(2) No other person has paid unemployment insurance taxes for the musicians employed in or pursuant to the written agreement referred to in subdivision (a) for the period covered by such agreement.

(c) If the person providing the musicians' services does not have a federal employer number and a reserve account, the purchaser of the services shall, for the purposes of this division, be the employer of the provider and all musicians working for the provider if all of the following conditions are met:

(1) The services of the musicians are to be performed for a period in excess of one day.

(2) The purchaser has a federal employer number and a reserve account established in the Unemployment Fund.

(3) No other person has paid unemployment insurance taxes for the musicians employed in or pursuant to the written agreement referred to in subdivision (a) for the period covered by such agreement.

CHAPTER 739

An act to amend Sections 55543 and 55558 of, and to add Section 55540.1 to, the Government Code, and to amend Sections 5360.3, 5890.5, and 10209 of the Streets and Highways Code, relating to districts.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 55540.1 is added to the Government Code, to read:

55540.1. In the event that the territory proposed to be formed into a crossing guard maintenance district, or annexed thereto, is located within more than one local agency, the application to form the district, or to annex territory thereto, shall be submitted to the local agency within which is located the largest area of such territory. Such agency shall conduct all proceedings for the formation of the district or for annexation of territory thereto. Before commencing such proceedings, however, the conducting agency shall first obtain the consent of the legislative body of the city or the county having jurisdiction over such territory.

SEC. 2. Section 55543 of the Government Code is amended to read:

55543. If the legislative body determines that the public safety and welfare requires the formation of a district, it may adopt a resolution declaring its intention to form a district pursuant to the provisions of this chapter. The resolution of intention, in addition to

making the foregoing determination, shall also contain:

(a) A general description of the exterior boundaries of the proposed district;

(b) An estimate of the cost of providing appropriate crossing guards;

(c) A statement that an annual assessment may be levied to pay the costs and expenses of providing such crossing guards;

(d) A statement of the annual assessment limit on each one hundred dollars ($100) of assessed value of taxable land and improvements within the district and that amounts so assessed shall be levied and collected at the same time and in the same manner as general taxes of the local agency are collected;

(e) The day, hour and place for the hearing by the legislative body of protests against the formation of the proposed district, and a statement that any owner of property liable to be assessed for the maintenance may make written protest against the formation of the proposed district by filing such protest with the clerk at any time not later than the hour so fixed for the hearing. The time for the hearing shall be not less than 15 nor more than 60 days from the date of the adoption of the resolution of the legislative body.

SEC. 3. Section 55558 of the Government Code is amended to read:

55558. The legislative body shall have complete charge, supervision and control of all districts established pursuant to the provisions of this chapter. The legislative body may enter into such contracts and may employ such personnel as may be required.

The costs and expenses of maintaining crossing guards shall be paid for from the funds of the district or out of any fund which may be provided or advanced by the legislative body for expenditure for such purposes. The payments so advanced shall be reimbursed from district funds when moneys are available.

Crossing guards may be provided at street intersections located outside the boundaries of the district, if in the judgment of the legislative body, the provision of such crossing guards is necessary for the safety of residents of the district.

SEC. 4. Section 5360.3 of the Streets and Highways Code is amended to read:

5360.3. In assessing land, credit may be given for dedications and for improvements constructed at private expense.

SEC. 5. Section 5890.5 of the Streets and Highways Code is amended to read:

5890.5. In assessing land, credit may be given for dedications and for improvements constructed at private expense.

SEC. 6. Section 10209 of the Streets and Highways Code is amended to read:

10209. In the assessment of land, credit may be given for dedications and for improvements constructed at private expense.

CHAPTER 740

An act to amend Sections 14850, 14905, and 15205 of the Financial Code, relating to credit unions.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14850 of the Financial Code is amended to read:

14850. No credit union shall make any gift or donation unless such gift or donation is in the best interests of the credit union, first approved by a resolution of the board of directors, and approved by a vote of the majority of the members of the credit union present at any regular or special meeting of the shareholders for which notice of such intended gift or donation has been given.

SEC. 2. Section 14905 of the Financial Code is amended to read:

14905. (a) Any loan in excess of five thousand dollars ($5,000) shall be secured either (1) by real or personal property to the extent that the loan exceeds five thousand dollars ($5,000), or (2) in the manner provided in Section 14907 of this article.

(b) If the security offered is an endorsed note as provided in subdivision (a) of Section 14907, a signed and dated financial statement shall be taken from each person who endorses the note and the sufficiency of the financial responsibility of every such endorser shall be verified by a majority of the credit committee. Loans secured by the signatures of a borrower and endorser or endorsers shall not exceed the amount that may be loaned to the borrower without security pursuant to Section 14903 of this article, plus an equivalent amount for each endorser, plus the amount of shares or certificates for funds pledged to secure the obligation.

SEC. 3. Section 15205 of the Financial Code is amended to read:

15205. The bylaws of any credit union may provide that shares which are fully paid by the 10th day of any calendar month of any period for which dividends are declared are entitled to a proportionate part of such dividend calculated from the first day of such month. The bylaws of any credit union may provide that shares are entitled to dividends irrespective of the fact that any part or all the money paid upon such shares has been withdrawn during any portion of any dividend period. The bylaws of any credit union may provide that shares are entitled to a proportionate part of dividends calculated from the date the shares are fully paid to the date such shares have been withdrawn during any period for which dividends are declared.

CHAPTER 741

An act to amend Sections 99267 and 99268 of, and to add Section 99268.5 to, the Public Utilities Code, relating to public transportation.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 99267 of the Public Utilities Code is amended to read:

99267. (a) At least 75 percent of funds received under this article shall be used for capital expenditures. Such capital expenditures shall consist of acquisition of land and other real property, current acquisition or replacement of transportation vehicles, or conveyances, and acquisition, construction, enlargement, or repair of property and facilities incidental to or necessary or convenient in connection with the foregoing, depreciation, and payment of principal and interest on its bonded indebtedness, equipment trust certificates, or other indebtedness, including any amounts in the accomplishment of a defeasance under any outstanding revenue bond indenture.

(b) The amount of federal and other state funds granted or approved for capital expenditures on a matching basis by the operator, the local contributions designated pursuant to subdivision (c), and the allocations made pursuant to Section 99234 for the area served by the operator in any fiscal year may be applied by the operator to satisfy the requirement of subdivision (a).

(c) Any local entity contributing money to an operator, during the 1973–74 fiscal year or any subsequent fiscal year, may designate what portion of its annual contribution, but not to exceed one-half thereof, may be applied to satisfy the requirement specified in subdivision (a), whether or not such portion is to be expended for capital expenditures.

(d) When unique and unusual circumstances arise whereby funds are available for capital expenditures but not for other more urgent costs, an operator may file an application with the secretary for a temporary waiver which, if granted, shall authorize funds otherwise restricted for capital expenditures to be used for other more urgent purposes. To approve such a request, the secretary shall determine that financing the noncapital expenditures by other means, such as fare increases or curtailment of services, will adversely affect public transportation service for the area.

SEC. 1.5. Section 99267 of the Public Utilities Code is amended to read:

99267. (a) At least 15 percent of funds received under this article shall be used by an operator for capital expenditures. If, on January 1, 1975, the operator is a city and county with a population of 700,000

or more, it shall use at least 75 percent of such funds for capital expenditures.

(b) Such capital expenditures shall consist of acquisition of land and other real property, current acquisition or replacement of transportation vehicles, or conveyances, and acquisition, construction, enlargement, or repair of property and facilities incidental to or necessary or convenient in connection with the foregoing, depreciation, and payment of principal and interest on its bonded indebtedness, equipment trust certificates, or other indebtedness, including any amounts in the accomplishment of a defeasance under any outstanding revenue bond indenture.

(c) The requirement specified in subdivision (a) shall not apply to an operator in each fiscal year that it receives financial assistance from local sources, exclusive of fares, in an amount equal to or greater than the amount it would have been required to expend pursuant to subdivision (a).

SEC. 2. Section 99268 of the Public Utilities Code is amended to read:

99268. The expenditure of the funds received under this article by an operator may in no year exceed 50 percent of the amount required to meet operating, maintenance, and capital and debt service requirements of the system after deduction therefrom of approved federal grants estimated to be received. Notwithstanding the 50-percent limitation, the amount budgeted for capital requirements in any year or other period up to five years, less the amount of federal and other state funds granted or approved therefor, may be allocated and expended for capital improvements to a grade-separated mass transit system, if construction of such facilities has been found to be not inconsistent with the regional transportation plan of the transportation planning agency. Within such five-year period, the transportation planning agency may order the amount of the allocation in any year to be set aside and accumulated for accomplishment of the particular project.

SEC. 3. Section 99268.5 is added to the Public Utilities Code, to read:

99268.5. The limitations of Sections 99267 and 99268 shall not apply to funds allocated for the operation of a public transportation system by an operator during the operator's first five fiscal years of operation, or to funds allocated for the extension of public transportation services as a result of territorial annexation or pursuant to the provisions of Section 99288 for the first five fiscal years of extension of such services, and which operation or extension of service began after June 30, 1972.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1963 are both chaptered and become effective January 1, 1975, both bills amend Section 99267 of the Public Utilities Code, and this bill is chaptered after Senate Bill No. 1963, that the amendments to Section 99267 proposed by both bills be given effect and incorporated in Section 99267 in the form set forth in Section 1.5 of

this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill No. 1963 are both chaptered and become effective January 1, 1975, both amend Section 99267, and this bill is chaptered after Senate Bill No. 1963, in which case Section 1 of this act shall not become operative.

CHAPTER 742

An act to amend Section 13632 of the Water Code, relating to water quality.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13632 of the Water Code is amended to read:

13632. The advisory committee appointed pursuant to Section 13631 shall consist of the following:

(a) Two persons from a statewide organization representing municipal waste water treatment plant operators and supervisors, who shall be employed in a waste water treatment plant as an operator or supervisor.

(b) Two persons from statewide organizations representing municipalities, including counties.

(c) Two persons from statewide organizations representing local sanitation agencies, other than municipalities.

(d) One person who is a professional engineer specializing in sanitary engineering.

(e) One person from a university or a state college school or division of engineering.

(f) One person who is a member of an organized labor union which represents waste water treatment plant operators.

CHAPTER 743

An act to amend Sections 10209.5, 10210, 10214.5, and 10215 of, and to add Sections 134, 135, 137, 163.5, and 10342 to, the Business and Professions Code, relating to business and professions licenses.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 134 is added to the Business and Professions Code, to read:

134. When the term of any license issued by any agency in the department exceeds one year, initially license fees for licenses which are issued during a current license term shall be prorated on a yearly basis.

SEC. 2. Section 135 is added to the Business and Professions Code, to read:

135. No agency in the department shall, on the basis of an applicant's failure to successfully complete prior examinations, impose any additional limitations, restrictions, prerequisites, or requirements on any applicant who wishes to participate in subsequent examinations except that any examining agency which allows an applicant conditional credit for successfully completing a divisible part of an examination may require that an applicant be reexamined in those parts successfully completed if such applicant has not successfully completed all parts of the examination within a required period of time established by the examining agency. Nothing in this section, however, requires the exemption of such applicant from the regular fees and requirements normally associated with examinations.

SEC. 3. Section 137 is added to the Business and Professions Code, to read:

137. Any agency within the department may promulgate regulations requiring licensees to include their license numbers in any advertising, soliciting, or other presentments to the public.

However, nothing in this section shall be construed to authorize regulation of any person not a licensee who engages in advertising, solicitation, or who makes any other presentment to the public on behalf of a licensee. Such a person shall incur no liability pursuant to this section for communicating in any advertising, soliciting, or other presentment to the public a licensee's license number exactly as provided to him by the licensee or for failure to communicate such number if none is provided to him by the licensee.

SEC. 4. Section 163.5 is added to the Business and Professions Code, to read:

163.5. Notwithstanding any other provisions of this code, the delinquency, penalty, or late fee for any licensee within the Department of Consumer Affairs shall be 50 percent of the renewal fee for such license in effect on the date of the renewal of the license, but not more than twenty-five dollars ($25), except that in the event that a delinquency, penalty, or late fee is fixed by statute at less than 50 percent of the renewal fee and less than twenty-five dollars ($25), the fee so fixed shall be charged.

In the event a reinstatement or like fee is charged for the reinstatement of a license, the reinstatement fee shall be 150 percent of the renewal fee for such license in effect on the date of the reinstatement of the license, but not more than twenty-five dollars ($25) in excess of the renewal fee, except that in the event that such

a fee is fixed by statute at less than 150 percent of the renewal fee and less than the renewal fee plus twenty-five dollars ($25), the fee so fixed shall be charged.

SEC. 5. Section 10209.5 of the Business and Professions Code is amended to read:

10209.5. The fee for an active original or renewal restricted broker license shall not exceed eighty-five dollars ($85).

These fees are subject to the delinquency, penalty, and late fees provided for in Section 163.5.

SEC. 6. Section 10210 of the Business and Professions Code is amended to read:

10210. The fee for an active original or renewal real estate broker license shall not exceed eighty-five dollars ($85).

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

These fees are subject to the delinquency, penalty, and late fees provided for in Section 163.5.

SEC. 7. Section 10214.5 of the Business and Professions Code is amended to read:

10214.5. The fee for an active original or renewal restricted salesman license shall not exceed sixty dollars ($60).

These fees are subject to the delinquency, penalty, and late fees provided for in Section 163.5.

SEC. 8. Section 10215 of the Business and Professions Code is amended to read:

10215. The fee for an active original or renewal real estate salesman license shall not exceed sixty dollars ($60).

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

These fees are subject to the delinquency, penalty, and late fees provided for in Section 163.5.

SEC. 9. Section 10342 is added to the Business and Professions Code, to read:

10342. No provision in this chapter shall, on the basis of an applicant's failure to successfully complete prior examinations, impose any additional limitations, restrictions, prerequisites, or requirements on any applicant who wishes to participate in subsequent examinations. Nothing in this section, however, requires exemption of any such applicant from the regular fees and requirements normally associated with examinations.

CHAPTER 744

An act to amend Sections 17060, 17171, 17216.2, 18220, 19262, 23400, 23701, 23701r, 23774, 23777, 25663, and 26423 of, to amend and renumber Section 26163 of, and to add Section 17779 to, the Revenue and Taxation Code, relating to taxation, to take effect

immediately, tax levy.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 17060 of the Revenue and Taxation Code is amended to read:

17060. For purposes of this part—

(a) The determination of whether an individual is married or is the head of a household or is a surviving spouse (as defined in Section 17046), shall be made as of the close of his taxable year; except that if an individual or his spouse dies during his taxable year such determination shall be made as of the time of such death; and

(b) If an individual, his spouse, or in the case of head of household, or a surviving spouse (as defined in Section 17046), the dependent giving the taxpayer that status dies during the taxable year, such determination shall be made as of the date of death.

SEC. 2. Section 17171 of the Revenue and Taxation Code is amended to read:

17171. (a) A taxpayer, at his election, may take a standard deduction as follows:

(1) In the case of a taxpayer, other than a head of a household or a surviving spouse (as defined in Section 17046) or a married couple filing a joint return, the standard deduction shall be one thousand dollars ($1,000);

(2) In the case of a head of household or a surviving spouse (as defined in Section 17046) or a married couple filing a joint return, the standard deduction shall be two thousand dollars ($2,000).

(3) If the adjusted gross income (for purposes of Section 17048) of a taxpayer is less than ten thousand dollars ($10,000), the standard deduction shall be determined under the tax table provided in Section 17048.

(b) The standard deduction provided for in subsection (a) shall be in lieu of all deductions other than those which under Section 17072 are to be subtracted from gross income in computing adjusted gross income.

SEC. 3. Section 17216.2 of the Revenue and Taxation Code is amended to read:

17216.2. (a) The amount of any charitable contribution of property otherwise taken into account under Section 17214 shall be reduced by the sum of—

(1) The amount of gain which would have been included in taxable income if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution), except that this paragraph shall not apply if the amount of gain includable in taxable income is determined by applying paragraph (2) or (3) of subdivision (a) of Section 18162.5,

and

(2) In the case of a charitable contribution—

(A) Of tangible personal property, if the use by the donee is unrelated to the purpose or function constituting the basis for its exemption under Section 23701 (or, in the case of a governmental unit, to any purpose or function described in Section 17215.2), or

(B) To or for the use of a private foundation (as defined in Section 509(a) of the Internal Revenue Code), other than a private foundation described in Section 170(b)(1)(E) of that code, the amount of gain which would have been included in taxable income under paragraph (2) or (3) of subdivision (a) of Section 18162.5 if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution).

For purposes of applying this subdivision (other than in the case of gain to which Section 18211 applies), property which is property used in the trade or business (as defined in Section 18182) shall be treated as a capital asset.

(b) For purposes of subdivision (a), in the case of a charitable contribution of less than the taxpayer's entire interest in the property contributed, the taxpayer's adjusted basis in such property shall be allocated between the interest contributed and any interest not contributed in accordance with regulations prescribed by the Franchise Tax Board.

SEC. 4. Section 17779 is added to the Revenue and Taxation Code, to read:

17779. This article shall not apply to distributions described in subdivision (b) of Section 17745.

SEC. 5. Section 18220 of the Revenue and Taxation Code is amended to read:

18220. Notwithstanding any other provision in this part to the contrary, for taxable years beginning after December 31, 1969;

(a) This section shall apply with respect to any taxable year only if:

(1) There is a farm net loss for the taxable year; or

(2) There is a balance in the excess deductions account as of the close of the taxable year after applying subsection (b)(3)(A).

(b) (1) Each taxpayer subject to this section shall, for purposes of this section, establish and maintain an excess deductions account.

(2) (A) There shall be added to the excess deductions account for each taxable year an amount equal to the farm net loss.

(B) In the case of an individual (other than a trust) subparagraph (A) shall apply for a taxable year—

(i) Only if the taxpayer's nonfarm adjusted gross income for such year exceeds $50,000, and

(ii) Only to the extent the taxpayer's farm net loss for such year exceeds $25,000.

(C) In the case of a husband or wife who files a separate return, the amount specified in subparagraph (B)(i) shall be $25,000 in lieu of $50,000, and in subparagraph (B)(ii) shall be $12,500 in lieu of

$25,000. This subparagraph shall not apply if the spouse of the taxpayer does not have any nonfarm adjusted gross income for the taxable year.

(D) For purposes of this section, the term "nonfarm adjusted gross income" means adjusted gross income computed without regard to income or deductions attributable to the business of farming.

(3) If there is any amount in the excess deductions account at the close of any taxable year (determined before any amount is subtracted under this paragraph for such year) there shall be subtracted from the account—

(A) An amount equal to the farm net income for such year, plus the amount (determined as provided in regulations prescribed by the Franchise Tax Board) necessary to adjust the account for deductions which did not result in a reduction of the taxpayer's tax under this subtitle for the taxable year or any preceding taxable year, and

(B) After applying paragraph (2) or subparagraph (A) of this paragraph (as the case may be), an amount equal to the sum of the amounts treated, solely by reason of the application of subsection (c), as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182.

(4) (A) Except to the extent that the taxpayer has succeeded to an excess deductions account as provided in paragraph (5), additions to the excess deductions account shall not be required by a taxpayer who elects to compute taxable income from farming (i) by using inventories, and (ii) by charging to capital account all expenditures paid or incurred which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

(B) An election under subparagraph (A) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Franchise Tax Board shall prescribe by regulations. Such election shall be binding on the taxpayer for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Franchise Tax Board.

(C) If, in order to comply with the election made under subparagraph (A), a taxpayer changes his method of accounting in computing taxable income from the business of farming, such change shall be treated as having been made with the consent of the Franchise Tax Board and for purposes of subdivision (b) of Section 17611 shall be treated as a change not initiated by the taxpayer.

(5) If:

(A) Farm recapture property is disposed of by gift, and

(B) The potential gain (as defined in subsection (e)(5)) on farm recapture property disposed of by gift during any one-year

period in which any such gift occurs is more than 25 percent of the potential gain on farm recapture property held by the donor immediately prior to the first of such gifts,

each donee of the property shall succeed (at the time the first of such gifts is made, but in an amount determined as of the close of the donor's taxable year in which the first of such gifts is made) to the same proportion of the donor's excess deductions account (determined, after the application of paragraphs (2) and (3) with respect to the donor, as of the close of such taxable year), as the potential gain on the property received by such donee bears to the aggregate potential gain on farm recapture property held by the donor immediately prior to the first of such gifts.

(6) In the case of an addition to an excess deductions account for a taxable year for which a joint return was filed under Section 18402, for any subsequent taxable year for which a separate return was filed the Franchise Tax Board shall provide rules for allocating any remaining amount of such addition in a manner consistent with the purposes of this section.

(c) (1) Except as otherwise provided in this section, if farm recapture property (as defined in subsection (e) (1)) is disposed of during a taxable year beginning after December 31, 1969, the amount by which—

(A) In the case of a sale, exchange, or involuntary conversion, the amount realized, or

(B) In the case of any other disposition, the fair market value of such property,

exceeds the adjusted basis of such property shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18181 or 18182. Such gain shall be recognized notwithstanding any other provision of this part.

(2) (A) The aggregate of the amounts treated under paragraph (1) as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18181 or 18182 for any taxable year shall not exceed the amount in the excess deductions account at the close of the taxable year after applying subsection (b) (3) (A).

(B) If the aggregate of the amounts to which paragraph (1) applies is limited by the application of subparagraph (A), paragraph (1) shall apply in respect of such dispositions (and in such amounts) as provided under regulations prescribed by the Franchise Tax Board.

(C) In applying subparagraph (A), any gain on the sale or exchange of land shall be taken into account only to the extent of its potential gain (as defined in subsection (e) (5)).

(d) (1) Subsection (c) shall not apply to a disposition by gift.

(2) Except as provided in Sections 17831 to 17834, inclusive (relating to income in respect of a decedent), subsection (c) shall not apply to a transfer at death.

(3) If property is disposed of and gain (determined without

regard to this section) is not recognized in whole or in part under Section 18081 or Sections 18082 to 18090.2, inclusive, then the amount of gain taken into account by the transferor under subsection (c) (1) shall not exceed the sum of—

(A) The amount of gain recognized on such disposition (determined without regard to this section), plus

(B) The fair market value of property acquired with respect to which no gain is recognized under subparagraph (A), but which is not farm recapture property.

(4) (A) In the case of a partnership, each partner shall take into account separately his distributive share of the partnership's farm net losses, gains from dispositions of farm recapture property, and other items in applying this section to the partner.

(B) If farm recapture property is contributed to a partnership and gain (determined without regard to this section) is not recognized under Section 17881, then the amount of gain taken into account by the transferor under subsection (c) (1) shall not exceed the excess of the fair market value of farm recapture property transferred over the fair market value of the partnership interest attributable to such property. If the partnership agreement provides for an allocation of gain to the contributing partner with respect to farm recapture property contributed to the partnership (as provided in subdivision (b) of Section 17857), the partnership interest of the contributing partner shall be deemed to be attributable to such property.

(5) Except for transactions described in subsection (b) (5) (A), in the case of a transfer, described in paragraph (3), of farm recapture property to a corporation, stock or securities received by a transferor in the exchange shall be farm recapture property to the extent attributable to the fair market value of farm recapture property (or, in the case of land, if less, the adjusted basis plus the potential gain (as defined in subsection (e) (5)) on farm recapture property) contributed to the corporation by such transferor.

(e) For purposes of this section—

(1) The term "farm recapture property" means—

(A) Any property (other than Section 18212 property) described in paragraph (1) (relating to business property), (3) (relating to livestock), or (4) (relating to an unharvested crop) of Section 18182 which is or has been used in the trade or business of farming by the taxpayer or by a transferor in a transaction described in subsection (b) (5), and

(B) Any property the basis of which in the hands of the taxpayer is determined with reference to the adjusted basis of property which was farm recapture property in the hands of the taxpayer within the meaning of subparagraph (A).

(2) The term "farm net loss" means the amount by which—

(A) The deductions allowed or allowable by this chapter which are directly connected with the carrying on of the trade or business of farming, exceed—

(B) The gross income derived from such trade or business. Gains

and losses on the disposition of farm recapture property referred to in Section 18181 (determined without regard to this section or Section 18211) shall not be taken into account.

(3) The term "farm net income" means the amount by which the amount referred to in paragraph (2)(B) exceeds the amount referred to in paragraph (2)(A).

(4) (A) In the case of a taxpayer engaged in the raising of horses, the term "trade or business of farming" includes the racing of horses.

(B) If a taxpayer is engaged in more than one trade or business of farming, all such trades and businesses shall be treated as one trade or business.

(5) The term "potential gain" means an amount equal to the excess of the fair market value of property over its adjusted basis, but limited in the case of land to the extent of the deductions allowable in respect to such land under Section 17224 (relating to soil and water conservation expenditures) for the taxable year and the four preceding taxable years.

SEC. 6. Section 19262 of the Revenue and Taxation Code is amended to read:

19262. (a) If assets of an estate are distributable to one or more nonresident beneficiaries, the final account of the fiduciary shall not be allowed by the probate court unless the fiduciary obtains from the Franchise Tax Board and files with the court a certificate to the effect that all taxes imposed by this part upon the estate or decedent which have become payable have been paid, and that all taxes which may become due are secured by bond, deposit or otherwise.

(b) This section only applies if the value of the assets of the estate at the death of the decedent and the value of the assets distributable to one or more nonresidents exceed amounts prescribed by regulations promulgated by the Franchise Tax Board.

SEC. 7. Section 23400 of the Revenue and Taxation Code is amended to read:

23400. (a) In addition to the other taxes imposed by this part, there is hereby imposed for each taxable year (as defined in Section 23041), with respect to the income of every taxpayer under this part, a tax equal to 2.5 percent of the amount (if any) by which the sum of the items of tax preference in excess of thirty thousand dollars ($30,000) is greater than the sum of the amount of net loss for the income year.

(b) With respect to taxpayers subject to Article 4 of Chapter 2 (commencing with Section 23101) of this part, the provisions of Articles 4 to 9, inclusive, shall apply to the tax imposed by this section except that Section 23221 shall not apply.

(c) For the purposes of computing the tax on items of tax preference for taxable years in which a taxpayer commenced doing business, dissolves, withdraws, or ceases doing business, the provisions of Sections 23151, 23151.1, 23181, 23183, 23201 to 23204, inclusive, 23222 to 23224.5, inclusive, 23282, 23332, 23332.5, 23504 and 25401 shall be applied with due regard for the rate and tax preference

amounts prescribed by this chapter.

SEC. 15.2. Section 23701 of the Revenue and Taxation Code is amended to read:

23701. Organizations which are organized and operated for nonprofit purposes within the provisions of a specific section of this article, or are subject to Section 23701m, are exempt from taxes imposed under this part, except as provided in this article or in Article 2 (commencing with Section 23731) of this chapter, if:

(a) An application for exemption is submitted in the form prescribed by the Franchise Tax Board; and

(b) A filing fee of ten dollars ($10) is paid with each application for exemption filed with the Franchise Tax Board after December 31, 1969; and

(c) The Franchise Tax Board issues a determination exempting the organization from tax.

This section shall not prevent a determination from having retroactive effect and does not prevent the issuance of a determination with respect to a domestic organization which was in existence prior to January 1, 1970, and exempt under prior law without the submission of a formal application or payment of a filing fee. For the purpose of this section, the term "domestic" means created or organized under the laws of this state.

The Franchise Tax Board may issue rulings and regulations as are necessary and reasonable to carry out the provisions of this article.

SEC. 8. Section 23701r of the Revenue and Taxation Code is amended to read:

23701r. (a) Corporations organized and operated to support or defeat a political candidate or candidates or to support or recall an elective public officer or officers provided no part of the contributions received by the corporation or other income derived from whatever source inures to the benefit of any individual other than through the political support or opposition.

(b) Income derived from whatever source by corporations exempt under subdivision (a) shall be subject to tax as provided by Chapter 3 (commencing with Section 23501) of this part. For the purposes of this section, income does not include contributions received by the corporation.

SEC. 9. Section 23774 of the Revenue and Taxation Code is amended to read:

23774. Every organization exempt from filing an annual information return by reason of subdivision (a) of Section 23772, may be required to file an annual statement on or before the 15th day of the fifth calendar month following the close of the income year setting forth in such a manner as may be required by the Franchise Tax Board the following information: the name and address of the organization, its major activities, its sources of income and the section of the Internal Revenue Code under which it is exempt. Organizations other than those described in clause (i) and (iii) of subparagraph (A) of paragraph (2) of subdivision (a) of Section

23772 may also be required by the Franchise Tax Board to furnish information with respect to their gross receipts and their assets.

SEC. 10. Section 23777 of the Revenue and Taxation Code is amended to read:

23777. The exemption granted to any organization under the provisions of Article 1 (commencing with Section 23701) of this chapter may be revoked by the Franchise Tax Board if the organization fails to—

(a) File the annual return or statement required under Section 23772 or 23774 or pay any amount required under Section 23703 or 23772 on or before the last day of the 12th month following the close of the income year;

(b) Comply with Section 26423 (relating to powers of the Franchise Tax Board to examine records and subpoena witnesses); or

(c) Confine its activities to those permitted by the section under which the exemption was granted.

SEC. 11. Section 25663 of the Revenue and Taxation Code is amended to read:

25663. (a) Except in the case of a fraudulent return, and except as otherwise expressly provided in this part, every notice of additional tax proposed to be assessed shall be mailed to the taxpayer within four years after the return was filed. No deficiency shall be assessed or collected with respect to the year for which such return was filed unless the notice is mailed within the four-year period or as otherwise provided.

(b) For the purposes of this section and Sections 25663a and 25663c a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day. For purposes of Section 26073, payment of any portion of the tax made before the last day prescribed for the payment of the tax shall be considered made on such last day.

(c) If a taxpayer determines in good faith that it is an exempt organization and files a return as such under Section 23772, and if such taxpayer is thereafter held to be a taxable organization for the taxable year for which the return is filed, such return shall be deemed the return of the organization for the purposes of this section.

SEC. 12. Section 26163 of the Revenue and Taxation Code is amended and renumbered to read:

26312. The amounts required to be paid by any taxpayer under this part together with interest and penalties shall be satisfied first in any of the following cases:

(a) Whenever the taxpayer is insolvent.

(b) Whenever the taxpayer makes a voluntary assignment of his assets.

(c) Whenever the estate of the taxpayer in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(d) Whenever the estate and effects of an absconding, concealed,

or absent taxpayer required to pay any amount under this part are levied upon by process of law.

This section does not give the state a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

The preference given to the state by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

SEC. 13. Section 26423 of the Revenue and Taxation Code is amended to read:

26423. The Franchise Tax Board, for the purposes of administering its duties under this part, shall have the power to examine any books, papers, records, or memoranda, relative to a return or statement required under this part. The Franchise Tax Board may also require the attendance of any person having knowledge in the premises and may take testimony and require material proof for its information and administer oaths to carry out the provisions of this part. The Franchise Tax Board may issue subpoenas or subpoenas duces tecum, which subpoenas must be signed by any member of the Franchise Tax Board and may be served on any person for any purpose.

SEC. 14. The amendments to Section 17216.2, made by Section 3 of this act, are intended to clarify the meaning and application of Section 17216.2, and not to impose new or different requirements.

SEC. 22. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, Sections 5 and 7 shall be applied with respect to taxable years beginning after December 31, 1974.

CHAPTER 745

An act to amend Section 739 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 739 of the Welfare and Institutions Code is amended to read:

739. (a) Whenever any person is taken into temporary custody under the provisions of Article 6 (commencing with Section 625) of this chapter and is in need of medical, surgical, dental, or other remedial care, the probation officer may, upon the recommendation

of the attending physician or, if the person needs dental care and there is an attending dentist, the attending dentist, authorize the performance of such medical, surgical, dental, or other remedial care. The probation officer shall notify the parent, guardian, or person standing in loco parentis of the person, if any, of the care found to be needed before such care is provided, and if the parent, guardian, or person standing in loco parentis objects, such care shall be given only upon order of the court in the exercise of its discretion.

(b) Whenever it appears to the juvenile court that any person concerning whom a petition has been filed with the court is in need of medical, surgical, dental, or other remedial care, and that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize such remedial care or treatment for such person, the court, upon the written recommendation of a licensed physician or, if the person needs dental care, a licensed dentist, and after due notice to the parent, guardian, or person standing in loco parentis, if any, may make an order authorizing the performance of the necessary medical, surgical, dental, or other remedial care for such person.

(c) Whenever a ward or dependent child of the juvenile court is placed by order of the court within the care and custody or under the supervision of the probation officer of the county in which the ward or dependent child resides and it appears to the court that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the ward or dependent child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that the probation officer may authorize such medical, surgical, dental, or other remedial care for the ward or dependent child, by licensed practitioners, as may from time to time appear necessary.

(d) Whenever it appears that a minor otherwise within the provisions of subdivision (a), (b), or (c) requires immediate emergency medical, surgical, dental, or other remedial care, or whenever the probation officer cannot, with reasonable diligence, locate and notify the parent, guardian, or person standing in loco parentis of the need of the minor for such care, the court, upon the written recommendation of a licensed physician or, if the minor needs dental care, a licensed dentist may make an order authorizing, or the probation officer, upon the written recommendation of a licensed physician or, if the minor needs dental care, a licensed dentist may authorize, the performance of such care as is reasonably necessary under the circumstances, without notice to the parent, guardian, or person standing in loco parentis.

(e) In any case in which the court orders the performance of any medical, surgical, dental, or other remedial care pursuant to this

section, the court may also make an order authorizing the release of information concerning such care to probation officers, parole officers, or any other qualified individuals or agencies caring for or acting in the interest and welfare of the minor under order, commitment, or approval of the court.

(f) Nothing in this section shall be construed as limiting the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of the custody or control of the minor by order of the court, in providing any medical, surgical, dental, or other remedial treatment recognized or permitted under the laws of this state.

(g) The mother of any person described in this section may authorize the performance of medical, surgical, dental, or other remedial care provided for in this section notwithstanding the fact that she is unmarried and under the age of 18 years.

CHAPTER 746

An act to amend Sections 3369 and 3370.1 of the Civil Code, relating to the specific or preventive relief.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3369 of the Civil Code is amended to read:

3369. 1. Neither specific nor preventive relief can be granted to enforce a penalty or forfeiture in any case, nor to enforce a penal law, except in a case of nuisance or unfair competition.

2. Any person performing or proposing to perform an act of unfair competition within this state may be enjoined in any court of competent jurisdiction.

3. As used in this section, unfair competition shall mean and include unlawful, unfair or fraudulent business practice and unfair, deceptive, untrue or misleading advertising and any act denounced by Business and Professions Code Sections 17500 to 17535, inclusive.

4. As used in this section, the term person shall mean and include natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons.

5. Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney or any city attorney of a city having a population in excess of 750,000, and, with the consent of the district attorney, by a city prosecutor in any city or city and county having a full-time city prosecutor in the name of the people of the State of California upon their own complaint or upon the

complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

SEC. 2. Section 3370.1 of the Civil Code is amended to read:

3370.1. Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000, and, with the consent of the district attorney, by a city prosecutor in any city or city and county having a full-time city prosecutor in any court of competent jurisdiction. If brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State General Fund. If brought by a district attorney, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty collected shall be paid to the treasurer of the city in which the judgment was entered, and one-half to the treasurer of the county in which the judgment was entered.

CHAPTER 747

An act to add and repeal Section 99267.5 of the Public Utilities Code, relating to public transportation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 99267.5 is added to the Public Utilities Code, to read:

99267.5. Notwithstanding any other provision of this chapter, if federal funds or assistance grants are made available on a matching basis for the operating expenditures of public transportation systems, any operator may budget and expend for operating purposes funds received under this article in an amount sufficient to enable the operator to receive the maximum amount of federal funds or assistance grants available for such purposes.

This section shall remain in effect only until June 30, 1977, and as of such date is repealed, unless a later enacted statute, which is chaptered before June 30, 1977, deletes or extends such date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

Federal funds for public transportation system operating expenses are expected to become available during 1974; therefore, in order that operators may adjust their budgets and expenditures to qualify for matching fund grants, it is necessary that this act take effect immediately.

CHAPTER 748

An act to amend Sections 5779, 5780, 9240, 12823, and 12826 of, and to repeal Sections 5780.2 and 12831 of, the Education Code, relating to public schools.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5779 of the Education Code is amended to read:

5779. The State Board of Education shall require each school district to administer uniform tests to each pupil not later than his third month of attendance in the first grade. The first-grade entry level test shall obtain a composite estimate for each pupil of skills related to learning and memory, attention, visual perception, and auditory comprehension. The answer sheets shall be transmitted to the Department of Education for scoring. If no published test is deemed suitable, the State Board of Education may combine parts of available tests or develop a new test.

The State Board of Education shall also require each school district to administer uniform tests in reading annually to pupils in grades 2 and 3. Such tests shall be recommended by the Department of Education and shall be submitted to the State Board of Education for approval and adoption. If no published test is deemed suitable, the Department of Education may combine parts of available tests or develop a new test. Any test so adopted shall be equated to nationally normed tests so that the performance of California pupils may be compared to that of a national sample. The tests which have been approved and adopted by the board shall be printed or purchased and distributed to the various school districts in the state by the Department of Education. The answer sheets shall be transmitted to the Department of Education for scoring.

The State Board of Education shall develop a testing method that will obtain an accurate estimate of statewide performance of pupils in grades 2 and 3 in reading. Under such a testing method, the Department of Education shall determine whether pupils in a given school shall be administered the entire test or whether the pupils shall be administered a portion of the test which will be

representative of all test objectives, goals, or categories of items on the entire test.

The procedure required by this section shall be implemented not later than the 1975–76 school year.

The State Board of Education shall determine the form in which the answer sheets for the first-grade entry level test shall be transmitted to the Department of Education for scoring, and the form in which the answer sheets for the uniform tests in reading for grades 2 and 3 shall be transmitted to the Department of Education for scoring.

The State Board of Education shall analyze the progress achieved by third grade pupils using the first-grade entry level test results as a basis for identifying comparable pupils receiving various kinds of reading instruction.

The State Board of Education shall adopt rules and regulations governing the time, place, and methods for administration of the testing program under this article.

Pupils who have been determined to be mentally retarded, as defined in this code, shall be exempted from the testing requirement imposed by this chapter.

Pupils who have been determined to be educationally handicapped, as defined in this code, shall be subject to the testing requirement imposed by this chapter, except such pupils shall be tested separately from regular pupils. The Department of Education shall annually prepare a comparative analysis of the scores or results of tests administered to educationally handicapped pupils and regular pupils. The Department of Education shall annually report to the Legislature the scores or results of the tests administered to educationally handicapped pupils.

The tests administered pursuant to this article shall be employed to determine each school district's quota of specialist reading teachers, as required by Article 4 (commencing with Section 5781) of this chapter.

Commencing with tests administered in the 1972–1973 school year, school districts shall submit answer sheets and related pupil information on a per-school basis.

SEC. 2. Section 5780 of the Education Code is amended to read:

5780. The scores of tests provided pursuant to Section 5779 of those pupils in grades two and three who have participated in a remedial program shall be maintained and treated separately.

From a study of the results of these tests in districts which conduct a basic reading program pursuant to this chapter, and the test results in districts which do not conduct such a program, the Superintendent of Public Instruction shall evaluate basic reading programs, and he shall report his findings annually to the State Board of Education.

The State Board of Education shall report its findings regarding the implementation of, and experience under, basic reading programs, together with any recommendations for any adjustments

in the program, to the Legislature at each regular session. This report and the report required pursuant to Section 12848 may be consolidated into a single annual report.

SEC. 3. Section 5780.2 of the Education Code is repealed.

SEC. 4. Section 9240 of the Education Code is amended to read:

9240. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:

(a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.

(b) The role and contributions of American Indians, American Negroes, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups to the total development of California and the United States.

(c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

SEC. 5. Section 12823 of the Education Code is amended to read:

12823. The State Board of Education shall:

(a) Require a testing program in all school districts.

(b) Require the Department of Education to submit and recommend achievement tests to the State Board of Education for approval and adoption. The adopted tests shall be printed or purchased and distributed to the various school districts in the state by the Department of Education.

(c) The State Board of Education shall develop a testing method that will obtain an accurate estimate of statewide performance, school district performance, and school performance of pupils in grades 6 and 12, in basic skills courses.

Under such a testing method, the Department of Education shall annually require that each district administer a statewide test to all pupils in grades 6 and 12. The department shall determine whether pupils in a given school shall be administered the entire test or whether the pupils shall be administered a portion of the test which will be representative of all the test objectives, goals, or categories of items on the entire test.

The procedure required by this section shall be implemented not later than the 1975–76 school year.

(d) Designate the physical performance test to be used during the ensuing school year.

(e) Adopt regulations for the conduct and administration of the testing program.

SEC. 6. Section 12826 of the Education Code is amended to read:

12826. The governing board of each school district shall submit all answer sheets for the achievement tests administered pursuant to this article on a per-school basis to the Department of Education for scoring.

The districtwide results of the testing program, but not the score or relative position of individual pupils, shall be reported to the

governing board of the district at least once a year at a regularly scheduled meeting.

SEC. 7. Section 12831 of the Education Code is repealed.

CHAPTER 749

An act to add Section 71040.5 to the Government Code, relating to courts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 71040.5 is added to the Government Code, to read:

71040.5. In the event that the board of supervisors of Madera County consolidates the Madera Judicial District and the Sierra Judicial District into the same district, any justice court established in the consolidated district shall have two judges. The judges shall be selected as otherwise provided by law.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 750

An act to amend Section 14017 of the Penal Code, relating to crimes.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 14017 of the Penal Code is amended to read:

14017. The existence of the foundation shall terminate on the 31st of December, 1976.

CHAPTER 751

An act to amend Section 6880.48 of, and to add Section 6880.54 to, the Education Code, relating to development centers for handicapped pupils.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6880.48 of the Education Code is amended to read:

6880.48. The governing board of any school district, or any county superintendent of schools, may provide for the transportation of pupils between their homes and the center attended by them as provided by a school district, or may make payments to parents or guardians for providing transportation.

The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools an amount equal to the current expense of transporting severely handicapped pupils or making payments to parents or guardians for such purpose, but not to exceed the cost of six hundred seventy-five dollars ($675), for each unit of average daily attendance in a center per year resulting from the attendance of such pupils transported between home and the center. Average daily attendance as used herein shall be determined on the basis of 230 days per year.

SEC. 2. Section 6880.54 is added to the Education Code, to read:

6880.54. Whenever a school district governing board or county superintendent of schools is required to close temporarily a development center maintained under this chapter, because of fire, flood, epidemic, an order described in Section 17553, or other emergency, the Superintendent of Public Instruction shall determine the approximate amounts of state funds which would have been earned under Section 6880.14 by the school district or county superintendent for the period involved if there had been no closure. The amount so determined shall be granted to the school district or county superintendent of schools provided that the fact of such closure has been established to the satisfaction of the Superintendent of Public Instruction by the affidavits of the county superintendent of schools or of the members of the governing board of any such school district involved.

CHAPTER 752

An act to add Section 353.5 to the Code of Civil Procedure, to amend Sections 851, 7601, and 11200 of the Financial Code, and to amend Sections 202, 203, 204, 205 and 1240 of, and to add Article 3 (commencing with Section 650) to Chapter 10 of Division 3 of, the Probate Code, relating to probate.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 353.5 is added to the Code of Civil Procedure, to read:

353.5. If a person against whom an action may be brought dies before the expiration of the statute of limitations for the commencement of the action and the cause of action survives, an action against the surviving spouse of the person which is brought pursuant to subdivision (b) of Section 205 of the Probate Code may be commenced within four months after the death of the person or before the expiration of the statute of limitations which would have been applicable to the cause of action against the person if the person had not died, whichever occurs later.

SEC. 2. Section 851 of the Financial Code is amended to read:

851. A bank account by or in the name of a married person shall be held for the exclusive right and benefit of the person, shall be free from the control or lien of any other person except a creditor, and shall be paid to the person or to the order of the person, and payment so made is a valid and sufficient release and discharge to the bank for the deposit or any part thereof.

SEC. 3. Section 7601 of the Financial Code is amended to read:

7601. Associations may issue shares and investment certificates to or in the name of a married person and receive payments thereon by or for the person. Shares or certificates issued to or in the name of a married person are held by the person for the exclusive right and benefit of the person, free from the control or lien of all other persons except creditors. Shares or certificates issued in the name of a married person may be withdrawn by and the dividends or interest accruing thereon may be paid to the person and the receipt or acquittance of the person is a valid and sufficient release and discharge of the association for the withdrawals or payments.

SEC. 4. Section 11200 of the Financial Code is amended to read:

11200. Shares or share accounts of a federal savings and loan association may be purchased by minors or married persons, and when so purchased the shares or share accounts are held for the exclusive right and benefit of the married person or minor, free from the control or lien of all other persons, except creditors. The receipt or acquittance of a married person or minor is a valid and sufficient release and discharge of the association for any payment or delivery

to that person on account of their shares or share accounts.

SEC. 5. Section 202 of the Probate Code, as added by Chapter 11 of the Statutes of 1974, is amended to read:

202. (a) Except as provided in Section 204, when a husband or wife dies intestate, or dies testate and by his or her will confirms, bequeaths or devises all or a part of his or her interest in the community property to the surviving spouse, it passes to the survivor subject to the provisions of Sections 203 and 205, and no administration thereon shall be necessary.

(b) Notwithstanding subdivision (a), a surviving spouse may file a petition for probate of the will or for administration of the estate of the deceased spouse under Division 3 (commencing with Section 300).

SEC. 6. Section 203 of the Probate Code, as amended by Chapter 11 of the Statutes of 1974, is amended to read:

203. After 40 days from the death of a spouse, the surviving spouse shall have full power to sell, lease, mortgage or otherwise deal with and dispose of an interest in the community real property, if the record title stands in the name of the surviving spouse or the surviving spouse and any other person other than the deceased spouse, unless a notice is recorded in the county in which the property is situated to the effect that an interest in the property is claimed by another under the will of the deceased spouse. The notice must also (1) describe the property in which an interest is claimed, and (2) set forth the name or names of the owner or owners of the record title to the property. There shall be endorsed on the notice instructions that it shall be indexed by the recorder in the name or names of the owner or owners of the record title to the property, as grantor or grantors, and in the name of the person claiming an interest in the property, as grantee.

SEC. 7. Section 204 of the Probate Code, as added by Chapter 11 of the Statutes of 1974, is amended to read:

204. When a deceased spouse disposes by will of all or part of his or her interest in the community property to someone other than the surviving spouse or when the will of a deceased spouse contains a trust, that part of the interest of the deceased spouse in the community property disposed to someone other than the surviving spouse and that part disposed in trust shall be subject to administration under Division 3 (commencing with Section 300).

SEC. 8. Section 205 of the Probate Code, as added by Chapter 11 of the Statutes of 1974, is amended to read:

205. (a) The community property is liable for all valid and enforceable debts existing at the time of dissolution of marriage by death as are chargeable against the community property by the provisions of Title 8 (commencing with Section 5100) of Part 5 of the Civil Code. In the absence of an order allocating the debts under Section 656, the debts shall be chargeable proportionately against (1) the interest of the surviving spouse in the community property and (2) the interest of the deceased spouse in the community property

passing without administration and the interest of the deceased spouse in any separate property, community property, and quasi-community property which is subject to administration.

(b) The surviving spouse is personally liable for the unsecured debts of the deceased spouse to the extent of the value of the interest of the deceased spouse in the community property passing to the surviving spouse without administration. The debts may be enforced against the surviving spouse in the same manner as they could have been enforced against the deceased spouse if the deceased spouse had not died. Upon any sale or encumbrance by the surviving spouse of any community property passing to the surviving spouse pursuant to an order confirming that the community property is community property passing to the surviving spouse pursuant to Article 3 (commencing with Section 650) of Chapter 10 of Division 3, the community property shall not be subject to administration in the estate of the deceased spouse for any purpose.

SEC. 9. Article 3 (commencing with Section 650) is added to Chapter 10 of Division 3 of the Probate Code, to read:

Article 3. Confirmation of Community Property

650. A surviving spouse may file a petition in the superior court in the county in which the estate of the deceased spouse may be administered alleging that administration of all or a portion of the estate is not necessary for the reason that all or a portion of the estate is community property passing to the surviving spouse. The petition shall be verified and shall set forth the following information:

(1) The names, ages, and places of residence of the heirs, devisees, and legatees of the deceased spouse, the names and residences of all persons named as executors of the will of the deceased spouse, and the names and residences of all persons appointed as executors of the will or administrators of the estate of the deceased spouse, which are known to the petitioner.

(2) A description of the property of the estate which the petitioner alleges is community property passing to the surviving spouse, including the name of any community property business which the deceased spouse was operating or managing at the time of death.

(3) The facts upon which the petitioner bases the allegation that all or a portion of the estate of the deceased spouse is community property passing to the surviving spouse.

651. At any time within a period of 120 days after the death of a deceased spouse, any other person interested in the estate of the deceased spouse may file a petition in the superior court in which the estate of the deceased spouse may be administered alleging that administration of all or a portion of the estate is necessary for the reason that all or a portion of the estate is not community property passing to the surviving spouse. The petition shall be verified and shall set forth the following information:

(1) The names, ages, and places of residence of the surviving spouse, heirs, devisees, and legatees of the deceased spouse, the names and residences of all persons named as executors of the will of the deceased spouse, and the names and residences of all persons appointed as executors of the will or administrators of the estate of the deceased person, which are known to the petitioner.

(2) A description of the property of the estate which the petitioner alleges is not community property passing to the surviving spouse, including the name of any community property business which the deceased spouse was operating or managing at the time of death.

(3) The facts upon which the petitioner bases the allegation that all or a portion of the estate of the deceased spouse is not community property passing to the surviving spouse.

652. If proceedings for the administration of the estate of a deceased spouse are pending, a petition described in Section 650 or 651 may be filed in the proceedings without the payment of an additional fee by the petitioner or personal representative. If such proceedings are not pending, the petition shall be included in a verified petition for probate of the will or for administration of the estate.

653. If a petition described in Section 650 or 651 is included in a petition for probate of the will, notice of the hearing on the petition shall be given in the manner prescribed by Sections 327 and 328 and shall be included in the notice required by the sections. If the petition is included in a petition for administration of the estate, notice of the hearing on the petition shall be given in the manner prescribed by Section 441 and shall be included in the notice required by the section. Notice of the hearing on the petition for probate of the will or for administration of the estate shall be given at least 30 days prior to the date of the hearing on the petition.

654. If proceedings for the administration of the estate of a deceased spouse are pending at the time a petition described in Section 650 or 651 is filed, the clerk shall set the petition for hearing and give notice of the hearing for the period and in the manner prescribed by Section 1200. At least 30 days prior to the date of the hearing on the petition, a notice of the hearing and a copy of the petition shall be personally served upon the following persons by the petitioner or mailed, postage prepaid, by the petitioner to the following persons, addressed to the addresses given in their requests for special notice or notice of appearance, the addresses of their offices or places of residence, or, if neither of these addresses are known, the county seat of the county in which the proceedings are pending:

(1) Any personal representative who is not the petitioner.

(2) All legatees, devisees, and known heirs of the deceased spouse.

(3) All persons or their attorneys who have requested special notice pursuant to Section 1202.

(4) All persons or their attorneys who have given notice of

appearance.

655. (a) If the court finds that all of the property is community property passing to the surviving spouse, it shall issue an order describing the property, confirming that the property is community property passing to the surviving spouse, and determining that no administration is necessary. If the petition described in Section 650 or 651 was included in a petition for probate of the will or for administration of the estate, the court shall dismiss the petition for probate of the will or for administration of the estate.

(b) If the court finds that all or a portion of the property is not community property passing to the surviving spouse, it shall issue an order describing any property which is community property passing to the surviving spouse, confirming that the property passes to the surviving spouse, and determining that no administration of the property is necessary. It shall (1) issue an order directing that administration of the property which is not community property passing to the surviving spouse shall proceed under this division and (2) issue letters testamentary or of administration.

(c) Upon becoming final, an order confirming that property is community property passing to the surviving spouse shall be conclusive on all persons interested in the estate, whether or not they are in being.

656. (a) In any case in which the court finds that all or a portion of the property is not community property passing to the surviving spouse, it may do either or both of the following in order to give effect to the will of the deceased spouse:

(1) Allocate any debts and inheritance and estate taxes between the property which is community property passing to the surviving spouse and the property which is not community property passing to the surviving spouse.

(2) Provide for the abatement or ademption of devises and legacies.

(b) In any case in which the court finds that all or a portion of the community property passing to the surviving spouse consists of a business or an interest in a business which the deceased spouse was operating or managing at the time of death, it shall require the surviving spouse to file a list of all of the known creditors of the business and the amount owing to each of them. The court may issue any orders necessary to protect the interests of the creditors of the business, including the filing of an undertaking.

657. (a) Upon the filing of any petition pursuant to this article, the court shall immediately appoint one inheritance tax referee who shall appraise the property described in the petition in the same manner provided in Section 605 and file an inheritance tax report or certification that no tax is due with the clerk of the court.

(b) The court shall not issue an order pursuant to Section 655 until a period of 60 days has elapsed since information was furnished to the referee as required by law. If the referee files a notice at least 10 days before the expiration of the period stating that the information

furnished is insufficient to make an inheritance tax determination or that the referee contests the characterization of the property as community property passing to the surviving spouse, the court shall not issue the order. The clerk shall set the matter for hearing and give notice of the hearing for the period and in the manner prescribed by Section 1200. At least 10 days before the hearing, the petitioner shall give notice of the hearing in the manner prescribed by Section 654. After hearing the matter, the court may issue any order which it deems just and equitable.

(c) Any inheritance tax which becomes payable by reason of the transfer of any property described in a petition filed pursuant to this article shall be paid before any order may be entered pursuant to this article.

658. (a) The compensation of a personal representative under Section 901 shall be based solely upon that portion of the estate accounted for which consists of property which is not community property passing to the surviving spouse if a petition has been filed pursuant to Section 650 or 651 prior to the issuance of letters testamentary or of administration. An attorney may charge a reasonable fee in representing any person filing a petition under Section 650 or 651, subject to approval by the court.

(b) If the court issues an order pursuant to subdivision (a) of Section 655 after a hearing on a petition filed pursuant to Section 651, it shall order the person filing the petition to pay any expenses of the surviving spouse incurred in the proceedings, including reasonable attorney's fees.

659. A surviving spouse who files a petition under Section 650 may request that the court confirm the interest of the surviving spouse in the property which is described in the petition. The request shall be stated in the petition. If a petition is filed pursuant to Section 651, the surviving spouse may file a verified written request that the court confirm the interest of the surviving spouse in the property which is described in the petition. If the court finds that the surviving spouse has an interest in the property, it shall confirm that interest in any order which it issues pursuant to Section 655.

SEC. 10. Section 1240 of the Probate Code is amended to read:

1240. An appeal may be taken from an order granting or revoking letters testamentary or of administration; removing or refusing to remove a trustee of a testamentary trust; admitting a will to probate or revoking the probate thereof; setting aside an estate claimed not to exceed five thousand dollars ($5,000) in value; setting apart property as a homestead or claimed to be exempt from execution; confirming a report of an appraiser or appraisers in setting apart a homestead; granting or modifying a family allowance; directing or authorizing the sale or conveyance or confirming the sale of property; adjudicating the merits of any claim under Sections 851.5, 852 or 853; settling an account of an executor or administrator or trustee, or instructing or appointing a trustee; instructing or directing an executor or adminstrator; directing or allowing the

payment of a debt, claim, legacy or attorney's fee; fixing, directing or allowing payment of a trustee's compensation; determining heirship or the persons to whom distribution should be made or trust property should pass; distributing property; confirming that property is community property passing to the surviving spouse pursuant to Section 655; refusing to make any order heretofore mentioned in this section; fixing an inheritance tax or determining that none is due; or authorizing a personal representative to invest or reinvest any surplus moneys pursuant to Section 584.5.

SEC. 11. This act shall apply to the estates of persons dying on or after January 1, 1975.

CHAPTER 753

An act to add Section 1712 to the Streets and Highways Code, relating to bicycle routes.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1712 is added to the Streets and Highways Code, to read:

1712. (a) A county and a city or cities may join in the acquisition of rights-of-way, construction, maintenance, improvement, or repair of bicycle routes or paths, or portions thereof, located within or without any such city or cities.

(b) The cost or expense thereof shall be apportioned among the county and the city or cities as the legislative bodies thereof determine by agreement.

(c) The authority and responsibility for such acquisition and work shall vest in the county or in the city or cities, or in both, as provided in the agreement apportioning the cost or expense thereof.

(d) This section shall have no application in the County of Los Angeles until such time as the county, and a city or cities therein, plan a system of bicycle routes or paths that includes a minimum of 100 miles of such routes or paths in that region commonly known as the San Fernando Valley.

CHAPTER 754

An act to amend Sections 25540.5 and 25541 of, to add Section 20601.5 to, to add Article 1.5 (commencing with Section 20611) to Chapter 2, Division 16 of, and to repeal Sections 20932, 20933, 20934, and 25542.5 of, the Education Code, relating to community colleges.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 20601.5 is added to the Education Code, to read:

20601.5. The provisions of this article do not apply to community colleges.

SEC. 2. Article 1.5 (commencing with Section 20611) is added to Chapter 2 of Division 16 of the Education Code, to read:

Article 1.5. Budget Requirements of Community Colleges

20611. As used in this article, "budget" includes the preliminary budget, the tentative budget and the adopted budget of a community college district.

20612. The adopted annual financial and budget report of a community college district shall show, as specified by the office of the Chancellor of California Community Colleges, a statement of the proposed expenditures and of the estimated revenues for the ensuing fiscal year, together with a comparison of each item of revenue and expenditures, with the actual revenues and expenditures of the fiscal year just completed. The tentative as well as the publication annual financial and budget reports may show estimated where actual figures cannot be determined at the time.

The county superintendent of schools shall from his own records supply to the community college district any information that it may need to make the comparisons required by this section.

20613. Each annual financial and budget report shall be made in quintuplicate as the form is prescribed by the office of the Chancellor of the California Community Colleges. Standard forms shall be prepared to show the budgeting items and comparisons required by this article.

20614. (a) On or before the first day of July in each year, each community college district shall file a tentative budget with the county superintendent of schools.

(b) On or before July 15, in each year, the county superintendent of schools:

(1) Shall examine and may make technical corrections to the tentative budget, and indicate changes he deems desirable or necessary to determine the tax requirement; and

(2) Shall make any recommendations he deems necessary to insure that the proposed expenditures do not exceed the anticipated revenues and that the anticipated revenues are realistic, and shall transmit to the governing board of the community college district a written explanation of the reasons for such changes.

(c) On or before July 20 in each year, the governing board shall make such changes in the tentative budget as it deems necessary or desirable and shall return the budget to the county superintendent

of schools. Such budget shall constitute the publication budget for the period to which it is intended to apply. A copy of this publication district budget shall be sent to the county auditor in such form.

(d) On or before the eighth day of August, the governing board of each community college district shall adopt a final budget and shall file such budget with the county superintendent of schools, the county auditor, the county board of supervisors, and the Chancellor of the California Community Colleges.

(e) On or before the 15th day of August, the county superintendent shall approve the adopted budget for each community college district as officially adopted and submitted by its governing board, and shall file one copy of the adopted budget of each community college district with the board of supervisors, one copy with the auditor of his county, and one copy with the office of the Chancellor of the California Community Colleges, together with a statement showing the amount of community college district taxes required by each community college district of the county.

20615. If the governing board of any community college district neglects or refuses to make a community college district budget as prescribed by the office of the Chancellor of the California Community Colleges, the county superintendent of schools may not make any apportionment of state or county money to the particular community college district for the current community college fiscal year.

SEC. 3. Section 20932 of the Education Code is repealed.

SEC. 4. Section 20933 of the Education Code is repealed.

SEC. 5. Section 20934 of the Education Code is repealed.

SEC. 6. Section 25540.5 of the Education Code is amended to read:

25540.5. The Board of Governors of the California Community Colleges shall provide for a uniform system of accounting for all community colleges and shall by rule and regulation define and establish methods for accounting for revenues and expenses for community college purposes.

SEC. 7. Section 25541 of the Education Code is amended to read:

25541. The governing board of each community college district shall report annually the revenues and expenses of the district in accordance with rules and regulations of the Board of Governors of the California Community Colleges and on forms furnished by the office of the Chancellor of the California Community Colleges.

SEC. 8. Section 25542.5 of the Education Code is repealed.

CHAPTER 755

An act to add Section 1258 to the Health and Safety Code, relating to sterilization operations.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1258 is added to the Health and Safety Code, to read:

1258. No health facility which permits sterilization operations for contraceptive purposes to be performed therein, nor the medical staff of such health facility, shall require the individual upon whom such a sterilization operation is to be performed to meet any special nonmedical qualifications, which are not imposed on individuals seeking other types of operations in the health facility. Such prohibited nonmedical qualifications shall include, but not be limited to, age, marital status, and number of natural children.

Nothing in this section shall prohibit requirements relating to the physical or mental condition of the individual or affect the right of the attending physician to counsel or advise his patient as to whether or not sterilization is appropriate. This section shall not affect existing law with respect to individuals below the age of majority.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 756

An act to amend Sections 9126, 9127, 9128, 9160, 9163, and 9220 of, and to add Sections 9105 and 9132 to, the Business and Professions Code, relating to construction inspectors.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 9105 is added to the Business and Professions Code, to read:

9105. This chapter shall not apply to any architect, structural engineer, civil engineer, land surveyor, mechanical engineer, engineering geologist, or electrical engineer, who holds a valid certificate of registration in this state, insofar as he is practicing

within the provisions of the law under which he is registered, except that such person shall not use the title or term "registered inspector" unless registered under the provisions of this chapter.

SEC. 1.5. Section 9126 of the Business and Professions Code is amended to read:

9126. The board may, by regulation, establish specialties of construction inspection, taking into consideration existing specialties and categories used by existing political subdivisions throughout the state.

SEC. 2. Section 9127 of the Business and Professions Code is amended to read:

9127. The board may register a construction inspector in any of the divisions and specialties of construction inspection provided in Sections 9125 and 9126. An applicant for registration as a registered construction inspector shall be qualified in each of the divisions and specialties for which he applies, to the extent that the board shall, by regulation, require. Nothing in this section shall prohibit a person from being registered in one or more of the divisions and specialties provided by Sections 9125 and 9126.

SEC. 2.5. Section 9128 of the Business and Professions Code is amended to read:

9128. The board may appoint such committees as are necessary to perform duties as the board may direct.

Membership on all such committees is at the pleasure of the board.

No member of any such committee shall receive any compensation other than his necessary expenses, as approved by the board, connected with the performance of his duties as a member of any such committee.

SEC. 3. Section 9132 is added to the Business and Professions Code, to read:

9132. Each member of the board shall receive a per diem and expenses as provided in Section 103.

SEC. 4. Section 9160 of the Business and Professions Code is amended to read:

9160. Subject to the rules and regulations governing examinations, a candidate for registration as a construction inspector in any one or more of the divisions or specialties of construction inspection established by this chapter or by the board shall be entitled to an examination for each registration if he meets the qualifications prescribed by this article. Before taking this examination, he shall file his application therefor with the secretary and pay the application fee fixed by this chapter.

SEC. 5. Section 9163 of the Business and Professions Code is amended to read:

9163. Applicants who desire to be registered in more than one division or specialty within each division of construction inspection shall be required to file an application for each division.

SEC. 6. Section 9220 of the Business and Professions Code is amended to read:

9220. The board shall set fees as prescribed by the following schedule:

(a) The fee for filing each application for registration as a registered construction inspector shall be not less than twenty dollars ($20) nor more than forty dollars ($40) for each division or specialty within each division.

(b) The registration fee for registered construction inspector shall be not less than twenty-eight dollars ($28) for each division or specialty within each division.

(c) The duplicate certificate fee shall not be less than five dollars ($5) nor more than ten dollars ($10).

(d) The temporary registration fee for registered construction inspector shall not be less than fifty dollars ($50) nor more than one hundred dollars ($100).

(e) The renewal fee for a registered construction inspector shall be fixed by the board at not more than forty dollars ($40) nor less than twenty-eight dollars ($28) for each division of registered inspection in which registration is held.

(f) The penalty for delinquency of the renewal fee is ten dollars ($10).

(g) The fee for reinstatement of a suspended certificate is ten dollars ($10).

CHAPTER 757

An act to add Section 14695.1 to the Education Code, relating to school district retirement plans.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 14695.1 is added to the Education Code, to read:

14695.1. The governing board may provide that members of the annuity reserve fund board be paid fifty dollars ($50) for each meeting, not to exceed one meeting each month, when they are not being paid by the governing board for any other assignment at the time of the meeting. The compensation shall be a charge against the annuity reserve fund.

CHAPTER 758

An act to amend Section 10 of Chapter 799 of the Statutes of 1973 to provide for the disposition and leasing of property by the Director of General Services, and making an appropriation therefor.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10 of Chapter 799 of the Statutes of 1973 is amended to read:

Sec. 10. As to any property conveyed pursuant to this act containing 10 acres or less, the Director of General Services may except and reserve in the state all geothermal resources and all deposits of minerals, including oil and gas, below a depth of 500 feet, without surface rights of entry. As to any property conveyed containing more than 10 acres, the Director of General Services shall except and reserve in the state all geothermal resources and all deposits of minerals, including oil and gas, together with the right to prospect for, mine and remove such resources and deposits. Such rights to prospect for, mine and remove shall be limited to those areas of the property conveyed which the director determines to be reasonably necessary for the removal of such resources and deposits.

SEC. 2. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to sell, exchange, or lease for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of the following real property:

Parcel 1. Approximately 1 acre of land near Comptche Road, easterly of Mendocino, being the former Mathison Peak Lookout in Mendocino County.

Parcel 2. Approximately 400 acres of land, off of State Highway 67, southwest of Ramona, being a portion of the Division of Forestry's Mt. Woodson property in San Diego County.

Parcel 3. Approximately 38 acres of land on Los Gatos Canyon Road, west of Coalinga, being the former Joaquin Murrietta Forest Fire Station in Fresno County.

Parcel 4. Approximately 4 acres of land at the rear of 1234 Shaw Avenue, being a portion of Forestry's District IV Headquarters in Fresno, Fresno County.

Parcel 5. Approximately 185 acres of land at 3100 Meadowview Road, being a portion of the California Highway Patrol Academy in Sacramento, Sacramento County.

Parcel 6. Approximately 7600 square feet of land located on the east side of 11th Street, north of Lancaster, obtained from the Estate of Edna Orendorf of Los Angeles County.

Parcel 7. Approximately 1.27 acres of land at the northeast

corner of College Avenue and Interstate 8, being a portion of the campus of the California State University, San Diego, San Diego County.

Parcel 8. Approximately 3 acres of land on Green Valley Road, north of Folsom, being a portion of the Folsom State Prison in Sacramento County.

Parcel 9. Approximately 3.67 acres of land being formerly the Sacramento Northern Railroad Right-of-Way lying within the Durham State Land Settlement near Durham in Butte County.

SEC. 3. Notice of every public auction or bid opening shall be posted on the property to be sold and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated. All parcels in this act shall be exempt from the provisions of Sections 21100 to 21108, inclusive, of the Public Resources Code.

SEC. 4. Any moneys received from the disposition of any parcel shall be paid into the General Fund, except that any moneys received from the disposition of Parcel 5 shall be paid into the Motor Vehicle Fund.

SEC. 5. Any cost or expense incurred in the disposition of any parcel may be reimbursed from the proceeds of such disposition.

SEC. 6. As to any property conveyed pursuant to this act containing 10 acres or less, the Director of General Services may except and reserve in the state all geothermal resources and all deposits of minerals, including oil and gas, below a depth of 500 feet, without surface rights of entry. As to any property conveyed containing more than 10 acres, the Director of General Services shall except and reserve in the state all geothermal resources and all deposits of minerals, including oil and gas, together with the right to prospect for, mine and remove such resources and deposits. Such rights to prospect for, mine and remove shall be limited to those areas of the property conveyed which the director determines to be reasonably necessary for the removal of such resources and deposits.

SEC. 7. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to convey 18,730 square feet of state-owned land at the southeast corner of Golden Gate and Larkin Streets in San Francisco to the University of California, Hastings College of Law, upon such terms and conditions and for such consideration as in his opinion may be for the best interest of the state.

SEC. 8. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to exchange on such terms and conditions as he deems to be in the best interest of the state approximately 1,437 square feet of land for privately owned lands for the purpose of realigning the boundaries of Fortuna Ranger Unit Headquarters.

SEC. 9. The Director of the Department of General Services, with the approval of the Director of Parks and Recreation and the State Public Works Board, is hereby authorized to convey 1.24 acres

being a portion of state-owned land at the intersection of Hessler Drive and Ford Street, in the town of Mendocino, County of Mendocino, upon such terms and conditions and for such consideration as in his opinion may be for the best interest of the state.

CHAPTER 759

An act to amend Section 202.7 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 202.7 of the Revenue and Taxation Code is amended to read:

202.7. Personal property owned or used by student governments of the University of California or by nonprofit corporations operating student book stores of colleges affiliated with the University of California is, for purposes of this section, deemed property belonging to this state and shall be exempt from taxation.

SEC. 2. The Legislature finds and declares that the exemption granted by this act is a clarification of existing law. Therefore, notwithstanding Section 2229 of the Revenue and Taxation Code, no obligation is created by reason of Section 1 of this act for the reimbursement of local agencies for any loss of property tax revenues.

CHAPTER 760

An act to add Section 22522 to the Vehicle Code, relating to vehicles

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows.

SECTION 1. Section 22522 is added to the Vehicle Code, to read:

22522. No person shall park a vehicle within three feet of any sidewalk access ramp constructed adjacent to a crosswalk so as to be accessible to and usable by the physically handicapped.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because

the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant, identifiable cost changes.

CHAPTER 761

An act to amend Sections 12772, 12841, 12898, 13211, and 13623 of, and to add Section 12337.5 to, the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12337.5 is added to the Public Utilities Code, to read:

12337.5. Notwithstanding the provisions of Section 12337, the retirement board may comply with and give effect to a revocable written authorization signed by a retired member or beneficiary of a retired member entitled to a retirement allowance or benefit under this chapter, authorizing the district to deduct appropriate amounts from the retirement allowance or benefit payable to any such retired member or beneficiary of a retired member for the purpose of paying premiums of any group medical or hospital service plan, or both, approved by the district, for the benefit of such retired member or his dependents, or for the payment of personal income taxes to the Government of the United States or of the State of California.

SEC. 2. Section 12772 of the Public Utilities Code is amended to read:

12772. Whenever the board by resolution determines that any record, map, book, or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition. Nothing in this section shall prevent the board from establishing procedures whereby categories of original records, maps, books, or papers designated by the board as having further value may be destroyed without further approval by the board if all of the following conditions are complied with:

(a) The records, maps, books, or papers are photographed, microphotographed, or reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards.

(b) The device used to reproduce such records, maps, books, or papers on film is one which accurately and legibly reproduces the

original thereof in all details.

(c) The photographs, microphotographs, or other reproductions on film are made as accessible for public reference as were the records, maps, books, or papers.

(d) A true copy of archival quality of such film reproductions shall be kept in a safe and separate place for security purposes.

No page of any records, maps, books, or papers shall be destroyed pursuant to such procedures if any such page cannot be reproduced on film with full legibility. Every such unreproducible page shall be permanently preserved in a manner that will afford easy reference.

SEC. 3. Section 12841 of the Public Utilities Code as amended to read:

12841. A district may borrow money and incur indebtedness, and may issue bonds or other evidences of indebtedness. No indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of two-thirds of the voters voting on the proposition to incur such indebtedness except as follows:

(a) A further vote of the voters is not required for any indebtedness heretofore or hereafter incurred within the purposes and not exceeding the available amount of any previously authorized bond issue, and as to such indebtedness the proceeds of any of the bonds unexpended in the treasury of the district, or the par value of any of the bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of the district.

(b) Any district operating a utility under rules requiring applicants for extensions to advance the expenses of such extensions and facilities for serving additional territory may enter into agreements to refund to the applicants in a subsequent year the whole or any part of the expenses so advanced, and the refunds may be paid out of the revenues of subsequent years.

SEC. 4. Section 12898 of the Public Utilities Code is amended to read:

12898. In such case the county auditor shall, on or before August 15th of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 12897 as equalized.

SEC. 5. Section 13211 of the Public Utilities Code is amended to read:

13211. The votes of two-thirds of all the voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter.

SEC. 6. Section 13623 of the Public Utilities Code is amended to read:

13623. The favorable vote of two-thirds of all the voters within the special district voting on the proposition is required to authorize the issuance of the bonds.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this

section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local agencies by this act are incurred as part of their normal operating procedures.

CHAPTER 762

An act to amend Section 23605 of the Elections Code, relating to recall.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 23605 of the Elections Code is amended to read:

23605. A notice of intention shall not be published, posted, or filed to recall any officer if either:

(a) He has not held office for six months.

(b) A recall election has been determined in his favor within six months.

CHAPTER 763

An act to amend Sections 12640.02 and 12640.09 of the Insurance Code, relating to mortgage guaranty insurance.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12640.02 of the Insurance Code is amended to read:

12640.02. The definitions set forth in this article shall govern the construction of the terms used in this chapter but shall not affect any other provisions of this code.

(a) "Mortgage guaranty insurance" means:

(1) Insurance against financial loss by reason of nonpayment of principal, interest, and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, provided the improvement on such real estate is a residential building or buildings designed for occupancy by not more than four families.

(2) Insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms

of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, provided the improvement on such real estate is a building or buildings designed for occupancy by five or more families or designed to be occupied for industrial or commercial purposes.

(3) Insurance against financial loss by reason of nonpayment of rent and other sums agreed to be paid under the terms of a written lease for the possession, use or occupancy of real estate, provided the improvement on such real estate is a building or buildings designed to be occupied for industrial or commercial purposes.

(b) "Authorized real estate security" for the purposes of this chapter means an amortized note, bond or other evidence of indebtedness, not exceeding 95 percent of the fair market value of the real estate, secured by a mortgage, deed of trust, or other instrument constituting a first lien or charge on real estate; provided:

(1) The real estate loan secured in such manner is one which a bank, savings and loan association, or an insurance company, which is supervised and regulated by a department of this state or an agency of the federal government, is authorized to make, or would be authorized to make, disregarding any requirement applicable to such an institution that the amount of the loan not exceed a certain percentage of the value of the real estate.

(2) The improvement on such real estate is a building or buildings designed for occupancy as specified by paragraphs (1) and (2) of subdivision (a) of this section.

(3) The lien on such real estate may be subject and subordinate to the following:

(i) The lien of any public bond, assessment, or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent.

(ii) Outstanding mineral, oil or timber rights, rights-of-way, easements or rights-of-way or support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

(c) "Contingency reserve" means an additional premium reserve established for the protection of policyholders against the effect of adverse economic cycles.

(d) "Policyholders surplus" means the aggregate of capital, surplus and contingency reserve.

SEC. 2. Section 12640.09 of the Insurance Code is amended to read:

12640.09. (a) A mortgage guaranty insurer shall limit its coverage for the class of insurance defined in paragraphs (1) and (2) of subdivision (a) of Section 12640.02 to a maximum of a net of 25 percent at risk of the entire indebtedness to the insured, or in lieu thereof, a mortgage guaranty insurer may elect to pay the entire indebtedness to the insured and acquire title to the authorized real

estate security.

(b) Notwithstanding subdivision (a), a mortgage guaranty insurer may extend its coverage for the class of insurance defined in paragraphs (1) and (2) of subdivision (a) of Section 12640.02 beyond the limit established by subdivision (a) of this section, provided such excess is insured by a contract of reinsurance.

(c) Notwithstanding any provision of law to the contrary, a mortgage guaranty insurer may, by contract, reinsure any insurance it transacts.

SEC. 3. The amendment of Section 12640.02 of the Insurance Code by this act does not constitute a change in, but is declaratory of, the existing law, and is intended to clarify and restate the law governing the issuance of mortgage guaranty insurance.

CHAPTER 764

An act to amend, add, and repeal Section 99400 of the Public Utilities Code, relating to transit.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 99400 of the Public Utilities Code is amended to read:

99400. Claims may be filed with the transportation planning agency by cities and counties under this article for the following purposes:

(a) Local streets and roads, including facilities provided for the exclusive use by pedestrians and bicycles.

(b) Payments to the National Railroad Passenger Corporation for passenger rail service under Section 403(b) of the Federal Rail Passenger Service Act.

(c) Payments to a common carrier, as defined in Section 211, engaged in the transportation of persons, as defined in Section 208, for public transportation service provided under contract with a county with a population of under 300,000, or a city therein, and conducted pursuant to the jurisdiction and control of the Public Utilities Commission.

This section shall remain in effect only until January 1, 1979, and as of that date is repealed.

SEC. 2. Section 99400 is added to the Public Utilities Code, to read:

99400. Claims may be filed with the transportation planning agency by cities and counties under this article for the following purposes:

(a) Local streets and roads, including facilities provided for the

exclusive use by pedestrians and bicycles.

(b) Payments to the National Railroad Passenger Corporation for passenger rail service under Section 403(b) of the Federal Rail Passenger Service Act.

This section shall become operative on January 1, 1979.

SEC. 3. It is the intent of the Legislature that the amendments to Section 99400 of the Public Utilities Code which are made by Section 1 of this act shall remain in effect only until January 1, 1979, and on that date Section 2 of this act shall become operative to restore Section 99400 to the form in which it read on December 31, 1974.

CHAPTER 765

An act to amend Sections 3104, 3200, 3214, 3225, 3226, 3234, 3235, 3237, 3310, 3311, 3332, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, and 3359 of, to amend and renumber Section 3015 of, to add Section 3100 to, and to repeal Section 3014 of, and Article 3 (commencing with Section 3150) of Chapter 1 of Division 3 of, the Public Resources Code, relating to oil and gas.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3014 of the Public Resources Code is repealed.

SEC. 2. Section 3015 of the Public Resources Code is amended and renumbered to read:

3014. "District" means an oil and gas district as provided for in Section 3100.

SEC. 3. Section 3100 is added to the Public Resources Code, to read:

3100. For the purposes of this chapter, the state is divided into six districts, the boundaries of which shall be fixed by the director.

SEC. 3.5. Section 3104 of the Public Resources Code is amended to read:

3104. Each district deputy shall be a competent engineer or geologist, registered in the state, and experienced in the development and production of oil and gas. At the time any district deputy is appointed, notice of his appointment shall be transmitted in writing to the director.

SEC. 4. Article 3 (commencing with Section 3150) of Chapter 1 of Division 3 of the Public Resources Code is repealed.

SEC. 4.5. Section 3200 of the Public Resources Code is amended to read:

3200. Every owner or operator of any well shall designate an agent, giving his post office address, who resides in this state, upon

whom may be served all orders, notices, and processes of the supervisor or any court of law. Every person so appointing an agent shall, within five days after the termination of any such agency, notify the supervisor, in writing, of such termination, and unless operations are discontinued, shall appoint a new agent.

SEC. 5. Section 3214 of the Public Resources Code is amended to read:

3214. The log shall be kept in the local office of the owner or operator, and, together with the tour reports of the owner or operator, shall be subject, during business hours, to the inspection of the supervisor, the district deputy, or the director, except in the case of a prospect well.

SEC. 6. Section 3225 of the Public Resources Code is amended to read:

3225. Whenever the supervisor or a district deputy, makes or gives any written direction concerning any operations, and the operator, owner, or representative of either, serves written notice, either personally or by mail, addressed to the supervisor, or to the district deputy at his office in the district, requesting that a definite order be made upon such subject, the supervisor or the district deputy shall, within five days after receipt of the notice, deliver a final written order on the subject matter in such manner and form that an appeal therefrom may be taken at once to the director.

SEC. 7. Section 3226 of the Public Resources Code is amended to read:

3226. Within 30 days after service of an order, pursuant to Sections 3224 and 3225, or Section 3237, or if there has been an appeal from the order to the director, within 30 days after service of the decision of the director, or if a review has been taken of the order of the director, within 10 days after affirmance of the order, the owner shall commence in good faith the work ordered and continue it until completion. If the work has not been commenced and continued to completion, the supervisor shall appoint necessary agents who shall enter the premises and perform the work. An accurate account of the expenditures shall be kept, and the amounts shall be paid from the Petroleum and Gas Fund upon the warrant of the State Controller. Any amount so expended shall constitute a lien against the property upon which the work is done.

Notwithstanding any other provisions of Section 3224, 3225, or 3237, if the supervisor determines that an emergency exists, he may order or undertake such actions as he deems necessary to protect life, health, property, or natural resources.

SEC. 8. Section 3234 of the Public Resources Code is amended to read:

3234. The records of any operator, when filed with the district deputy, as provided in this chapter, shall be open to inspection to those authorized in writing by such operators, to the state officers, and to the director. Production reports filed pursuant to Section 3227 shall be open to inspection to the State Board of Equalization or its

duly appointed representatives when making a survey pursuant to Section 1815 of the Revenue and Taxation Code or when valuing state-assessed property pursuant to Section 751 of the Revenue and Taxation Code and to the assessor of the county in which a well referred to in Section 3227 is located.

Such records shall in no case other than those expressly provided in this chapter, be available as evidence in court proceedings. No officer or employee or the director shall be allowed to give testimony as to the contents of such records, except at such court proceedings as are provided in this chapter for the review of a decision of the supervisor or the director, or in any proceeding initiated for the enforcement of an order of the supervisor, or for the enforcement of a lien created by this chapter, or for the collection of an assessment levied pursuant to this chapter, or in criminal proceedings arising out of such records or the statements upon which they are based.

A copy of any document, order, requisition, or decision made, executed, or issued by the supervisor or the district deputy, when certified by the supervisor or the district deputy to be a true copy of the original, shall be received in evidence in any proceeding herein provided, in like manner and with the same effect as the original.

The records of any operator who is defunct or no longer in business in California and which relate to an abandoned or deserted well shall be open to inspection or for copying by anyone after the supervisor determines that the conditions specified are met.

The records of any operator filed for a completed or producing well that has been transferred by sale, lease, or otherwise shall be available to the new owner or lessee for his inspection or copying and shall also be available for inspection or copying by others upon the written authorization of such new owner or lessee.

SEC. 9. Section 3235 of the Public Resources Code is amended to read:

3235. Upon receipt by the supervisor or by a district deputy of a written complaint, specifically setting forth the condition complained against, signed by a person owning land or operating wells within a radius of one mile of any well or group of wells complained against, or upon a written complaint specifically setting forth the condition complained against, signed by a district deputy for the district in which the well or group of wells complained against is situated, the supervisor shall make an investigation of the well or wells and make a written report and order, stating the work required to repair the damage complained of, or stating that no work is required.

A copy of the order shall be delivered to the complainant, or if more than one, to each complainant, and, if the supervisor orders the damage repaired, a copy of the order shall be delivered to each of the owners, operators, or agents having in charge the well or wells upon which the work is to be done.

The order shall contain a statement of the conditions sought to be

remedied or repaired and a statement of the work required by the supervisor to repair the condition. Service shall be made by mailing copies to such persons at the post office address given.

SEC. 10. Section 3237 of the Public Resources Code is amended to read:

3237. The supervisor or his deputy may order the abandonment of any well that has been deserted whether or not any damage is occurring or threatened by reason of such well. Suspension of drilling operations and removal of drilling machinery is prima facie evidence of desertion after the elapse of six months unless a request for an extension of time for a period not to exceed an additional six months is theretofore filed. Removal of production equipment or facilities is prima facie evidence of desertion after the elapse of two years after April 1, 1973. At any time, the supervisor may, for good cause shown, extend these periods. Such order may be appealed to the director.

SEC. 11. Section 3310 of the Public Resources Code is amended to read:

3310. When the decision of the supervisor that there is an unreasonable waste of gas occurring or threatened has become final, a certified copy thereof shall be filed with the director. The director, unless the order is complied with voluntarily, shall have proceedings instituted in the name of the people of the State of California to enjoin the unreasonable waste of gas.

Such proceedings shall be instituted in the superior court of the county in which is situated the property, or any part thereof, where the wastage is occurring or is threatened. Any number of defendants may be joined in the same proceeding, although their properties and interests may be severally owned and their actual or threatened unreasonable wastage of gas may be separate and distinct, if the actual or threatened unreasonable waste by all of the defendants is in, or with reference to, the same producing or prospective oil or gas field.

SEC. 12. Section 3311 of the Public Resources Code is amended to read:

3311. In such suits a restraining order shall not be issued ex parte, and a temporary or permanent injunction issued in such proceedings shall not be refused or dissolved or stayed pending appeal upon the giving of any bond or undertaking or otherwise, but otherwise the procedure, including the procedure on appeal, shall be conformable with the provisions of Chapter III of Title VII of Part 2 of the Code of Civil Procedure.

In such proceedings the findings of the supervisor, unless set aside or modified by the director, or if so modified then except to the extent so modified, shall constitute prima facie evidence of the unreasonable wastage of gas therein found to be occurring or threatened.

SEC. 13. Section 3332 of the Public Resources Code is amended to read:

3332. Within 30 days after the written notice of the entry of a final

order of the supervisor, or within such further time as the supervisor may grant for good cause shown, but in no event shall such time be extended more than 60 days from the written notice of entry of such final order, any person affected thereby may file with the supervisor an application for a rehearing in respect to any matter determined by such order, setting forth the particulars in which such order is considered to be objectionable. The supervisor shall grant or deny any such application in whole or in part within 30 days from the date of the filing thereof, and failure to act thereon within such period shall constitute a denial of such application. In the event that a rehearing is granted, notice to such effect shall be given to all persons affected by such order, advising them of the date of such rehearing and of their right to appear and be heard thereon. The date set for any such rehearing shall be not less than 30 days nor more than 60 days from the date the application for rehearing is granted, unless, upon good cause shown, the time is extended by the supervisor, but in no event shall such time be extended more than 90 days from the date such application for rehearing is granted. The supervisor may enter an amended order or a new order after the rehearing as may be required under the circumstances. The provision of Article 6 (commencing with Section 3350) of Chapter 1 of Division 3 relating to appeals and review shall not apply to this article.

SEC. 14. Section 3350 of the Public Resources Code is amended to read:

3350. The lessor, lessee, or any operator or any well owner, or the owner of any rig, derrick, or other operating structure, or his local agent, shall within five days from the date of the service of any order from the supervisor or a district deputy, other than the order contemplated by Section 3308, either comply with the order or file with the supervisor or the district deputy a written statement that the order is not acceptable, and that appeal from the order is taken to the director under the provisions of this chapter.

Any lessor, lessee, or operator affected by an order made pursuant to Section 3308 may, within five days from the posting of the copy of the order, file with the supervisor a written appeal therefrom to the director under the provisions of this chapter.

Any such appeal shall operate as a stay of any order issued under or pursuant to the provisions of this chapter.

SEC. 15. Section 3351 of the Public Resources Code is amended to read:

3351. Immediately upon filing of a notice of appeal, the director shall call for a public hearing upon the appeal.

The hearing upon the appeal before the director shall be de novo and at such place in the district as the director may designate.

SEC. 16. Section 3352 of the Public Resources Code is amended to read:

3352. Within 10 days from the taking of the appeal, five days' notice in writing shall be given to the appellant of the time and place of the hearing. For good cause, the director may postpone the

hearing, on the application of the appellant, the supervisor, or the district deputy, for not exceeding five days.

SEC. 17. Section 3353 of the Public Resources Code is amended to read:

3353. The director, after hearing, shall affirm, set aside, or modify the order from which the appeal is taken.

Within 10 days after hearing the evidence, the director shall make a written decision with respect to the order appealed from. The decision of the director shall forthwith be filed with the supervisor and upon such filing shall be final. In case the order is affirmed or modified, the director shall retain jurisdiction until such time as the work ordered to be done by the order is finally completed.

The written decision shall be served upon the owner or his agent and shall supersede the previous order of the supervisor. In case no written decision is made by the director within 30 days after the date of notice of hearing as provided in Section 3352, the order of the supervisor shall be effective and subject only to review by writ of certiorari from the superior court as provided in this article.

SEC. 18. Section 3354 of the Public Resources Code is amended to read:

3354. The decision of the director may be reviewed by writ of certiorari from the superior court of the county in which the district is situated, if taken within 10 days after the service of the decision upon the owner, operator, or agent of the owner or operator, as provided in Section 3353, or within 10 days after the decision by the director upon a petition by the supervisor. The writ shall be made returnable not later than 10 days after its issuance, and it shall direct the director to certify the record in the cause to the court. On the return day, the cause shall be heard by the court, unless for good cause it is continued, but no continuance shall be permitted for a longer period than 30 days.

SEC. 10. Section 3355 of the Public Resources Code is amended to read:

3355. No new or additional evidence shall be introduced in the court, but the cause shall be heard upon the record of the director. The review shall not be extended further than to determine whether or not:

(a) The director acted without or in excess of his jurisdiction.

(b) The order, decision, or award was procured by fraud.

(c) The order, decision, rule, or regulation is unreasonable.

(d) The order, decision, regulation, or award is clearly unsupported by the evidence.

SEC. 20. Section 3356 of the Public Resources Code is amended to read:

3356. If a review is not taken within 10 days, or if taken, in case the decision of the director is affirmed, the lien upon the property shall be enforced in the same manner as are other liens on real property, and shall be enforced against the owner or operator of the well, first, against the personal property and fixtures used in the

construction or operation thereof, secondly, against the mineral estate of the property, and, thirdly, if there is any deficiency, against the land upon which the work is done. Upon the request of the supervisor, the State Controller shall bring an action for the enforcement of the lien in the manner provided in Article 7 (commencing with Section 3400) of this chapter.

SEC. 21. Section 3357 of the Public Utilities Code is amended to read:

3357. In any proceeding before the director, and in any proceeding instituted by the supervisor for the purpose of enforcing or carrying out the provisions of this division, or for the purpose of holding an investigation to ascertain the condition of any well or wells complained of, or which in the opinion of the supervisor may reasonably be presumed to be improperly located, drilled, operated, maintained, or conducted, the supervisor and the director shall have the power to administer oaths and may apply to a judge of the superior court of the county in which the proceeding or investigation is pending for a subpoena for witnesses to attend the proceeding or investigation. Upon the application of the supervisor or the director, the judge of the superior court shall issue a subpoena directing the witness to attend the proceeding or investigation, and such person shall be required to produce, when directed, all records, surveys, documents, books, or accounts in his custody or under his control; except that no person shall be required to attend upon such proceeding unless he resides within the same county or within 100 miles of the place of attendance. The supervisor or the director may in such case cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in superior courts of this state, and may, upon application to a judge of the superior court of the county within which the proceeding or investigation is pending, obtain a subpoena compelling the attendance of witnesses and the production of records, surveys, documents, books, or accounts at such places as the judge may designate within the limits prescribed in this section.

SEC. 22. Section 3359 of the Public Resources Code is amended to read:

3359. In case of the failure or neglect on the part of any person to comply with any order of the supervisor or the director, or any subpoena, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, or upon refusal or neglect to appear and attend at any proceeding or hearing on the day specified, after having received a written notice of not less than 10 days prior to such proceeding or hearing, or upon his failure, refusal, or neglect to produce books, papers, or documents as demanded in the order or subpoena upon such day, such failure, refusal, or neglect shall constitute a misdemeanor. Each day's further failure, refusal, or neglect is a separate and distinct offense.

The district attorney of the county in which the proceeding, hearing, or investigation is to be held, shall prosecute any person

guilty of violating this section by continuous prosecution until the person appears or attends or produces such books, papers, or documents, or complies with the subpoena or order of the supervisor or the director.

CHAPTER 766

An act to amend Section 651.3 of the Business and Professions Code, relating to advertising.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 651.3 of the Business and Professions Code is amended to read:

651.3. (a) No person, whether or not licensed under this division, shall advertise or cause or permit to be advertised, any representations in any form which in any manner, whether directly or indirectly, refer to the cost, price, charge, or fee to be paid for any commodity or commodities furnished or any service or services performed by any person licensed as a physician and surgeon, optometrist, pharmacist, or registered dispensing optician, when those commodities or services are furnished in connection with the professional practice or business for which he is licensed; provided, however, that the provisions of this section do not apply to the furnishing of information regarding benefits available, and charges therefor, under the coverage of any hospital or medical service or health care service or insurance plan.

(b) This section shall not be construed to do any of the following:

(1) Modify or establish prices or fees or modify or affect in any manner any other provisions of this division.

(2) Prohibit advertising concerning the allowance of credit, time payments, budget terms, or the allowance of any other method of payment for a commodity or a service where the advertising contains no indication of cost, price, charge, or fee.

(3) Prohibit the advertising of any drug or device which does not require a prescription.

(c) Notwithstanding provisions of this section, any labor organization, bona fide employee group or bona fide employee association having contracted health care services from a health care service plan under the Knox-Mills Health Plan Act (commencing with Section 12530 of the Government Code) may inform its members as to the benefits available and the charges therefor.

(d) Before any new or revised written advertising or solicitation, or any form of evidence of coverage, is adopted by a health care service plan under the Knox-Mills Health Plan Act (commencing

with Section 12530 of the Government Code) for distribution to members pursuant to subdivision (c), the proposed new or revised advertising or solicitation or evidence of coverage shall be submitted to the Attorney General who shall, within 30 days, prohibit its use if he determines that the advertising or solicitation or evidence of coverage as proposed is untrue or misleading or deceptive as determined pursuant to the definitions contained in Section 12531 of the Government Code. The Attorney General shall notify the plan or its representatives of such determination.

(e) Any labor organization, bona fide employee group or bona fide employee association, contracting for a health care service plan under this section, shall not derive any profit from such plan.

Nothing contained in this section shall be construed as authorizing a provider of medical assistance, including a prepaid health plan, under the Medi-Cal Act or the Waxman-Duffy Prepaid Health Plan Act to advertise in violation of any of the provisions of such acts and regulations developed thereto.

CHAPTER 767

An act to amend Section 7555 of the Public Utilities Code, relating to railroad corporations.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 7555 of the Public Utilities Code is amended to read:

7555. No railroad corporation may use any street, alley, or highway, or any of the land, whether covered by water or otherwise, owned by any city or county, unless the right to do so is granted by a vote of the governing body of the city or county. If any railroad corporation operating within a city or county applies to the governing body of the city or county for a franchise or permit to cross any such street, alley, or highway, with main, branch, side, switching, or spur trackage, the governing body of the city or county, within a reasonable time, shall hold a public hearing upon the application after reasonable notice to the applicant and to the public and shall thereafter grant the franchise or permit applied for upon reasonable terms and conditions unless such governing body reasonably finds that the grant of the franchise or permit would be detrimental to the public interest of the city or county. Nothing in this section imposes any duty upon or limits the authority of, any city organized and existing pursuant to a freeholder's charter, or any officer thereof.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that

section, nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local governmental entities by this act are such that related costs are incurred as a part of their normal operating duties.

CHAPTER 768

An act to amend Section 21684.6 of the Public Utilities Code, relating to aviation, and making an appropriation therefor.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 21684.6 of the Public Utilities Code is amended to read:

21684.6. Notwithstanding the provisions of this article, inasmuch as they require matching funds, the department may allocate funds to a county or a city for the construction of recreational airports or reliever training airstrips in accordance with regulations of the department if the county or city supplies the land and maintains and operates all facilities of such airport or airstrip.

CHAPTER 769

An act to amend Sections 27158 and 27158.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 27158 of the Vehicle Code is amended to read:

27158. After notice by a traffic officer that a vehicle does not comply with any regulation adopted pursuant to Section 27157, no person shall operate, and no owner shall permit the operation of, such vehicle for more than 30 days thereafter unless a certificate of compliance has been issued for such vehicle in accordance with the provisions of Section 9889.18 of the Business and Professions Code or unless the department has checked the vehicle and determined that the vehicle has been made to comply with such regulation adopted pursuant to Section 27157. A certificate of compliance issued for such vehicle shall, for a period of one year from date of issue, constitute proof of compliance with any regulations adopted pursuant to

Section 27157 provided that no required pollution control device has been disconnected, modified, or altered or has been adjusted by other than a licensed installer in a licensed motor vehicle pollution control device installation and inspection station subsequent to the issuance of the certificate of compliance. The provisions of this section shall apply to the United States and its agencies to the extent authorized by federal law.

SEC. 2. Section 27158.5 of the Vehicle Code is amended to read:

27158.5. After notice by a traffic officer that a motor vehicle does not comply with any standard adopted pursuant to Section 27157.5, no person shall operate, and no owner shall permit the operation of, such motor vehicle for more than 30 days thereafter unless a certificate of compliance has been issued for such vehicle in accordance with the provisions of Section 9889.18 of the Business and Professions Code or unless the department has checked the vehicle and determined that the vehicle has been made to comply with such standard adopted pursuant to Section 27157.5. A certificate of compliance issued for such vehicle shall, for a period of one year from date of issue, constitute proof of compliance with the standards determined pursuant to Section 27157.5.

CHAPTER 770

An act to repeal and add Section 12002 of, and to repeal Sections 12003, 12004, 12005, 12006, 12007, 12008, 12009, 12010, 12011, 12011.5, 12012, 12013, 12014 of, and to add Section 12020 to, the Fish and Game Code, relating to fish and game.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12002 of the Fish and Game Code is repealed.

SEC. 2. Section 12002 is added to the Fish and Game Code, to read:

12002. The maximum punishment for a violation constituting a misdemeanor is a fine of five hundred dollars ($500) or imprisonment in the county jail for six months, or both, except that the maximum punishment for violation of any of the following provisions is a fine of one thousand dollars ($1,000) or imprisonment in the county jail for one year, or both:

(a) Section 1059.
(b) Section 2052.
(c) Sections 3511, 4700, 5050, and 5515.
(d) Sections 4600 to 4606, inclusive.
(e) Subdivision (a) or (b) of Section 5650.
(f) Section 10500.

SEC. 3. Section 12003 of the Fish and Game Code is repealed.
SEC. 5. Section 12004 of the Fish and Game Code is repealed.
SEC. 6. Section 12005 of the Fish and Game Code is repealed.
SEC. 7. Section 12006 of the Fish and Game Code is repealed.
SEC. 8. Section 12007 of the Fish and Game Code is repealed.
SEC. 9. Section 12008 of the Fish and Game Code is repealed.
SEC. 10. Section 12009 of the Fish and Game Code is repealed.
SEC. 11. Section 12010 of the Fish and Game Code is repealed.
SEC. 12. Section 12011 of the Fish and Game Code is repealed.
SEC. 13. Section 12011.5 of the Fish and Game Code is repealed.
SEC. 14. Section 12012 of the Fish and Game Code is repealed.
SEC. 15. Section 12013 of the Fish and Game Code is repealed.
SEC. 16. Section 12014 of the Fish and Game Code is repealed.
SEC. 17. Section 12020 is added to the Fish and Game Code, to read:

12020. Any person willfully violating his written promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

SEC. 18. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities and school districts which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 771

An act to amend Section 36 of the Civil Code, relating to minors.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 36 of the Civil Code is amended to read:

36. (a) A contract, otherwise valid, entered into during minority, cannot be disaffirmed upon that ground either during the actual minority of the person entering into such contract, or at any time thereafter, in the following cases:

(1) A contract to pay the reasonable value of things necessary for his support, or that of his family, entered into by him when not under the care of a parent or guardian able to provide for him or them; provided, that these things have been actually furnished to him or to his family.

(2) (i) A contract or agreement pursuant to which such person is

employed or agrees to render artistic or creative services, or agrees to purchase, or otherwise secure, sell, lease, license or otherwise dispose of literary, musical or dramatic properties (either tangible or intangible) or any rights therein for use in motion pictures, television, the production of phonograph records, the legitimate or living stage, or otherwise in the entertainment field, where such contract or agreement has been approved by the superior court in the county in which such minor resides or is employed or, if the minor neither resides in or is employed in this state, where any party to the contract or agreement has its principal office in this state for the transaction of business.

(ii) As used in this paragraph, "artistic or creative services" shall include, but not be limited to, services as an actor, actress, dancer, musician, comedian, singer or other performer or entertainer, or as a writer, director, producer, production executive, choreographer, composer, conductor or designer.

(3) A contractor or agreement pursuant to which such person is employed or agrees to render services as a participant or player in professional sports, including, but without being limited to, professional boxers, professional wrestlers and professional jockeys, where such contract or agreement has been approved by the superior court in the county in which such minor resides or is employed or, if the minor neither resides in or is employed in this state, where any party to the contract or agreement has its principal office in this state for the transaction of business.

(b) The approval of the superior court referred to in paragraphs (2) and (3) of subdivision (a) may be given upon the petition of either party to the contract or agreement after such reasonable notice to the other party thereto as may be fixed by said court, with opportunity to such other party to appear and be heard; and its approval when given shall extend to the whole of said contract or agreement, and all of the terms and provisions thereof, including, but without being limited to, any optional or conditional provisions contained therein for extension, prolongation or termination of the term thereof.

CHAPTER 772

An act to amend Section 1016 of the Fish and Game Code, and to amend Sections 3781, 3783, and 3784 of the Public Resources Code, relating to oil, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1016 of the Fish and Game Code is amended to read:

1016. (a) Whenever the department determines that an oil sump, as defined by Section 3780 of the Public Resources Code, is hazardous to wildlife, but does not constitute an immediate and grave danger to wildlife, the department shall forthwith notify the State Oil and Gas Supervisor of such condition in order that he may take action pursuant to Section 3783 of the Public Resources Code to have such condition cleaned up or abated. The department in making such notification shall specify the hazardous conditions.

(b) Whenever the department determines that an oil sump, as defined by Section 3780 of the Public Resources Code, constitutes an immediate and grave danger to wildlife, the department shall forthwith notify the State Oil and Gas Supervisor of such condition in order that he may take action pursuant to Section 3784 of the Public Resources Code to have such condition cleaned up or abated. The department, in making such notification, shall specify the immediate and grave danger.

(c) The commission shall promulgate such rules and regulations as are necessary to implement the provisions of this section, including a reasonable definition of the term "hazardous" for the purposes of this section. It is the intent of the Legislature that the department adopt, as a part of such rules and regulations, a definition of the term "wildlife," as herein employed, which will provide for reasonable exclusions consistent with effectuating the wildlife protection purposes of this section.

(d) The department shall submit a report to the Legislature of its actions taken pursuant to this section on or before March 1st of each year, commencing with March 1, 1975.

(e) No provision of this section shall be construed as a limitation on the authority or responsibilities of the department with respect to the enforcement or administration of any provision of state law which it is authorized or required to enforce or administer.

SEC. 2. Section 3781 of the Public Resources Code is amended to read:

3781. The Legislature hereby finds and declares that it is essential in order to protect the wildlife resources of California that all hazardous exposed oil sumps in this state be either screened or eliminated.

SEC. 3. Section 3783 of the Public Resources Code is amended to read:

3783. Whenever the supervisor receives notification from the Department of Fish and Game pursuant to subdivision (a) of Section 1016 of the Fish and Game Code that an oil sump is hazardous to wildlife, he shall forthwith give written notice of such hazardous condition to the owner, lessee, operator, or person responsible for the existence of the condition and set forth the hazardous conditions as specified by the Department of Fish and Game. The owner, lessee, operator, or person responsible shall, within 30 days from the date of

such notification, or such longer period as may be mutually agreed upon by the supervisor, the Department of Fish and Game, and the owner, lessee, operator, or person responsible, clean up or abate the condition to the satisfaction of the supervisor and the Department of Fish and Game. If the owner, lessee, operator, or person responsible does not clean up or abate the condition to the satisfaction of the supervisor and the Department of Fish and Game within the required period of time, the supervisor shall forthwith order the closure of the oil and gas production operation maintaining the oil sump.

SEC. 4. Section 3784 of the Public Resources Code is amended to read:

3784. Whenever the supervisor receives notification from the Department of Fish and Game pursuant to subdivision (b) of Section 1016 of the Fish and Game Code that an oil sump constitutes an immediate and grave danger to wildlife, he shall forthwith give written notice of such immediately dangerous condition to the owner, lessee, operator, or person responsible for the existence of the condition and set forth the immediately dangerous condition as specified by the Department of Fish and Game. The owner, lessee, operator, or person responsible shall, within 10 days from the date of such notification, or such longer period as may be mutually agreed upon pursuant to Section 3784.5 by the supervisor, the Department of Fish and Game, and the owner, lessee, operator, or person responsible, clean up or abate the condition to the satisfaction of the supervisor and the Department of Fish and Game. If the owner, lessee, operator, or person responsible does not clean up or abate the condition to the satisfaction of the supervisor and the Department of Fish and Game within the required period of time, the supervisor shall forthwith order the closure of the oil and gas production operation maintaining the oil sump.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

No definition of the term "hazardous" has been promulgated for the administration of the laws relating to oil sumps hazardous to wildlife, and there is great confusion concerning the meaning of such term. In order, therefore, to clarify the meaning of such term and to thereby protect wildlife at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 773

An act to amend Sections 149 and 149.1 of, and to add Section 149.3 to, the Streets and Highways Code, and to amend Sections 291 and 21655.5 of the Vehicle Code, relating to exclusive highway lanes.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 149 of the Streets and Highways Code is amended to read:

149. The department may construct exclusive or preferential lanes for buses only or for buses and other high-occupancy vehicles, and may authorize or permit such exclusive or preferential use of designated lanes on existing highways that are part of the State Highway System. Prior to constructing such lanes, the department shall conduct competent engineering estimates of the effect of such lanes on safety, congestion, and highway capacity.

To the extent they are available, the department may apply for and use federal aid funds appropriated for the design, construction, and use of such exclusive or preferential lanes, but may also use other State Highway Account funds, including other federal aid funds, for those purposes where proper and desirable.

This section shall be known and may be cited as the Carrell Act.

SEC. 2. Section 149.1 of the Streets and Highways Code is amended to read:

149.1. The Department of Transportation shall prepare a report by December 31, 1975, on the programs which it conducted, its findings and its recommendations for the restricted use of lanes in accordance with Section 149 of this code and Section 21655.5 of the Vehicle Code.

SEC. 3. Section 149.3 is added to the Streets and Highways Code, to read:

149.3. The department may undertake the construction of exclusive or preferential lane facilities pursuant to a cooperative agreement with any public or private agency that provides mass transit services. Such cooperative agreement shall establish such geometric design standards, scheduling, reservations, restrictions, and conditions as the department deems necessary or desirable. Provision may also be made for electrification or use of other power sources under such terms and conditions as the department deems necessary to accomplish the objectives of this section. Additionally, any such agreement shall provide for the payment of compensation where required by other provisions of law or where otherwise deemed appropriate.

SEC. 4. Section 291 of the Vehicle Code is amended to read:

291. Any reference in this code to the Department of Public Works shall be deemed to refer to the Department of

Transportation, which is part of the Business and Transportation Agency as provided by Section 13975 of the Government Code.

SEC. 5. Section 21655.5 of the Vehicle Code is amended to read:

21655.5. The Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles. Prior to establishing such lanes, competent engineering estimates shall be made of the effect of such lanes on safety, congestion, and highway capacity.

The Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, shall place and maintain, or cause to be placed and maintained, signs and other official traffic control devices to designate such exclusive or preferential lanes and to advise motorist of the hours of high-occupancy vehicle usage and the applicable vehicle occupancy levels. No person shall drive a vehicle upon such lanes except in conformity with the instructions imparted by such signs and other official traffic control devices.

It is the intent of the Legislature in amending this section to stimulate and encourage the development of ways and means of relieving traffic congestion on California highways and, at the same time, to encourage individual citizens to pool their vehicular resources and thereby conserve fuel and lessen emission of air pollutants.

CHAPTER 774

An act to amend Sections 11761, 11762, 11763, 11764, and 11765 of the Food and Agricultural Code, relating to pesticides, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 11761 of the Food and Agricultural Code is amended to read:

11761. Any person that alleges any loss, nonperformance, or damage as a result of the use or application of any pesticide, or of any substance, method, or device for pesticidal purposes; or for the purpose of preventing, destroying, repelling, mitigating, or correcting any disorder of plants; or for the purpose of inhibiting, regulating, stimulating, or otherwise altering plant growth by direct application to plants or soil shall, within 30 days from the time that the occurrence of such loss, nonperformance, or damage became known to such person, file with the commissioner of the county in which the loss, nonperformance, or damage, or some part of the loss,

nonperformance, or damage, is alleged to have occurred, a verified report of the loss, nonperformance, or damage.

SEC. 2. Section 11762 of the Food and Agricultural Code is amended to read:

11762. If a growing crop is alleged to have been damaged as a result of the activities which are described in Section 11761, the verified report of loss, nonperformance, or damage shall be filed prior to the time 50 percent of the crop is harvested, unless the loss, nonperformance, or damage is not known until after the crops are harvested.

SEC. 3. Section 11763 of the Food and Agricultural Code is amended to read:

11763. The verified report of loss, nonperformance, or damage shall set forth, so far as known to the claimant, all of the following:

(a) Name and address of the claimant.

(b) Type, kind and location of property which is allegedly injured or damaged.

(c) Date the alleged loss, nonperformance, or damage occurred.

(d) Name of pest control operator that is allegedly responsible.

(e) Name of the owner or occupant of the property for whom the person or pest control operator was rendering labor or services.

SEC. 4. Section 11764 of the Food and Agricultural Code is amended to read:

11764. The filing of the verified report, or the failure to file it, need not be alleged in any complaint which may be filed. The failure to file the verified report of loss, nonperformance, or damage is not a bar to the maintenance of a civil action for the recovery of damages for the loss, nonperformance, or damage.

SEC. 5. Section 11765 of the Food and Agricultural Code is amended to read:

11765. The failure to file a verified report of loss is evidence that no loss, nonperformance, or damage occurred.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act to be applicable to the current growing season, it is necessary that this act become effective immediately.

CHAPTER 775

An act to add Sections 72302 and 72303 to the Water Code, relating to municipal water districts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 72302 is added to the Water Code, to read:

72302. Any district whose territory is included within a metropolitan water district may nonetheless annex territory outside of the metropolitan water district without the consent of, or necessity that such annexed land be included within, the metropolitan water district; but the district may not serve water purchased from the metropolitan water district to such territory outside of the boundaries of the metropolitan water district without the consent of the metropolitan water district.

SEC. 2. Section 72303 is added to the Water Code, to read:

72303. Any district whose territory, or any portion thereof, is included within a metropolitan water district, shall be entitled, without penalty or sanction from the metropolitan water district, to purchase or acquire water to serve any territory within the district, whether or not such territory is within the metropolitan water district, from the following specified sources without such water being deemed an acquisition or purchase of water from the State Water Resources development system:

(a) Reclaimed water, as defined in Section 13050, regardless of the source of such water prior to its use and reclamation.

(b) Water produced incidentally to the exercise of bona fide property rights to divert or pump local waters, regardless of the origin of such waters.

CHAPTER 776

An act to add Chapter 1.5 (commencing with Section 9201) to Part 1 of Division 5 of the Food and Agricultural Code, and to amend Section 1600.1 of the Health and Safety Code, relating to biologics, and making an appropriation therefor.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 9201) is added to Part 1 of Division 5 of the Food and Agricultural Code, to read:

CHAPTER 1.5. BIOLOGICS

Article 1. Definitions

9201. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

9202. "Animal" includes, but is not limited to, any domesticated fowl and any wild fowl or bird which is reduced to captivity.

9203. "Biologics" means the following products which are used for the diagnosis and detection of, and for the prevention or treatment of, disease in animals other than man: serum, blood, vaccines, live vaccine, killed vaccine, tissue vaccine, autogenous vaccine, live virus, killed virus, live bacterial culture, killed bacterial culture, bacterin, hormone, tissue extract, gland extract, gland preparation, insulin, and similar products made from human or animal tissues or micro-organisms.

9204. "Production" means collection of biologic material, preparation, testing, processing, storage, or distribution of biologics.

Article 2. Biologics Production

9211. On and after July 1, 1975, no person shall engage in the production of biologics except in any of the following:

(a) In an establishment licensed by the United States Department of Agriculture.

(b) In an establishment producing biologics only for use by the owner or operator of such establishment for animals owned by him. Biologics produced in such an establishment shall be registered by the director under this chapter.

(c) In an establishment licensed by the director.

9212. The director shall license biologic establishments that meet both of the following:

(a) Operate under conditions, and use methods of production, to insure that the biologics will not be contaminated, dangerous, or harmful.

(b) Produce biologics under the direct supervision of a person qualified in the field of production of biologics.

Article 3. Licenses

9221. An application for a license for any establishment that produces, or proposing to produce, biologics shall be made on forms to be issued by the director. Such application shall contain all of the following:

(a) The name and address of the person who owns the place, establishment, or institution in which it is proposed to produce biologics.

(b) The name and address of the person who shall be in charge of biologics production.

(c) The type of biologics which shall be produced.

(d) A full description of the building, including its location, facilities, equipment, and apparatus to be used in biologics production.

(e) Such additional information as the director finds is necessary for the proper administration and enforcement of this chapter.

Article 4. License Fees

9231. The license application fee and license renewal fee under this chapter for an establishment proposing to produce or producing biologics shall be as follows:

(a) The application and license fee for the 1975–76 fiscal year shall be one hundred twenty-five dollars ($125) for each establishment. Thereafter, the application and annual license fee shall be two hundred fifty dollars ($250) for each establishment, which shall be the fee for the fiscal year or portion thereof ending June 30 of each year. When an applicant is a city, county, state, district, or official thereof, no fee shall be required under this section.

(b) Licenses shall be renewed every year. The annual renewal fee shall be paid on or before the first day of July of each year.

(c) The fees required by this section are maximum, and may be fixed by the director at a lesser amount for any fiscal year whenever he finds that the cost of administering the provisions of this chapter can be defrayed from revenues derived from such lower fees.

Article 5. Biologic Registration

9241. On and after July 1, 1975, no person shall offer for sale or use any biologic unless it is registered by the director pursuant to this article, except, however, no such registration shall be required of any biologic manufactured pursuant to the terms of a valid license issued by the United States Department of Agriculture unless the director finds that, due to local conditions, it is necessary that such biologic be registered in order to assure that it have value for the purpose intended and it is safe to use in this state.

9242. The director shall register any biologic that meets all of the following requirements:

(a) It is produced under acceptable procedures, which include tests to insure its purity and safety.

(b) The production and use of such type of biologic has not been specifically forbidden or disapproved by the director, the United States Department of Agriculture, or the United States Public Health Service.

(c) It has been demonstrated to the director that such a biologic is safe and noninjurious to human or animal health.

(d) It has been demonstrated to the director that such a biologic is of value for the purpose intended.

(e) It is labeled for proper handling and use, and is not misrepresented.

(f) It is produced in an establishment that meets the requirements of subdivision (a) or (c) of Section 9211.

9243. The director shall register a biologic, if it is produced in an establishment exempt from licensing pursuant to subdivision (b) of Section 9211 and meets the requirements of subdivisions (a), (b), and (c) of Section 9242.

9244. An application for registration of a biologic shall include both of the following:

(a) A protocol of methods of production in detail which is followed in the production of the product.

(b) A sample of the label to be placed on the biologic.

9245. The director may impose such conditions on the production or use of biologics as he deems necessary to accomplish the purposes of this chapter.

Article 6. Rules and Regulations

9251. The director may adopt reasonably necessary rules and regulations for the administration and enforcement of this chapter.

Article 7. Enforcement

9261. License for any establishment or registration of any biologic may be denied, suspended, or revoked by the director for failure to meet the requirements of this chapter or for the violation of any provision of this chapter, or of any rule or regulation adopted by the director under this chapter. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

9262. The biologics prepared prior to July 1, 1975, in laboratories licensed pursuant to Chapter 4 (commencing with Section 1600) of Division 2 of the Health and Safety Code, which have an expiration date of July 1, 1975, or later, are not subject to the provisions of this chapter.

Article 8. Exemptions

9272. The provisions of this chapter shall not apply (1) to facilities primarily engaged in the collection, preparation, testing, processing, storage, or distribution of human blood or blood products, provided such facility is licensed pursuant to Section 1601 or 1602 of the Health and Safety Code and any biologic as defined in Section 9203 produced by such facility is sold or distributed only to an establishment licensed by this chapter or (2) to clinical laboratories licensed pursuant to Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code whose only biologics are autogenous bacterins prepared at the request of licensed veterinarians.

SEC. 2. Section 1600.1 of the Health and Safety Code is amended to read:

1600.1. "Biologics" includes the following products which are offered for sale or distribution for the prevention or treatment of disease, except biologics which are registered pursuant to Chapter 1.5 (commencing with Section 9201), Part 1, Division 5 of the Food and Agricultural Code:

(a) Human whole blood.

(b) Human whole blood derivatives specified by regulations.

(c) Serum, vaccine, live vaccine, killed vaccine, tissue vaccine, autogenous vaccine, live virus, killed virus, live bacterial culture, killed bacterial culture, bacterin, hormone, tissue extract, gland extract, gland preparation, insulin, and similar products made from human or animal tissues or micro-organisms.

The amendments to this section enacted at the 1973–74 Regular Session of the Legislature shall become operative on July 1, 1975.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 777

An act to amend Section 14983 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14983 of the Elections Code is amended to read:

14983. The county clerk in any county using voting machines or vote tabulating devices approved by the commission shall inspect the machines or devices at least once every two years to determine whether they are tabulating votes accurately. The inspection shall be made in accordance with regulations adopted and promulgated by the commission.

If the county clerk finds that the machines or devices are tabulating votes accurately, in accordance with the regulations of the commission, he shall certify that fact to the commission.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Existing provisions of law have resulted in the creation of a very short period of time within which county clerks may comply with the mandate to inspect voting machines and vote tabulating devices. Often these provisions have necessitated field inspections by the commission, thereby creating unnecessary duplication of effort. In order that this situation may be corrected in time for the 1974 general election, it is necessary that this act go into immediate effect.

CHAPTER 778

An act to amend Section 62491 of the Food and Agricultural Code, relating to milk.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 62491 of the Food and Agricultural Code is amended to read:

62491. The director may suspend the minimum wholesale prices, or the minimum retail prices, or both, which are in effect in any marketing area, subject to the following requirements:

(a) The suspension shall not be effective until the director determines that the minimum prices suspended do not conform to and effectuate the legislative declarations, purposes and intent set forth in this chapter.

(b) Prior to making any determination provided for in subdivision (a) the director shall hold one or more public hearings in the marketing area which is affected, upon the subject of the proposed suspension. Any such hearing shall be held in the manner prescribed in this article prior to the establishment by the director of minimum prices.

(c) The director, upon making the determination provided for in subdivision (a), may suspend all minimum wholesale and minimum retail prices then in effect in the entire marketing area, or he may limit such suspension as follows:

(1) The suspension may be confined to a zone or zones within a marketing area.

(2) The suspension, within the area affected, may be limited to minimum wholesale prices, or to minimum retail prices, or to particular minimum wholesale prices or minimum retail prices.

(d) The suspension may be made effective for such period as is determined by the director except that the director shall, within each successive 90-day period following the effective date of the suspension, review all applicable economic factors operative in the marketing area affected for the purpose of determining the necessity for a continuation of the suspension. There shall be no limitation on the length of the period of any such suspension or on the number of successive times for which such suspension may be ordered or continued. The period of such suspension, or any series of successive or continued suspensions, shall not be deemed to be a termination of the minimum retail or minimum wholesale prices, or both minimum retail and minimum wholesale prices, affected thereby, and shall not be deemed to affect minimum prices to be paid by distributors to producers established pursuant to any stabilization and marketing plan adopted or which may thereafter be adopted under the provisions of this chapter. The periodic review referred to

in this subdivision may include a public hearing conducted in the manner prescribed in this article for such hearings.

(e) At any time within a period of six months following the effective date of the suspension the director may reinstate, in the marketing area, without prior public hearing, the minimum prices theretofore suspended. Different minimum prices may be again established in the marketing area only after public hearing or hearings, conducted in the manner prescribed in this article for such hearings.

(f) Any suspension of minimum prices under this section shall be effective only as to fluid milk or fluid cream, or both, sold within the geographic area affected by the suspension. Any fluid milk or fluid cream, or both, purchased, or otherwise acquired, within, or from sources within, such geographic area, during the effective period of the suspension, for resale elsewhere, shall be subject to the minimum wholesale prices and the minimum retail prices established by the director for the area of ultimate sale of such fluid milk or fluid cream or both.

(g) This section does not apply to unfair practices. The provisions of Chapter 1 (commencing with Section 61301) of this part, and of Article 9 (commencing with Section 62041) of this chapter, shall remain in effect at all times as to transactions occurring or originating in any geographic area in which minimum prices are suspended under this section.

(h) Any suspension of minimum prices under this section shall not suspend application of any of the provisions of this chapter as to any fluid milk sold, or contracted to be sold, by a distributor or retail store during any period prior to suspension by the director of the minimum prices applicable to such fluid milk.

This section does not apply to stabilization and marketing plans nor to pooling plans. Any such stabilization and marketing plan may be amended or terminated only as provided in Article 19 (commencing with Section 62381) of this chapter. Any such pooling plan may be amended or terminated only as provided in Chapter 3 (commencing with Section 62700) of this part.

CHAPTER 779

An act authorizing the County of Kern to sell a portion of lands acquired pursuant to a grant under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to the United States Postal Service, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. The County of Kern may sell a portion of lands acquired for Kern Desert Regional Park pursuant to a grant under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, and Item 370(b) of the Budget Act of 1968, to the United States Postal Service. The sale of such lands shall be subject to the approval of the Secretary of the Resources Agency.

SEC. 2. The proceeds of the sale authorized in Section 1 of this act shall be used by the County of Kern for the sole purpose of development of Kern Desert Regional Park.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A portion of lands acquired by the County of Kern pursuant to the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 for Kern Desert Regional Park is urgently needed by the United States Postal Service as a United States Post Office site in Ridgecrest, and the County of Kern is not authorized under the provisions of the bond act to execute a deed of such lands to the United States Postal Service until such time as permitted by specific act of the Legislature. It is, thus, necessary that this act take immediate effect.

CHAPTER 780

An act to add Section 10248.3 to the Business and Professions Code, relating to real estate loans.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10248.3 is added to the Business and Professions Code, to read:

10248.3. The provisions of this article shall apply only to those loans otherwise subject to this article which are negotiated by real estate licensees acting within the meaning of subdivision (d) of Section 10131.

CHAPTER 781

An act to add Chapter 11 (commencing with Section 2500) to Division 3 of the Streets and Highways Code, relating to rural highway public transportation.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 2500) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 11. FEDERAL AID FOR RURAL HIGHWAY PUBLIC TRANSPORTATION

2500. This chapter may be cited as the Rural Highway Public Transportation Act.

2501. The Federal Aid Highway Act of 1973 has authorized appropriations for expenditure for public mass transportation on highways in rural areas in order to enhance access of rural area populations to employment, health care, retail centers, education, and public services. The purpose of this chapter is to implement such program in this state. The boards of supervisors, city councils, and the department are authorized to do all things necessary and proper in their respective jurisdictions to secure the federal funds for use on rural highway public mass transportation projects in accordance with the intent of the federal act and of this chapter.

2503. As used in this chapter, "rural areas" means areas as defined in Section 101 of Title 23 of the United States Code.

2505. The department shall establish operating procedures and take such other appropriate actions to comply with the provisions of this chapter and with all applicable laws, rules, and regulations.

2506. All applications for federal funds for rural public mass transportation projects under Section 147 of the Federal Aid Highway Act of 1973 (Public Law 93-87) shall be made through the department.

CHAPTER 782

An act to add Section 14310.5 to the Government Code, relating to public contracts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14310.5 is added to the Government Code, to read:

14310.5. The department shall require from all prospective bidders the completion, under penalty of perjury, of a standard form of questionnaire inquiring whether such prospective bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder, has ever been disqualified,

removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation, and if so to explain the circumstances.

A bid may be rejected on the basis of a bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder, having been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local project because of a violation of law or a safety regulation.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 783

An act to add Section 4055.2 to the Labor Code, relating to workmen's compensation.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 4055.2 is added to the Labor Code, to read:

4055.2. Any party who subpoenas medical records in any proceeding under this division shall concurrent with service of the subpoena upon the person who has possession of the medical records, send a copy of the subpoena to all parties of record in the proceeding.

CHAPTER 784

An act to amend Section 14117 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14117 of the Welfare and Institutions Code is amended to read:

14117. (a) As used in this section, "director" means the Director of Benefit Payments.

(b) When benefits are provided or will be provided to a beneficiary under this chapter because of an injury for which another

person is civilly liable, the director shall have a right to recover from such person the reasonable value of the benefits so provided. The Attorney General, or counsel for the fiscal intermediary under the California Medical Assistance Program with the permission of the Attorney General, or a county through its civil legal adviser, may, to enforce such right, institute and prosecute legal proceedings against the third person who is liable for the injury in the appropriate court, either in the name of the director or in the name of the injured person, his guardian, personal representative, estate, or survivors. In enforcing such right the director may commence and prosecute actions, file liens, or intervene in court proceedings all in the same manner, with the same rights and authority as to notice, settlement and other matters, and to the same extent provided in Chapter 5 (commencing with Section 3850), Part 1, Division 4 of the Labor Code for an employer or workmen's compensation insurer where payments have been made or a liability incurred by an employer or an insurer under the workmen's compensation laws. In the event that the injured party beneficiary, his guardian, personal representative, estate or survivors or any of them brings an action for damages against the third person who is liable for the injury, notice of institution of legal proceedings, notice of settlement and all other notices required under Chapter 5 (commencing with Section 3850), Part 1, Division 4 of the Labor Code shall be given to the director in Sacramento except in cases where the director specifies that notice shall be given to the Attorney General. All such notices shall be given by the attorney employed to bring the action for damages, or by the injured party beneficiary, his guardian, personal representative, estate or survivors, if no attorney is employed.

(c) The director may (1) compromise, or settle and execute a release of, any such claim, or (2) waive any such claim, in whole or in part, for the convenience of the director, or if the director determines that collection would result in undue hardship upon the person who suffered the injury.

(d) No action taken in behalf of the director pursuant to this section or any judgment rendered in such action shall be a bar to any action upon the claim or cause of action of the injured person, his guardian, personal representative, estate, dependents, or survivors against the third person who is liable for the injury, or shall operate to deny to the injured person the recovery for that portion of his damage not covered hereunder. If a legal proceeding is instituted by the director pursuant to this section written notice shall be given within 30 days to the beneficiary, his guardian, personal representative, estate or survivors or any of them who shall have the right to intervene in the proceeding as where an employer institutes a legal action under Chapter 5 (commencing with Section 3850), Part 1, Division 4 of the Labor Code and shall otherwise have the rights of an employee under Chapter 5 (commencing with Section 3850), Part 1, Division 4 of the Labor Code. All such notices shall advise the party notified of his right to obtain a private attorney of

his choice and the director's right to recover the reasonable value of the benefits so provided. Where an action is brought by the director it shall be commenced within the period prescribed in Section 338 of the Code of Civil Procedure.

CHAPTER 785

An act to add Section 69904 to the Government Code, relating to courts.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 69904 is added to the Government Code, to read:

69904. (a) In a county of the third class, as determined by the 1970 federal census, a majority of the judges of the superior court may establish, with the approval of the board of supervisors, such additional titles and pay rates as are required and may appoint and employ, with the approval of the board of supervisors, such commissioners, officers, assistants and other employees as are deemed necessary for the performance of the duties and exercise of the power conferred by law upon the court and its members. Titles and rates of compensation of all such commissioners, officers, assistants and other employees may be adjusted from time to time by joint action and approval of the board of supervisors and a majority of the judges of the court.

(b) All personnel appointed by the judges pursuant to this or any other section shall be exempt from civil service and shall be attachés of the court. They shall serve at the pleasure of a majority of the judges of the court and may at any time be removed by the majority of the judges in their discretion. In addition to the benefits authorized under Article 1 (commencing with Section 53200) of Chapter 2 of Title 5 and Sections 69902 and 69902.5 and in accordance with personnel regulations adopted by a majority of the judges, such personnel shall be entitled to step advancement, vacation, sick leave, holiday benefits, other leaves of absence, and other benefits, including participation in the county's tuition refund and suggestion award programs, at levels no less than those authorized for employees in the classified service of the county. In the event such regulations allow credit for sick leave benefits or other benefits accumulated by any such appointee while employed in county civil service, no such credit shall be allowed if such appointee elected to receive any payment, including any partial payment, for any of such benefits upon separation from county civil service. Any person terminating employment with county civil service and immediately

accepting appointment with the court may, if provided by the rules of the Civil Service Commission, return to such civil service within two years of such appointment, provided such return shall not entitle any such employee to any additional rights by reason of his employment with the court, other than those to which he would have been entitled if he had remained in county civil service during such period of employment with the court.

(c) Juvenile court referees in their first year of service shall receive a salary equal to 75 percent of the salary of a judge of the superior court, and in their second year of such service they shall receive a salary equal to 80 percent of the salary of a judge of the superior court; thereafter they shall receive a salary equal to 85 percent of the salary of a judge of the superior court. Each juvenile court referee who has served as such referee prior to the effective date of this act shall be entitled to credit for such time of service in the computation of his salary as prescribed in this section. Nothing in this section shall operate to reduce the compensation which any such referee was entitled on the day prior to the effective date of this section

(d) With the approval of the judges of the court and the board of supervisors, each juvenile court referee and each legal research assistant appointed pursuant to law, may be reimbursed for any payment he makes for his annual State Bar of California membership fee.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the programs specified in this act.

CHAPTER 786

An act to amend Section 99401 of the Public Utilities Code, relating to transportation.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 99401 of the Public Utilities Code is amended to read:

99401. (a) The transportation planning agency shall adopt rules and regulations delineating procedures for the submission of claims under Section 99234 and subdivision (a) of Section 99400 and stating criteria by which they will be analyzed and evaluated. Such rules and regulations shall provide for orderly and periodic distributions of

moneys.

(b) The criteria applicable to analyzing and evaluating claims for nonmotorized transportation facilities shall be the general design criteria for such facilities established pursuant to Section 156.4 of the Streets and Highways Code.

(c) To the extent necessary to perform its duties under this article, the transportation planning agency shall have full access to the books, records, and accounts of the claimant cities and counties.

CHAPTER 787

An act to amend Section 2373 of the Streets and Highways Code, relating to bicycle lanes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2373 of the Streets and Highways Code is amended to read:

2373. (a) The maximum amount the department may allocate to an applicant city or county with an eligible project during any particular fiscal year shall be an amount equal to 10 percent of the amount available for allocation during that fiscal year

(b) Funds in excess of the amount determined pursuant to subdivision (a) may be allocated by the department to a city or county with an eligible project, if funds are available after the requests of all cities and counties with eligible projects are met.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The amounts being requested for allocation from the Bicycle Lane Account in the State Transportation Fund greatly exceed the amount available for allocation. As a result, allocations to applicant cities and counties, being governed by the population formula contained in the existing law, are rarely sufficient to finance the state's share of the project and, in some cases, are not equal to the administrative cost of processing applications. Inasmuch as this act would enable the department to begin making meaningful allocations in accordance with a more realistic system of priorities, it is necessary that this act take effect immediately.

CHAPTER 788

An act to amend Sections 12463.1, 29532, and 29536 of, and to add Section 65080.1 to the Government Code, relating to transportation planning.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 12463.1 of the Government Code is amended to read:

12463.1. The Controller shall appoint an advisory committee consisting of seven local governmental officers to assist him in developing complete and adequate records.

Whenever, in the opinion of the advisory committee and the Controller, the public welfare demands that the reports of the financial transactions of a district other than a school district be published, the Controller shall notify the district that reports of its financial transactions are required to be furnished to him pursuant to Article 9 (commencing with Section 53890), Chapter 4, Part 1, Division 2 of Title 5. A public entity, agency, board, transportation planning agency designated by the Secretary of the Business and Transportation Agency pursuant to Section 29532, or commission provided for by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 or a redevelopment agency as provided for by Division 24 (commencing with Section 33000) of the Health and Safety Code, if it has issued bonds the principal and interest of which are payable from taxes allocated to and paid into a special fund of the agency under authority of Section 33641 of the Health and Safety Code, and a nonprofit corporation as defined herein, shall be deemed a district within the meaning of this section. The Controller shall compile and publish such reports pursuant to Section 12463.

For purposes of this section, "nonprofit corporation" shall mean any nonprofit corporation (1) formed in accordance with the provisions of a joint powers agreement to carry out functions specified in such agreement; or, (2) that issued bonds, the interest on which is exempt from federal income taxes, for purpose of constructing a building, stadium, or other facility which is subject to a lease or agreement with a local public entity; or, (3) wholly owned by a public agency.

SEC. 2. Section 29532 of the Government Code is amended to read:

29532. Out of the funds appropriated pursuant to Section 29531, the county auditor shall pay to public transportation entities such amounts as are allocated by the transportation planning agencies designated by the Secretary of the Business and Transportation Agency as follows:

(a) For a county included within the jurisdiction of a statutorily created regional transportation planning agency, such agency.

(b) For a county which is not included within the jurisdiction of a statutorily created regional transportation agency but for which there is a council of governments, and an election has not been made pursuant to Section 29536, such council. For a county which is not included within the jurisdiction of a statutorily created regional transportation agency but for which there is a council of governments for which an election has been made under the provisions of Section 29536 to form a local transportation commission, such local transportation commission authorized in Section 29535.

(c) For a county not within the jurisdiction of a statutorily created regional transportation planning agency or a council of governments, the local transportation commission authorized in Section 29535.

SEC. 3. Section 29536 of the Government Code is amended to read:

29536. (a) In a county not included within the jurisdiction of a statutorily created regional transportation agency and with a population over six million according to the last federal decennial census, the claims of an applicant shall, pursuant to the provisions of subdivision (b) of Section 29532, be presented to the council of governments. The county may elect, with the concurrence of a majority of the cities which include at least 50 percent of the incorporated population within the county, to form a local transportation commission pursuant to this subdivision. If a local transportation commission is formed, the applications for funds shall be submitted to both the local transportation commission for review and approval and the council of governments for review and comment on conformity with an adopted regional plan, which shall have 60 days after the receipt of applications to notify the local transportation commission and the county auditor of an objection to an application on the basis of nonconformity to an adopted and published regional plan. If neither the local transportation commission nor the county auditor receive notice of such objection, the approval of the council of governments shall be conclusively presumed. If the local transportation commission approves, applications for funds to which the council of governments has so objected shall be paid by the county auditor, unless within 30 days after such approval the council of governments has filed an appeal with the Secretary of the Business and Transportation Agency and provided notice of such appeal to the local transportation commission and the county auditor. The secretary shall render his decision on the appeal within 30 days after he receives it, and the decision of the secretary regarding whether the application is in accord with the adopted regional plan shall be final. The secretary shall transmit copies of his decision to the council of governments, the local transportation commission, and the county auditor.

If a local transportation commission is formed, the board of

supervisors shall be notified by the applicant at the time a claim is filed under Article 4 (commencing with Section 99260), Chapter 4, Part 11, Division 10 of the Public Utilities Code.

(b) Except in a county with a population over six million according to the last federal decennial census, a county that is not included within the jurisdiction of a statutorily created regional transportation agency but for which there is a council of governments may, pursuant to this subdivision, elect, with the concurrence of a majority of the cities which include at least 50 percent of the incorporated population within the county, to form a local transportation commission pursuant to Section 29535. Applications for funds may be allocated by the local transportation commission only if the council of governments has not objected to such application. For such counties with a population of 500,000 or more, as determined under Section 28020 of the Government Code, as now or hereafter amended, but excluding counties with more than 4,500 miles of maintained county roads, the members appointed by the mayor's select committee of the county from a city for which a transit service is provided and the members appointed by a transit district and the member representing other transit operators shall have no vote in the approval of the claims filed under Article 8 (commencing with Section 99400), Chapter 4, Part 11, Division 10 of the Public Utilities Code. For such counties with a population of less than 500,000, as determined under Section 28020 of the Government Code, as now and hereafter amended, and for counties with a population of 500,000 or more, as determined under Section 28020 of the Government Code, as now or hereafter amended, and with more than 4,500 miles of maintained county roads, the members appointed by the mayor's select committee of the county from a city for which all of the proportion of the total revenues placed by the county in the local transportation fund that the city's population bears to the total of the county population is used to pay approved claims filed under Article 4 (commencing with Section 99260), Chapter 4, Part 11, Division 10 of the Public Utilities Code, and the members appointed by a transit district, and the member representing other transit operators shall have no vote in the approval of the claims filed under Article 8 (commencing with Section 99400), Chapter 4, Part 11, Division 10 of the Public Utilities Code.

Applications for funds shall be submitted to both the local transportation commission and the council of governments, which shall have 60 days after the receipt of applications to notify the local transportation commission and the county auditor of any objection. If neither the local transportation commission nor the county auditor receive notice of objection, the approval of the council of governments shall be presumed. Applications for funds to which the council of governments has objected shall not be paid by the county auditor until the objection has been removed.

SEC. 4. Section 65080.1 is added to the Government Code, to read:

65080.1. Once preparation of a regional transportation plan has been commenced by or on behalf of a designated transportation planning agency, the secretary shall not designate a new transportation planning agency pursuant to Section 29532 for all or any part of the geographic area served by the originally designated agency unless he first determines that such redesignation will not impede the ultimate completion of the State Transportation Plan and such redesignation will not result in the loss to California of any substantial amounts of federal funds.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 789

An act to amend Sections 74702, 74702.5, 74703, 74704, 74705, 74708, and 74711 of the Government Code, relating to courts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 74702 of the Government Code is amended to read:

74702. There shall be one clerk who shall receive a salary as specified in range 5[illegible] of the salary schedule.

SEC. 2. Section 74702.5 of the Government Code is amended to read:

74702.5. The judges of the municipal court may appoint a court administrator who shall assume and discharge the clerk's administrative responsibilities and personnel appointive powers. The court administrator shall receive a salary as specified in range 53 of the salary schedule.

SEC. 3. Section 74703 of the Government Code is amended to read:

74703. Assistant clerks and other municipal court clerical employees shall receive salaries as follows:

	Salary Range
Assistant clerk	33
Executive secretary	33
Deputy clerk IV	28
Clerk-typist IV	28
Account clerk II	24

Deputy clerk III	23
Clerk-typist III	23
Deputy clerk II	17
Clerk-typist II	17
Deputy clerk I	13
Clerk-typist I	13

SEC. 4. Section 74704 of the Government Code is amended to read:

74704. (a) Whenever reference is made to a numbered salary range in any section of this article, the salary schedule found in the salary ordinance of Sonoma County in effect June 7, 1974, shall apply.

(b) When an individual is employed in any position prescribed by this article, he shall be compensated at the minimum salary for that position for the first six months' service in that position after which time he shall receive the six-month increment or step increase and annually thereafter he shall receive a one-step increase until he has reached the maximum salary for that position; provided, however, that in the event that an individual is promoted from one position to another, he shall not be reduced in salary but shall receive the minimum salary above specified for the new position together with such additional annual increments as will most nearly equate to a one-step increase in compensation, subject, nevertheless, to the maximum salary specified for such position.

SEC. 5. Section 74705 of the Government Code is amended to read:

74705. Certain classes of employment in the municipal courts are deemed to be equivalent in job and salary level to certain classes in the service of the County of Sonoma, or in some instances, to such classes plus or minus a specified number of salary ranges. Whenever the salary of those classes in the service of the County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted to a like extent plus or minus the number of salary ranges specified in this section, if applicable. Such adjustment shall become effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustments shall remain effective only until January 1, 1977.

Municipal Court Classification	County Classification
Clerk	Assistant county clerk, plus one range
Assistant clerk	Executive secretary
Executive secretary	Executive secretary
Deputy clerk IV	Clerk-typist IV
Clerk-typist IV	Clerk-typist IV
Deputy clerk III	Clerk-typist III
Clerk-typist III	Clerk-typist III
Deputy clerk II	Clerk-typist II

Clerk-typist II	Clerk-typist II
Deputy clerk I	Clerk-typist I
Clerk-typist I	Clerk-typist I
Court administrator	Services officer I
Account clerk II	Account clerk II

SEC. 6. Section 74708 of the Government Code is amended to read:

74708. In the municipal court in the district which coincides with all the territory in the County of Sonoma, there shall be the following personnel:

(a) There shall be four judges who may together appoint one executive secretary and one clerk-typist, grade IV (municipal court).

(b) There shall be one clerk, who may appoint:

(1) Two assistant clerks.

(2) Six deputy clerks, grade IV.

(3) Eleven deputy clerks, grade III.

(4) Eleven deputy clerks, grade II.

(5) One account clerk, grade II.

(6) One clerk-typist, grade II (municipal court).

SEC. 7. Section 74711 of the Government Code is amended to read:

74711. All officers and employees shall be entitled to the privileges afforded county employees in the Sonoma County Salary Ordinance with respect to sick leave, vacations, and other benefits. They may be appointed, promoted, demoted, reclassified, terminated or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is provided by the salary ordinance in effect at the time of any such adjustment in status.

SEC. 8. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by any local government entity pursuant to the act, because the affected local government entities have requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

CHAPTER 790

An act to amend Sections 13125, 13150, 13152, 13153, and 13177 of, and to repeal Section 13126 of, the Penal Code, relating to criminal records.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13125 of the Penal Code is amended to read:

13125. All basic information stored in state or local criminal offender record information systems shall be recorded, when applicable and available, in the form of the following standard data elements:

The following personal identification data:
- Name—(full name)
  - Aliases
  - Monikers
- Race
- Sex
- Date of birth
- Place of birth (state or country)
- Height
- Weight
- Hair color
- Eye color
- CII number
- FBI number
- Social security number
- California operators license number
- Fingerprint classification number
  - Henry
  - NCIC
- Address

The following arrest data:
- Arresting agency
- Booking number
- Date of arrest
- Offenses charged
  - Statute citations
  - Literal descriptions
- Police disposition
  - Released
  - Cited and released
  - Turned over to
  - Complaint filed

The following lower court data:
- County and court name
- Date complaint filed
- Original offenses charged in complaint to superior court
  - Held to answer
  - Certified plea
- Disposition—lower court
  - Not convicted
  - Dismissed
  - Acquitted
    - Court trial

- Jury trial
- Convicted
  - Plea
  - Court trial
  - Jury trial
- Date of disposition
- Convicted offenses
- Sentence
- Proceedings suspended
  - Reason suspended

The following superior court data:

- County
- Date complaint filed
- Type of proceeding
  - Indictment
  - Information
  - Certification
- Original offenses charged in indictment or information
- Disposition
  - Not convicted
  - Dismissed
  - Acquitted
    - Court trial
    - Jury trial
    - On transcript
  - Convicted—felony, misdemeanor
    - Plea
    - Court trial
    - Jury trial
    - On transcript
  - Date of disposition
  - Convicted offenses
  - Sentence
  - Proceedings suspended
    - Reason suspended
  - Source of reopened cases

The following corrections data:

- Adult probation
  - County
  - Type of court
  - Court number
  - Offense
  - Date on probation
  - Date removed
  - Reason for removal
- Jail (unsentenced prisoners only)
  - Offenses charged
  - Name of jail or institution

Date received
Date released
Reason for release
Bail on own recognizance
Bail
Other
Committing agency
County jail (sentenced prisoners only)
Name of jail, camp, or other
Convicted offense
Sentence
Date received
Date released
Reason for release
Committing agency
Youth Authority
County
Type of court
Court number
Youth Authority number
Date received
Convicted offense
Type of receipt
Original commitment
Parole violator
Date released
Type of release
Custody
Supervision
Date terminated
Department of Corrections
County
Type of court
Court number
Department of Corrections number
Date received
Convicted offense
Type of receipt
Original commitment
Parole violator
Date released
Type of release
Custody
Supervision
Date terminated
Mentally disordered sex offenders
County
Hospital number
Date received

Date discharged
Recommendation

SEC. 2. Section 13126 of the Penal Code is repealed.

SEC. 3. Section 13150 of the Penal Code is amended to read:

13150. For each arrest made, the reporting agency shall report to the Department of Justice, concerning each arrest, the applicable identification and arrest data described in Section 13125 and fingerprints, except as otherwise provided by law.

SEC. 4. Section 13152 of the Penal Code is amended to read:

13152. Each criminal justice agency filing a complaint subsequent to an arrest where a felony charge is recorded at the time of arrest or booking, and every criminal justice agency taking action towards an offender subsequent to such complaint, shall report, on a form prescribed by the Department of Justice, the appropriate data elements enumerated in Section 13125 describing those actions initiated or carried out by the agency.

SEC. 5. Section 13153 of the Penal Code is amended to read:

13153. Criminal offender record information relating to arrests for being found in any public place under the influence of intoxicating liquor under subdivision (f) of Section 647 shall not be reported or maintained by the Department of Justice without special individual justification.

SEC. 6. Section 13177 of the Penal Code is amended to read:

13177. Nothing in this chapter shall be construed to prohibit the Department of Justice from requiring criminal justice agencies to report any information which is required by any other statute to be reported to the department.

SEC. 7. This act shall become operative on July 1, 1978.

CHAPTER 791

An act to add Sections 31012, 31013, and 71599 to, and to add Chapter 6 (commencing with Section 72060) to Part 8 of Division 20 of, the Water Code, relating to water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 31012 is added to the Water Code, to read:

31012. If, on or after the effective date of this section, substantially all of a district water system is acquired by another public agency by any method other than a vote of the electorate of that district so authorizing, the following provisions shall apply:

(a) All funds derived from the operation of the former district system shall be separately accounted for and used exclusively for the

purposes of maintenance, operation, betterments, and bond debt service of the acquired system.

(b) No funds derived from the former district system shall be used for any other such purpose until all debt of that former system has been paid in full or until a majority vote of the electorate of the area served by that former system has authorized such other expenditures.

SEC. 2. Section 31013 is added to the Water Code, to read:

31013. Notwithstanding any other provision of law, the Mammoth County Water District may operate a propane gas distribution service for residents of the district and may do any act necessary to furnish sufficient propane gas to residents of the district.

The provisions of this section are necessary because of the great need for propane gas service within the area of the Mammoth County Water District. There is no other local governmental entity willing to provide such service to the people of the district. This problem is not common to all districts formed under this division. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary for the solution of problems existing in the Mammoth County Water District.

SEC. 3. Section 71599 is added to the Water Code, to read:

71599. If, on or after the effective date of this section, substantially all of a district water system is acquired by another public agency by any method other than a vote of the electorate of that district so authorizing, the following provisions shall apply:

(a) All funds derived from the operation of the former district system shall be separately accounted for and used exclusively for the purposes of maintenance, operation, betterments, and bond debt service of the acquired system.

(b) No funds derived from the former district system shall be used for any other such purpose until all debt of that former system has been paid in full or until a majority vote of the electorate of the area served by that former system has authorized such other expenditures.

SEC. 4. Chapter 6 (commencing with Section 72060) is added to Part 8 of Division 20 of the Water Code, to read:

CHAPTER 6. ISSUANCE OF BONDS AND PAYMENT OF DEBT SERVICE BY THE POMONA VALLEY MUNICIPAL WATER DISTRICT

Article 1. General Provisions

72060. The provisions of this chapter apply only to the Pomona Valley Municipal Water District.

72061. Notwithstanding any other provisions of law, within the Pomona Valley Municipal Water District, bonds may be issued by such district and the debt service thereon paid in and for the purpose and in the manner provided in this chapter. Except as provided

otherwise in this chapter, such bonds shall be issued and the debt service thereon paid in and for the purpose and in the manner otherwise provided by this division.

Article 2. Bond Election, Issuance, and Sale

72062. Whenever the board deems it necessary for the district to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this division, the board shall, by resolution, so declare and call an election to be held in the district for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of the bonds of the district pursuant to the provisions of this chapter.

72063. The resolution calling the bond election shall state all of the following:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of bonds.

(b) The amount of debt to be incurred by each improvement district and by the district.

(c) The full amount of the authorized bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term, which the bonds of any series shall run before maturity shall not exceed forty years from the date of the series.

(d) The bonds shall bear interest at a rate or rates not to exceed 8 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

(e) The measure to be submitted to the voters, which measure shall state that the bonds are to be issued and paid for in the manner set forth in this chapter and in the resolution calling the bond election.

(f) The principal of, or interest on, the bonded debt shall be paid from taxes levied and collected in the entire district as provided in Part 9 (commencing with Section 72090) of this division, except to the extent revenues of the district, or revenues raised by the alternative methods provided by this chapter in the improvement districts established pursuant to Article 3 (commencing with Section 72065) of this chapter are sufficient to pay the amount of such principal and interest that will become due before the proceeds of a tax levied at the next general tax levy will be available.

(g) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(h) The designation of precincts and the location of polling places.

72064. If, from the bond election returns, it appears that more than one-half of the votes cast in such election were in favor of, and assented to, the incurring of the indebtedness, the board may, by resolution, at such time or times as it deems proper, issue bonds of

the district for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity therefor may appear, until the full amount of such bonds authorized has been issued.

72064.1. Except as provided otherwise herein, such election, issuance, and sale of bonds shall be governed by the provisions of this division.

Article 3. Improvement Districts

72065. For the purpose of issuing bonds pursuant to the provisions of this chapter, nine improvement districts, the designations and boundaries of which are described as follows, are hereby established upon the authorization of such bonds by the electorate of such district pursuant to the provisions of this chapter:

CLAREMONT IMPROVEMENT DISTRICT

Beginning at a point in the Northerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the Northwest corner of the Northeast Quarter of Section 21, T.1N.—R.8W. S.B.B.M.; thence Easterly and Southerly along said District boundary to the point of intersection with the most Southerly boundary of the City of Claremont as same existed on July 1, 1974; thence Westerly and Northerly along said corporate boundary to a point of intersection with the center line of Towne Avenue as same existed on July 1, 1974; thence North along said center line to the point of intersection with the center line of Briarcroft Road; thence Westerly along said center line and its Westerly prolongation to its intersection with the center line of the Los Angeles County Flood Control District Thompson Creek Wash Right of Way as same existed on July 1, 1974; thence Northerly along said center line to the point of intersection with the center line of Baseline Road as same existed on July 1, 1974; thence Westerly along said center line of Baseline Road to the point of intersection with the center line of Webb Canyon Road as same existed on July 1, 1974; thence Northerly along the center line of Webb Canyon Road to the point of intersection with the North/South center line of Section 32 T.1N.—R.8W. S.B.B.M.; thence Northerly along said center line of Section 32 and Section 29 T.1N.—R.8W. S.B.B.M. to the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 29; thence Easterly along the East/West center line of the said Northeast Quarter of Section 29 to the Easterly line of Section 29; thence North to the point of intersection with the Easterly boundary of the Marshall Canyon Regional Park as same existed on July 1, 1974; thence Northerly and Easterly along said boundary to the point of beginning.

LA VERNE IMPROVEMENT DISTRICT

Beginning at the most Northwesterly corner of the Claremont Improvement District, as described above; thence Southerly and Westerly along the Westerly edge of said Claremont Improvement District to the intersection with the center line of Briarcroft Road as same existed on July 1, 1974; thence Westerly along said center line and its Westerly prolongation to its intersection with the center line of Williams Avenue as same existed on July 1, 1974; thence Southerly along the center line of Williams Avenue to the intersection with the center line of Foothill Boulevard as same existed on July 1, 1974; thence Northwesterly along said center line of Foothill Boulevard to its intersection with the Easterly boundary of the City of La Verne as same existed on July 1, 1974; thence generally Southerly, Westerly, and Northerly along the said corporate city boundary to the center line of Puddingstone Drive as same existed on July 1, 1974; thence Westerly along the center line of Puddingstone Drive to its intersection with the Easterly boundary of the Los Angeles County Flood Control District Puddingstone Channel Right of Way as same existed on July 1, 1974; thence Northerly, Easterly and Westerly along said Right of Way boundary and its Westerly projection to its intersection with the center line of San Dimas Canyon Road as same existed on July 1, 1974; thence Northerly on the center line of San Dimas Canyon Road to its point of intersection with the Northerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence Easterly along said Northerly boundary to the point of beginning.

SAN DIMAS IMPROVEMENT DISTRICT

Beginning at a point in the Northerly boundary of the Pomona Valley Municipal Water District, said point also being the center of Section 27, T.1N.—R.9W. S.B.B.M.; thence Easterly along said District boundary to the Northwesterly corner of the La Verne Improvement District as described above; thence Southerly along said Westerly La Verne boundary and its Southeasterly prolongation to the Northerly Right of Way of Ganesha Boulevard as same existed on July 1, 1974; thence Southwesterly along said Northerly Right of Way of Ganesha Boulevard to the Northerly Right of Way of U.S. 10 (San Bernardino Freeway) as same existed on July 1, 1974; thence Southwesterly along said Northerly Right of Way to the Westerly boundary of the Rancho San Jose, said point also being the point of intersection with the Northerly prolongation of the Northwesterly property line of the California Polytechnic University (Kellog Campus); thence Southeasterly along said prolongation to the most Northerly and Westerly corner of the California State Polytechnic University property as same existed on July 1, 1974; thence Southerly and Westerly along the Northwesterly property lines of the California Polytechnic University and Mt. San Antonio Junior

College properties to its intersection with the Easterly Right of Way of Grand Avenue as same existed on July 1, 1974; thence Northerly along the Southerly prolongation of the Northwesterly corporate boundary of the City of Walnut as same existed on July 1, 1974; thence continuing Northwesterly and Northeasterly along said corporate boundary to the most Northerly point of the City of Walnut as same existed on July 1, 1974, said point also being the Westerly property line of the Forest Lawn Memorial Park as same existed on July 1, 1974; thence North along said Westerly property line and its prolongation to the intersection with the Northerly Right of Way of U.S. 10 (San Bernardino Freeway) as same existed on July 1, 1974; thence Easterly along said Right of Way to its intersection with the corporate boundary of the City of San Dimas as same existed on July 1, 1974; thence Northwesterly and Northeasterly along said corporate boundary to its intersection with the Covina corporate boundary as same existed on July 1, 1974; thence Northeasterly, Westerly, and North along said Covina boundary and its Northerly prolongation to the center line of Badillo Street as same existed on July 1, 1974; thence Westerly on the center line of Badillo Street to its intersection with the center line of Banna Avenue as same existed on July 1, 1974; thence North along the center line of Banna Avenue to the center line of Ruddock Street as same existed on July 1, 1974; thence Westerly along the center line of Ruddock Street to the intersection of the center line of Glendora Avenue as same existed on July 1, 1974; thence North on the center line of Glendora Avenue to the Northerly line of the Southern Pacific Railroad Right of Way as same existed on July 1, 1974; thence Southwesterly along said Right of Way to its intersection with the Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence generally Northerly, Westerly, and Northerly along the District boundary to its intersection with the center line of Arrow Highway as same existed on July 1, 1974; thence East on the center line of Arrow Highway to its intersection with the corporate boundary of the City of San Dimas as same existed on July 1, 1974; thence generally Northerly, Easterly, and Northerly along said corporate boundary to the point of beginning.

GLENDORA IMPROVEMENT DISTRICT

Beginning at a point on the Northerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the center of Section 27, T.1N., R.9W. S.B.B.M.; thence Southerly and Westerly along the Westerly boundary of the above mentioned San Dimas Improvement District to the Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence Northerly and Easterly around said Pomona Valley Municipal Water District's Westerly and Northerly boundary to the point of beginning.

COVINA IMPROVEMENT DISTRICT

Beginning at a point in the Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the center line of U.S. 10 (San Bernardino Freeway); thence North and East along said District boundary to its point of intersection with the Northerly Right of Way line of the Southern Pacific Railroad as same existed on July 1, 1974; thence Northerly and Southerly along the San Dimas Improvement District boundary as described above to the most Northerly point in the corporate boundary of the City of Walnut as same existed on July 1, 1974; thence Southerly and Westerly along said corporate boundary to the Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence North along said Westerly boundary to the point of beginning.

POMONA IMPROVEMENT DISTRICT

Beginning at a point on the Easterly boundary of the Pomona Valley Municipal Water District, said point being the most Southeasterly corner of the Claremont Improvement District as herein described above; thence Southerly, Westerly, and Southerly along said Easterly District boundary and the Southerly and Westerly boundary of the City of Pomona to its point of intersection with the Easterly corporate boundary of the City of Walnut as same existed on July 1, 1974; thence Northerly along said corporate boundary to its point of intersection with the Southerly boundary of the San Dimas Improvement district as described above; thence Easterly along said above described Southerly San Dimas, La Verne, and Claremont Improvement District boundaries to the point of beginning.

DIAMOND BAR IMPROVEMENT DISTRICT

Beginning at a point in the Easterly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the intersection of the Southerly corporate boundary of the City of Pomona as same existed on July 1, 1974 with the Los Angeles County boundary; thence Southerly and Westerly along the Easterly and Southerly boundary of the District to its intersection with the center line of the California No. 57 Right of Way (Orange Freeway) as same existed on July 1, 1974; thence Northeasterly along said center line to the Westerly boundary of Sections 32, 29, and 20, T.2S.-R.9W. S.B.B.M.; thence North along said Westerly boundary lines to the North boundary line of Section 20, T.2S.-R.9W. S.B.B.M.; thence East along said North line to the center line of said mentioned California No. 57 Right of Way (Orange Freeway) as same existed on July 1, 1974; thence Northeasterly along said center line to the West boundary of Sections 10 and 3, T.2S.-R.9W. S.B.B.M.; thence North

along said Westerly boundary to its intersection with the corporate boundary of the City of Pomona, said line also being a point in the Southerly boundary of Pomona Improvement District as same existed on July 1, 1974; thence Northeasterly and Southeasterly along said Southern boundary of Pomona Improvement District to the point of beginning.

WALNUT IMPROVEMENT DISTRICT

Beginning at the point on the Westerly boundary of the Pomona Valley Municipal Water District, said point also being the intersection of the corporate boundary of the City of Walnut as same existed on July 1, 1974 and the most Southwesterly point of Covina Improvement District as described above; thence Easterly along the Southerly and Westerly boundaries of the Covina, San Dimas, Pomona, and Diamond Bar Improvement Districts to the point of intersection with the Southerly boundary of the Walnut Valley Water District as same existed on July 1, 1974; thence Westerly and Northerly along the Southerly and Westerly boundary of said Walnut Valley Water District to the point of intersection with the Southerly projection of the center line of Nogales Avenue as same existed on July 1, 1974; thence North on said center line of Nogales Avenue and its Northerly prolongation to its intersection with the Easterly corporate boundary of the City of West Covina as same existed on July 1, 1974; thence Northerly along said Easterly boundary to its intersection with the Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence Northerly along said District boundary to the point of beginning.

ROWLAND IMPROVEMENT DISTRICT

Beginning at a point in the Southerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the center line of the California No. 57 Right of Way (Orange Freeway) and the Southwesterly corner of the Diamond Bar Improvement District as described above; thence Westerly, Northerly, and Easterly along said Southwesterly boundary of the Pomona Valley Municipal Water District to the point of intersection with the Walnut Improvement District as described above; thence Southerly along the Westerly boundary of the Walnut and Diamond Bar Improvement Districts to the point of beginning.

72066. The board may exercise all of its powers and duties in regard to improvement districts established by this article in the same manner as to improvement districts otherwise formed under the provisions of this division, except as otherwise provided in this chapter.

72067. Any portion of the district, whether contiguous or not to an improvement district established by this chapter, may be annexed to such improvement district in the manner provided in Chapter 1

(commencing with Section 72670) of Part 11 of this division.

72068. Any portion of the district may be excluded from an improvement district established by this chapter in the manner provided in Chapter 5 (commencing with Section 72040) of this part.

Article 4. Determination and Payment of Debt Service and Maintenance and Operation Costs

72070.1. As used in this article, the following terms shall have the meaning described in this section:

(a) "Board" shall mean the Board of Directors of the Pomona Valley Municipal Water District.

(b) "Charges" shall mean charges made for metered water or for minimum charges for services, including customers' charges, service charges, demand charges, and capacity charges, but shall not include charges made for water which is to be resold and delivered through mains or pipes.

(c) "Month" shall mean a calendar month.

(d) "Person" shall mean any domestic or foreign corporation, association, syndicate, joint stock company, partnership of any kind, joint venture, club, Massachusetts business or common law trust, society, individual, municipal corporation, and the state and any political subdivision thereof.

(e) "Service user" shall mean any person required to pay a tax imposed under the provisions of this article.

(f) "Service supplier" shall mean any person required to collect a tax under the provisions of this article.

72070.2. In addition to the powers otherwise provided for improvement districts under the provisions of this division, the board shall have the power to levy a utility tax on every person within any of the improvement districts established by this chapter using water within such districts, as provided in this article.

72070.3. Nothing in this article shall be construed as imposing a tax upon any person when the imposition of such tax upon that person would be in violation of the Constitution of the United States or the Constitution of this state.

72070.4. Notwithstanding any other provision of law to the contrary, persons subject to the jurisdiction of the Public Utilities Commission need not obtain an authorization from the commission to comply with the provisions of this article.

72070.5. The board hereby is authorized to impose a tax upon every person within any of the improvement districts established by this chapter using water within such district, at the rate and in the manner provided in this article. The tax imposed by this section shall be a percentage of the charges made for such use of water and shall be paid by the person paying for such water.

72070.6. The tax imposed in this article shall be collected from the service user by the person selling the water. The amount collected in one month shall be remitted to the board on or before the last day

of the following month.

72070.7. The taxes imposed by this article shall be collected, insofar as practicable, at the same time as, and along with, the charges made in accordance with the regular billing practice of the service supplier. If the amount paid by a service user to a supplier is less than the full amount of the charge and the tax which has accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid.

72070.8. Taxes collected from the service user which are not remitted to the board on or before the due dates provided in this article are delinquent.

72070.9. Interest and penalties for delinquency in remittance of any tax collected by a service supplier and not remitted to the board shall be assessed as follows:

(a) Any service supplier who fails to remit any tax imposed by this article within 30 days after receipt of written notice from the board of such failure shall pay a penalty of 10 percent of the amount of the tax.

(b) If the board determines that the nonpayment of any remittance due under this article is due to fraud, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalty stated in subdivision (a).

(c) In addition to the penalties imposed in this section, any service supplier who fails to remit any tax imposed by this part, shall pay interest at the rate of one percent per month, or fraction thereof, on the amount of the tax exclusive of penalties, from the date on which the remittance first became delinquent until paid.

72070.10. Failure by a service user to pay any tax imposed by this article shall result in the following interest and penalties on the service user:

(a) Any service user who fails to pay any tax imposed by this article within 90 days of the date of receipt of notice of the amount of tax due from the service supplier shall pay a penalty of 10 percent of the amount of the unpaid tax.

(b) In addition to the penalty imposed in this section, any service user who fails to pay any tax imposed by this article, shall pay interest at the rate of 6 percent per annum, exclusive of penalties, from the date on which the remittance first became delinquent until paid, and a collection charge of five dollars ($5) for each delinquent account.

(c) The penalties, interest, and collection charges imposed by this section shall not be billed or collected by the service supplier, but shall be determined and collected by the board.

72070.11. Any tax required to be paid by a service user under the provisions of this article shall be deemed a debt owed by the service user to the district. Any tax collected from a service user which has not been remitted to the board shall be deemed a debt owed to the district by the person required to collect and remit such tax. Nothing in this article shall impose any obligation upon a service supplier to take any legal action to enforce the collection of the utility users tax

imposed by this article. Amounts uncollected by a service supplier shall be referred to the board for collection.

72070.12. The board shall enforce the provisions of this article and may prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of this article. The board shall not prescribe, adopt or enforce any rule or regulation which has the effect, directly or indirectly, of altering the terms and conditions of service of a service supplier serving the general public. Rules and regulations prescribed and adopted by the board shall not be inconsistent with procedures established from time to time by a service supplier serving the general public for the purpose of billing, collecting and accounting for charges in the conduct of its business.

72070.13. Whenever the amount of any tax has been overpaid or paid more than once or had been erroneously or illegally collected or received by the board, it may be refunded, provided that a claim therefor in writing is filed with the board within two years of the date of payment.

72070.14. Notwithstanding the provisions of section 72070.13, a service supplier may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the board that the service user from whom the tax has been collected did not owe the tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the service user or credited to charges subsequently payable by the service user to the person required to collect and remit.

72071. The board may advance general funds of the district to accomplish the purposes of an improvement district performed pursuant to this chapter.

72072. The board may repay the district for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district or from the taxes levied exclusively upon the taxable property in the improvement district, with interest at a rate not to exceed the interest value of money to the district.

72073. The board annually shall cause to be prepared a written report stating the reasons for and conclusions of the board upon the following, together with any additional information deemed by the board to be relevant to such conclusions:

(a) The amount of the total debt service payable by the district for the following fiscal year on any bonded indebtedness incurred pursuant to this chapter.

(b) The amount of such total debt service and maintenance and operation costs proposed to be paid by each of the improvement districts established under the provisions of this chapter, in accordance with the estimated benefits to be received by the landowners, water users, and inhabitants of each such improvement district.

(c) The projected retail water sales within each such

improvement district for the following fiscal year, stated by volume and anticipated revenue.

Such report shall be mailed at least 20 days before the hearing provided for in Section 72074 to (1) each retail water purveyor with a service area wholly or partly within the district, and (2) any other interested party having made written request therefor at least 20 days before such hearing.

72074. Annually, prior to approving the annual budget for the district, the board of directors shall hold a public hearing for the purpose of considering the report made pursuant to this article, and to determine the amount of debt service and maintenance and operation costs to be paid by each of the improvement districts established hereby and the method of payment of such amount by each such improvement district.

72075. Notice of the hearing to be held pursuant to Section 72074 shall be given by publishing a copy, pursuant to Section 6066 of the Government Code, at least 15 days prior to the time fixed for the hearing in a newspaper of general circulation within the district, if there is a newspaper of such circulation within the district. Such notice also shall be given by posting a copy in three public places within each of the improvement districts established under this chapter for at least two weeks before the time fixed for the hearing.

The notice of such hearing shall state the following:

(a) The time and place for the hearing by the board.

(b) The amount of such debt service and maintenance and operation costs proposed to be paid by each improvement district established by this chapter.

(c) That an ad valorem tax will be levied in each improvement district in an amount sufficient to pay the bond debt service and maintenance and operation costs required for the following fiscal year by each improvement district, to the extent that alternative methods of payment are not available for such purpose under the provisions of this chapter.

(d) That at such time and place any person interested will be heard on the questions of such amount of debt service and maintenance and operation costs and the availability of such alternative methods of payment.

72076. At the conclusion of the hearing, the board shall, by resolution, determine the following:

(a) The amount of the total debt service on any bond indebtedness incurred pursuant to this chapter and the amount of the maintenance and operation costs to be paid by each improvement district established hereunder, in accordance with the estimated benefits to be received by the landowners, water users, and inhabitants of each such improvement district.

(b) The method of payment of such debt service and maintenance and operation costs by each such improvement district.

72077. The amount of such debt service and maintenance and operation costs to be paid by each improvement district established

under this chapter shall be paid by an ad valorem tax, to the extent that such payment is not paid by one or more of the following alternative methods:

(a) Payment of funds to the district from water revenues or other income of the retail water purveyors within each such improvement district pursuant to a contract therefor, which shall constitute a lien upon such revenues and income. Notwithstanding the foregoing, such payment shall not be used unless and until a declaration of such majority of purveyors, stating their intention to use a specified amount of water service revenues or other income as such an alternative method of payment is filed with the board and there is shown to the satisfaction of the board that the financial condition of such purveyor reasonably will assure such payment. Such payment shall be made to the district on or before the date on which it would have received funds if it levied an ad valorem tax in lieu of such alternative method of payment.

If any such purveyor fails to make any or all of such payment, the amount of such delinquency, plus a penalty of 8 percent per annum, shall be paid by such defaulting purveyor through appropriate proceedings brought by the district.

(d) Collection of the utility tax pursuant to Sections 72070.1 to 72070.14, inclusive.

(c) Water standby or availability charges in any such improvement district fixed pursuant to Article 2 (commencing with Section 71630) of Chapter 2 of Part 5 of this division.

(d) Water revenues of the district derived from sales of water within each such improvement district pursuant to Article 1 (commencing with Section 71610) of Chapter 2 of Part 5 of this division.

The board shall not use any of such alternative methods of payment if a written protest against such use is filed with the board, prior to the conclusion of the hearing held pursuant to this chapter, by the retail water purveyors within each such improvement district providing the majority of retail water service within such improvement district by volume and number of services.

Notwithstanding the foregoing, if such a written protest is filed, the board may nonetheless use any such alternative means of payment, other than that specified in subdivision (a), upon the affirmative vote of four directors.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Facts and circumstances exist in the Pomona Valley Municipal Water District in Los Angeles County, peculiar to that district, which necessitate the special provisions and procedures provided by this act for permitting the creation of a districtwide bond debt for water facilities, while allowing the creation of improvement districts with local options as to the method of servicing such bond debt and paying maintenance and operation costs of such facilities; namely, because of the extreme rapid population growth occurring in some areas of the district without ground water supplies, the general deterioration of quality and quantity of local supplies, the urgent need for increased selective use and protection of local water supplies, the increasing threat to local water supplies through the presence of nitrates, and the extreme diversity of development, water sources, water needs, and types of water purveyors, among other urgent water-related problems. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 792

An act to amend Section 23651 of the Education Code, relating to California State University and Colleges.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 23651 of the Education Code is amended to read:

23651. For each campus of the California State University and Colleges, except as otherwise provided in this chapter, there shall be an advisory board of not less than seven nor more than 13 members, who shall be appointed by the trustees. Each member of the advisory board of a campus of the California State University and Colleges shall reside in the area in which such campus is located. No person shall be appointed to serve as a member of an advisory board who at the time holds any salaried educational position, except that any member of a county board of education or of a governing board of a school district may serve on an advisory board; provided that no more than three members of an advisory board may also be members of a county board of education or a governing board of a school district.

CHAPTER 793

An act to amend Section 14301.5 of the Welfare and Institutions Code, relating to health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 14301.5 of the Welfare and Institutions Code is amended to read:

14301.5. (a) Except as provided in subdivision (b), no contract between the department and a prepaid health plan shall be approved or renewed if any officer or employee of the state, or any Member of the Legislature, has any direct or indirect financial interest in the prepaid health plan or has a direct or indirect financial interest in any contract with the prepaid health plan, or if the prepaid health plan has offered or given any such officer, employee, or Member of the Legislature, anything of value for the purpose of influencing or attempting to influence the negotiations for approval, or renewal, of a prepaid health plan contract with the department. As used in this section, "indirect financial interest" includes the ownership of stock, bonds, notes, other forms of indebtedness, or a partnership interest, by the officer or employee of the state, Member of the Legislature, or by a member of such person's immediate family.

(b) A contract between the department and a prepaid health plan may be approved or renewed if a member of any board, commission or council listed in this subdivision, other than the director or a deputy director of the department or of any other department or a Member of the Legislature, has a direct or indirect financial interest in the prepaid health plan, or in any contract with the prepaid health plan, provided that full disclosure of such interest, in writing, is made to the department and full disclosure of such interest is made at the public hearing on the contract required by subdivision (a) of Section 14319 of this code.

(1) The State Board of Chiropractic Examiners.

(2) The Board of Dental Examiners of California.

(3) The Board of Medical Examiners of the State of California.

(4) The California Board of Nursing Education and Nurses Registration.

(5) The State Board of Examiners of Nursing Home Administrators.

(6) The State Board of Optometry.

(7) The Board of Osteopathic Examiners of the State of California.

(8) The California State Board of Pharmacy.

(9) The Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

(10) The Advisory Health Council.
(11) The California Hospital Commission.
(12) The Medical Therapeutics and Drug Advisory Committee.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To assure qualified representation on various commissions and boards as provided by this act, it is necessary for this act to take immediate effect.

SEC. 3. In the event that this bill and Assembly Bill No. 586 are both enacted and this bill is chaptered after Assembly Bill No. 586 this bill shall become operative on its effective date until the operative date of Assembly Bill No. 586 at which time the provisions of Assembly Bill No. 586 shall prevail over the provisions of this bill.

CHAPTER 794

An act to repeal and add Sections 40600 and 40604 of the Vehicle Code, relating to notices of violation.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 40600 of the Vehicle Code is repealed.

SEC. 2. Section 40600 is added to the Vehicle Code, to read:

40600. (a) Notwithstanding any other provision of law, a peace officer who has successfully completed at least 80 hours of instruction in a course or courses of instruction, approved by the Commission on Peace Officer Standards and Training, in the investigation of traffic accidents may prepare in triplicate, on a form approved by the Judicial Council, a written notice of violation when the peace officer has reasonable cause to believe that any person involved in a traffic accident has violated a provision of this code not declared to be a felony or a violation of a local ordinance and the violation was a factor in the occurrence of the traffic accident.

(b) A notice of violation shall contain the name and address of the person, the license number of his vehicle, if any, the name and address, when available, of the registered owner or lessee of the vehicle, the offense charged, and the time and place when and where he may appear in court or before a person authorized to receive a deposit of bail. The time specified shall be at least 10 days after such notice of violation is delivered.

(c) The preparation and delivery of a notice of violation does not constitute an arrest.

(d) For the purposes of this article, a peace officer will be deemed

to have reasonable cause to issue a written notice of violation if, as a result of his investigation, he has evidence, either testimonial or real, or a combination of testimonial and real, that would be sufficient to issue a written notice to appear if he had personally witnessed the events he investigated.

(e) As used in this section, "peace officer" means a member of the California Highway Patrol; a sheriff, undersheriff, or deputy sheriff of a county; a policeman of a city; or a policeman of a district authorized by statute to maintain a police department.

SEC. 3. Section 40604 of the Vehicle Code is repealed.

SEC. 4. Section 40604 is added to the Vehicle Code, to read:

40604. Before any warrant for arrest may issue following the filing of a complaint charging the offense for which the written notice of violation was issued pursuant to Section 40600, a notice of the filing of the complaint shall be issued and served upon the person charged with the offense by personal delivery or by certified mail, postage prepaid and return receipt requested, addressed to the person at the address shown in the accident report. The notice shall contain the name and address of the person, the license number of the vehicle involved, the name and address, when available, of the registered owner or lessee of the vehicle, the offense shown on the written notice of violation, and the approximate time of the commission of the offense. The notice shall inform the person that, unless he appears in the court designated in the notice within 10 days after the service of the notice and answers the charges against him, a warrant will issue for his arrest. Proof of service shall be made by the affidavit of any person over 18 years of age making the service showing the time, place, and manner of service and facts showing that the service was made in accordance with this section. If service is made by mail, no warrant for arrest may issue unless the proof of service includes evidence satisfactory to the court establishing actual delivery to the person by a signed return receipt or other evidence.

SEC. 5. There are no state-mandated local costs in this act that require reimbursment under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

CHAPTER 795

An act to amend Sections 13876, 13891, 13910, 13915, 14028, 14031, 14034, 14043, 14070, 14073, 14075, 14080, 14080.1, 14116.3, 14117, 14134.10, 14180, 14196, 14198, 14223.5, 14241.1, and 14243 of, to add Sections 13917, 14040, and 14134.11 to, to repeal Sections 13846, 13911, 13912, 13913, 13914, 13917, 14022, 14025, 14040, 14117.2, and 14455.10 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13846 of the Education Code is repealed.

SEC. 2. Section 13876 of the Education Code is amended to read:

13876. The board may authorize the transfer and disbursement of funds from the Teachers' Retirement Fund for the purpose of carrying into effect the provisions of this chapter upon the signature of either or both its chairman and vice chairman or the chief executive officer or any employee of the system designated by the chief executive officer.

SEC. 3. Section 13891 of the Education Code is amended to read:

13891. The board shall establish and maintain an adequate system of records and accounts following recognized accounting principles and controls.

SEC. 4. Section 13910 of the Education Code is amended to read:

13910. There is in the State Treasury a special trust fund to be known as the Teachers' Retirement Fund. There shall be deposited in that fund the assets of the system and its predecessors, consisting of employee contributions, employer contributions, state contributions, appropriations made to it by the Legislature, income on investments, other interest income, income from fees and penalties, donations, legacies, bequests made to it and accepted by the board and any other amounts provided by this chapter.

Disbursement of money from the Teachers' Retirement Fund of whatever nature shall be made upon claims duly audited in the manner prescribed for the disbursement of other public funds.

SEC. 5. Section 13911 of the Education Code is repealed.

SEC. 6. Section 13912 of the Education Code is repealed

SEC. 7. Section 13913 of the Education Code is repealed.

SEC. 8. Section 13914 of the Education Code is repealed.

SEC. 9. Section 13915 of the Education Code is amended to read:

13915. Return on investments shall be collected by the State Treasurer, and together with any other moneys received for the Teachers' Retirement Fund shall be immediately deposited to the credit of that fund and reported forthwith to the system. Money in whatever form received directly by the system shall be deposited forthwith in the State Treasury to the credit of that fund.

SEC. 10. Section 13917 of the Education Code is repealed.

SEC. 11. Section 13917 is added to the Education Code, to read:

13917. The board shall determine annually the rate of credited interest to be credited to members' accumulated retirement contributions for service performed after June 30, 1935, the accumulated annuity deposit contributions and the accumulated tax-sheltered annuity contributions excluding all accumulated contributions while being paid as allowances under the provisions of Section 14186 and 14260.

The board shall credit interest to all other accumulated reserves

at the actuarially assumed interest rate.

SEC. 12. Section 14022 of the Education Code is repealed.

SEC. 13. Section 14025 of the Education Code is repealed.

SEC. 14. Section 14028 of the Education Code is amended to read:

14028. Members' accumulated retirement contributions and those other contributions required for credited service shall be in the amounts required based on rates of contribution applicable for the years included in such period.

SEC. 15. Section 14031 of the Education Code is amended to read:

14031. Subject to rules prescribed by the board, any member may elect to make annuity deposits for the purpose of providing additional retirement income.

Contributions to the Annuity Deposit Fund may be remitted directly to the system by the member.

A member may at any time cancel such election and later again elect to make contributions to the Annuity Deposit Fund. Annuity Deposit Fund contributions made after June 30, 1956, may be withdrawn only as provided in Section 14070. Annuity Deposit Fund contributions made based on salary earned prior to July 1, 1944, may be withdrawn as provided in Section 14075.

SEC. 16. Section 14034 of the Education Code is amended to read:

14034. Tax-sheltered contributions shall not exceed 20 percent of the compensation paid to him in any one year computed in accordance with applicable regulations of the Federal Internal Revenue Service.

SEC. 17. Section 14040 of the Education Code is repealed.

SEC. 18. Section 14040 is added to the Education Code, to read:

14040. Except as provided in this chapter a member who elects to receive credited service for military or Red Cross service under Section 13994 shall pay such amounts as may be necessary, when added to contributions deducted by the employer during his absence, to make his contributions equal to those he would have made had he not been absent from the service. If the member was not employed in a position requiring membership at the time he entered the military service or an auxiliary thereof, or the service of the Red Cross his contributions for such service shall be based upon the salary he was receiving prior to entering on such service.

SEC. 19. Section 14043 of the Education Code is amended to read:

14043. No contributions shall be required for service credited under Section 13994 from a member for such service on account of an absence after September 15, 1940, if he returned to a position requiring membership in this system prior to March 19, 1948, or after that date if he returned to such employment within six months after the termination of such service and prior to January 1, 1950.

SEC 20. Section 14070 of the Education Code is amended to read:

14070. Upon the termination of a member's employment by any cause other than death or retirement there shall be paid to him, or if no other benefits are payable under this chapter upon the death of a member, there shall be paid to the beneficiary nominated by the

deceased member:

(a) The accumulated retirement contributions.

(b) The accumulated annuity deposit contributions.

(c) The accumulated tax-sheltered annuity contributions unless the withdrawal is made within five years of initial deposit of tax-sheltered contributions, in which case the refunded amount shall be without interest.

SEC. 21. Section 14073 of the Education Code is amended to read:

14073. If a member ceases to be entitled to credit for service in this system because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States government, or any state government or political subdivision thereof, he is entitled to a refund of the accumulated retirement contributions made during the period for which he is entitled to credit in the other retirement system.

SEC. 22. Section 14075 of the Education Code is amended to read:

14075. Any member without terminating membership and upon making application on forms provided by the system shall be paid a refund of the accumulated annuity deposit contribution.

SEC. 23. Section 14080 of the Education Code is amended to read:

14080. If a person whose accumulated retirement contributions have been refunded again becomes a member of the system he may elect to redeposit such contributions with regular interest, after he has subsequently performed one year of creditable service provided he repays all such contributions previously refunded.

For time prior to July 1, 1944, regular interest shall be at 2½ percent compounded annually. Such redeposit shall also include the administration expense provided in Section 14070.5.

SEC. 24. Section 14080.1 of the Education Code is amended to read:

14080.1. Repayment of withdrawn accumulated retirement contributions shall be made in one sum, or in not more than 60 monthly installments, provided that no installment, except the final installment, shall be less then twenty-five dollars ($25).

SEC. 25. Section 14116.3 of the Education Code is amended to read:

14116.3. The former Permanent Fund contributions in the accounts of teachers who elected to be wholly covered by the San Francisco City and County Employees' Retirement System related to San Francisco local service performed prior to July 1, 1972, shall be retained in the Teachers' Retirement Fund during the 1972–1973 fiscal year. Credited interest shall be applied to these member accounts for the 1972–1973 fiscal year.

SEC. 26. Section 14117 of the Education Code is amended to read:

14117. The San Francisco City and County Employees' Retirement System shall provide for and assume total financial responsibility for the full former Permanent Fund benefit earned through June 30, 1972, or those persons who elect to be covered only by the local system, as those benefits existed in subdivision (a) of

Section 14240 on June 30, 1972. The Permanent Fund was terminated July 1, 1972. There shall be no reduction in local benefits because of this section.

SEC. 27. Section 14117.2 of the Education Code is repealed.

SEC. 28. Section 14134.10 of the Education Code is amended to read:

14134.10. Those members who took a refund of their accumulated contributions from the former Los Angeles Unified School District Retirement System or the former Los Angeles Community College District Retirement System or the San Francisco City and County Employees' Retirement System, prior to July 1, 1972, and who have former Permanent Fund contributions only on deposit related to former local system service shall have those accumulated former Permanent Fund contributions on deposit as of July 1, 1972, treated in the same manner as accumulated retirement contributions of all nonlocal members. Upon discovery and notification to such members, they shall:

(a) Redeposit the contributions required to bring the account into full balance with regular interest prior to retirement; or

(b) Leave those former Permanent Fund accumulated contributions on deposit and receive a reduced retirement allowance under the law as it read on June 30, 1972.

SEC. 29. Section 14134.11 is added to the Education Code, to read:

14134.11. Those members who took a refund of their accumulated contributions from the former Los Angeles Unified School District Retirement System or the former Los Angeles Community College District Retirement System or the San Francisco City and County Employees' Retirement System, prior to July 1, 1972, and who also took a refund of their former Permanent Fund contributions from the State Teachers' Retirement System and who redeposited their contributions in the local system but did not redeposit their former accumulated Permanent Fund contributions in the State Teachers' Retirement System shall redeposit the contributions with regular interest required to bring the account into full balance when notified by the system. The redeposit may be made immediately without a waiting period and shall be made prior to retirement. Such redeposit shall be made in a lump-sum or by installment payments as specified by the chief executive officer.

SEC. 30. Section 14180 of the Education Code is amended to read:

14180. (a) Except as otherwise provided in Sections 14186, 14283, or 14284 payment pursuant to subdivision (b) of this section shall be made upon receipt of proof of a member's death which occurred:

(1) Before the effective date of his retirement and within four months after the termination of the member's employment in a position requiring membership in this system, or

(2) While the member was physically or mentally disabled for performance of his duty, if such disability had been continuous from such termination.

(b) There shall be paid to the designated beneficiary:

(1) The accumulated retirement contributions made after June 30, 1935.

(2) The accumulated annuity deposit contributions.

(3) The accumulated tax-sheltered annuity contributions unless the withdrawal is made within five years of initial deposit of tax-sheltered contributions, in which case the refunded amount shall be without interest.

(4) The sum of two thousand dollars ($2,000), provided the member had at least one year of credited service.

SEC. 31. Section 14196 of the Education Code is amended to read:

14196. Survivor benefits payable on account of deaths which occurred prior to July 1, 1972, shall be continued in the amounts and under the conditions stated in Sections 14186, 14189 and 14190, as they read prior to July 1, 1972.

SEC. 32. Section 14198 of the Education Code is amended to read:

14198. Benefits payable on account of deaths which occurred prior to July 1, 1972, and provided under Section 14193, as it read prior to July 1, 1972, shall be continued. The provisions of Sections 14195, and 14196 as they read prior to such date shall continue to apply to these payments.

SEC. 33. Section 14223.5 of the Education Code is amended to read:

14223.5. Upon termination of the retirement allowance which began to accrue prior to July 1, 1972, the member's individual account shall be credited with amounts which are the actuarial equivalents at that time, as based on the disabled life, where retirement had been for disability, or on the active life where the retirement had been for service of the allowance and annuities being paid from accumulated retirement contributions, accumulated annuity deposit contributions or accumulated tax-sheltered annuity contributions. Such credited amounts shall not exceed the amount of his accumulated contributions as they were in those accounts at the date of retirement.

SEC. 34. Section 14241.1 of the Education Code is amended to read:

14241.1. Members who were retired under a previously existing local teachers' retirement system or the San Francisco City and County Employees' Retirement System prior to July 1, 1972, who have not retired under the State Teachers' Retirement System for the allowance which existed for local system service performed prior to July 1, 1972, shall have that part of the retirement allowance computed under the law in effect on June 30, 1972, whenever they retire in the future.

SEC. 35. Section 14243 of the Education Code is amended to read:

14243. The minimum unmodified allowance, exclusive of annuities from accumulated annuity deposit contributions or accumulated tax-sheltered annuity contributions payable for service retirement, shall not be less than ten dollars ($10) per month

multiplied by the years of credited service. This guaranteed amount shall be reduced by the amount of an unmodified allowance payable from a local system based on service credited by this system. If the retirement is effective at less than age 60 this allowance shall be reduced by one-half of 1 percent for each full month or fraction of a month which will elapse until the member would have reached age 60.

SEC. 36. Section 14455.10 of the Education Code is repealed.

CHAPTER 796

An act to add Section 14695.2 to the Education Code, relating to school district retirement plans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

Section 14695.2 is added to the Education Code, to read:

14695.2. The assets of the annuity reserve fund invested in common stocks or shares shall not exceed the percentage of annuity reserved fund assets so invested as of June 30, 1973, or 25 percent of the total assets of the fund whichever is lower. The assets invested in preferred stocks or shares shall not exceed 5 percent of the total assets of the fund. For the purposes of this section, valuation of fund assets, common stocks or shares, and preferred stocks or shares shall be determined on the basis of cost to the annuity reserve fund.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such a necessity are:

In order for recommended investment actions to be taken as soon as possible, this act must take effect immediately.

CHAPTER 797

An act to amend Sections 22656 and 22702 of, and to add Section 22657.5 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 22656 of the Vehicle Code is amended to read:

22656. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located or any regularly employed and salaried officer of the University of California Police Department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California on or in which a vehicle is located or any regularly employed and salaried officer of a California state university or college police department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State University and Colleges on or in which a vehicle is located, or any regularly employed and salaried officer of a transit district security force on or about parking lots owned by the transit district or in or about other grounds or properties owned, operated, controlled or administered by the board of directors of the transit district on or in which a vehicle is located, may remove a vehicle from a railroad right-of-way if the vehicle is parked upon any railroad track or within 7½ feet of the nearest rail.

SEC. 2. Section 22657.5 is added to the Vehicle Code, to read:

22657.5. (a) Any regularly employed and salaried officer of a transit district security force, on property owned by the transit district or on property rented or leased from others by the transit district, may remove a vehicle from such property, under any of the following circumstances:

(1) When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(2) When any vehicle is left standing upon the property in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic upon the property.

(3) When any vehicle is found upon the property and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(4) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the property.

(5) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the property.

(6) When the person or persons in charge of a vehicle upon the property are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(7) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take and does take the person arrested before a magistrate without unnecessary delay.

(8) When any vehicle registered in a foreign jurisdiction is found upon the property and it is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has failed to respond, the vehicle may be impounded until such person furnishes to the transit district evidence of his identity and an address within this state at which he can be located. A notice of a parking violation issued to such vehicle shall be accompanied by a warning that repeated violations may result in the vehicle being impounded.

(9) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed the vehicle may be impounded until the owner or person in control of the vehicle furnishes the transit district evidence of his identity and an address within this state at which he can be located.

(b) Whenever any regularly employed and salaried officer of a transit district security force, on property owned by the transit district or on property rented or leased from others by the transit district, has reasonable cause to believe that a motor vehicle on such property has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20002 to 20006, inclusive, the officer may remove the vehicle from the property for the purpose of inspection. Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the property upon demand of the owner.

SEC. 3. Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy sheriff or other employee of the county designated to perform this function by the board of supervisors in which a vehicle is located or any regularly employed and salaried police officer or other employee of the city designated to perform this function by the city council, in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) Any regularly employed and salaried officer or other employee of the University of California Police Department who has reasonable grounds to believe that a vehicle has been abandoned on or about a campus or in or about other grounds or properties owned,

operated, controlled or administered by the Regents of the University of California may remove the vehicle from such property.

(d) Any policeman appointed or employed by the board of directors of a regional park district who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the regional park district or rented or leased from others by the regional park district, may remove the vehicle from such property.

(e) Any regularly employed and salaried officer or other employee of a California state university or college police department who has reasonable grounds to believe that a vehicle has been abandoned on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State University and Colleges, may remove the vehicle from such property.

(f) Any person performing a franchise or contract awarded pursuant to subdivision (a) of Section 22710, may remove a vehicle from a highway or place to which it has been removed pursuant to subdivision (c) of Section 22654 or from public or private property, after a determination by a member of the California Highway Patrol or any regularly employed and salaried deputy or other employee of the sheriff's office of a county in which such vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which such vehicle is located that such vehicle is abandoned.

(g) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

(h) A county or city employee, other than an employee of a sheriff's department or a city police department, designated to remove vehicles pursuant to this section may do so only after he has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the vehicle.

(i) Any regularly employed and salaried officer of a transit district security force who has reasonable grounds to believe that a vehicle has been abandoned on property owned by the transit district or rented or leased from others by the transit district, may remove the vehicle from such property.

CHAPTER 798

An act to amend Section 22855 of, and to repeal Section 22856 of, the Vehicle Code, relating to vehicle removal.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 22855 of the Vehicle Code is amended to read:

22855. The following persons shall have the authority to make appraisals of the value of vehicles for purposes of this chapter, subject to the conditions stated in this chapter:

(a) Any member of the California Highway Patrol designated by the commissioner.

(b) Any regularly employed and salaried deputy sheriff or other employee designated by the sheriff of any county.

(c) Any regularly employed and salaried police officer or other employee designated by the chief of police of any city.

(d) Any officer or employee of the Department of Motor Vehicles designated by the director of said department.

(e) Any member of the California State Police designated by the chief thereof.

(f) Any regularly employed and salaried police officer or other employee of the University of California Police Department designated by the chief thereof.

(g) Any regularly salaried employee of a city, county, or city and county designated by a board of supervisors or a city council pursuant to subdivision (a) of Section 22702.

(h) Any regularly employed and salaried police officer or other employee of a California State University and College police department designated by the chief thereof.

(i) Any regularly employed and salaried security officer or other employee of a transit district security force designated by the chief thereof.

SEC. 2. Section 22856 of the Vehicle Code is repealed.

CHAPTER 799

An act to amend Section 74511 of the Government Code, relating to courts.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 74511 of the Government Code is amended to read:

74511. Official reporters in the Municipal Court in the City and County of San Francisco appointed pursuant to Section 72194, in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court in the City and County of San Francisco, which shall be a charge against the general fund of the city

and county.

Such reporters shall be entitled to vacation and sick leave in the same amount as provided official reporters of the superior court in the city and county and shall be entitled and subject to any retirement and health service provisions of the charter of the city and county.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by any local government entity pursuant to the act, because the affected local government entities have requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

CHAPTER 800

An act to amend Section 76006 of the Government Code, relating to grand juries.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 76006 of the Government Code is amended to read:

76006. In a county of the sixth class, the fees of trial jurors in the superior court, and trial jurors in the municipal court, in both civil and criminal cases, shall be six dollars ($6) for each day's attendance upon the court. Grand jurors shall receive for each day's attendance, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigation, not less than ten dollars ($10), and not more than twenty-five dollars ($25) a day, as determined by the board of supervisors; provided that a grand juror shall receive not more than seventy-five dollars ($75) for any week. Notwithstanding any other provisions in law, trial jurors and grand jurors shall not be paid any mileage for travel either coming or going in attending the court or a session or committee meeting of the grand jury or investigation by the grand jury, except that grand jurors may be reimbursed for travel expenses necessarily incurred when required to travel outside the county in the course of an investigation, provided that the court orders such reimbursement, in which event grand jurors shall be reimbursed at the statutory rate for mileage established by the board of supervisors. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county and shall be paid from county funds on or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are

to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury.

CHAPTER 801

An act to amend Section 6005 of the Penal Code, relating to the administration of justice.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6005 of the Penal Code is amended to read:

6005. Whenever a person confined to a correctional institution under the supervision of the Department of the Youth Authority is charged with a public offense committed within the confines of such institution and is tried for such public offense, the county clerk of a county or the city finance officer of a city incurring any costs in connection with such matter must make out a statement of all the costs incurred by the county or city for the investigation, and the preparation of the trial, and the actual trial of such case, and of all guarding and keeping of such person, and of the execution of the sentence of such person, properly certified to by a judge of the superior court of such county. The statement shall be sent to the department for its approval. After such approval the department must cause the amount of such costs to be paid out of the money appropriated for the support of the department to the county treasurer of the county or the city finance officer of the city incurring such costs.

CHAPTER 802

An act to amend Section 2496 of the Business and Professions Code, relating to the practice of medicine, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2496 of the Business and Professions Code is amended to read:

2496. The amount of fees and refunds is that fixed by the following schedule for any certificate issued by the Board of Osteopathic Examiners. All other fees and refunds for any certificate

issued by the Board of Osteopathic Examiners and which are not prescribed in this schedule, are prescribed in Section 2458.

(a) The fee for each applicant for a certificate, unless otherwise provided, shall be set by the board on or before November 1st of each year for the ensuing calendar year at such sum as the board determines necessary to defray the expenses of administering the provisions of this chapter, under the Osteopathic Act, relating to the issuance of certificates to such applicants, which sum, however, shall, until December 31, 1979, not exceed two hundred dollars ($200) nor be less than twenty-five dollars ($25) and after December 31, 1979, shall not exceed fifty dollars ($50) nor be less than twenty-five dollars ($25). If the applicant's credentials are insufficient, or if he does not desire to take the examination or if the applicant fails to receive a certificate, the sum of ten dollars ($10) shall be retained and the remainder of the fee is returnable on application.

(b) Each applicant for a reciprocity certificate shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant qualifies for a certificate, he shall be notified and shall pay a fee which shall be fixed annually by the board, until December 31, 1979, at a sum not in excess of two hundred dollars ($200) nor less than twenty-five dollars ($25) and after December 31, 1979, at a sum not in excess of one hundred dollars ($100) nor less than twenty-five dollars ($25) for the issuance of a certificate.

(c) The annual tax and registration fee shall be set by the board on or before November 1st of each year for the ensuing calendar year at such sum which, when added to all other estimated revenues for such year, will be sufficient to defray all estimated expenditures of the board for such year in administering and enforcing the provisions of this chapter under the Osteopathic Act, which sum, however, shall not exceed seventy-five dollars ($75) nor be less than ten dollars ($10).

(d) The fee for failure to pay the annual tax and registration fee is fifty dollars ($50).

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Substantial revenues will be lost to the State of California unless this act takes effect immediately.

CHAPTER 803

An act to amend Section 13165 of the Education Code, relating to certificated employees.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13165 of the Education Code is amended to read:

13165. Except as provided in this code, no certification document shall be granted to any person unless and until he has subscribed to the following oath or affirmation: "I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California." The oath or affirmation shall be subscribed and certified or declared, pursuant to Section 2015.5 of the Code of Civil Procedure, and shall be filed with the commission or with the Board of Governors of the California Community Colleges, as the case may be. Any certificated person who is a citizen or subject of any country other than the United States, and who is employed in any capacity in any of the public schools of the state shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the state. Upon the violation of any of the terms of the oath or affirmation, the commission or the Board of Governors of the California Community Colleges, as the case may be, shall suspend or revoke the credential which has been issued.

CHAPTER 804

An act to amend Section 6103.4 of the Government Code and to add Sections 13609, 13610, 13611, and 13612 of the Water Code, relating to grant application processing fees, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6103.4 of the Government Code is amended to read:

6103.4. Section 6103 does not apply to any fee or charge for official services required by Part 5 (commencing with Section 4999) of Division 2, or subdivision (d) of Section 13260, or Section 13609, of the Water Code.

SEC. 2. Section 13609 is added to the Water Code, to read:

13609. Each applicant for a grant under this chapter for a project to be funded by the federal fiscal 1973–74 allotment and all federal allotments thereafter shall pay to the state board a reasonable grant processing fee not to exceed one-half of 1 percent of total eligible project costs according to a fee schedule established by the state

board.

SEC. 3. Section 13610 is added to the Water Code, to read:

13610. The fee authorized by Section 13609 shall be an eligible project cost for grants from the State Clean Water Fund. Section 13609 shall not apply unless the fee is an eligible project cost of the grant obtained under the Federal Water Pollution Control Act.

SEC. 4. Section 13611 is added to the Water Code, to read:

13611. Fees collected under the provisions of Section 13609 shall be deposited in the State Clean Water Grants Administration Revolving Fund, which fund is hereby created.

SEC. 5. Section 13612 is added to the Water Code, to read:

13612. The Department of Finance in conjunction with the state board shall, from time to time, review the status of the State Clean Water Grants Administration Revolving Fund to determine whether the amount of money therein is adequate to carry out the provisions of this chapter. If the Department of Finance determines that there are excess amounts in the fund, it shall notify the State Controller who shall effect the necessary transfer to the General Fund.

The expenditures from the State Clean Water Grants Administration Revolving Fund shall be subject to annual appropriation in the Budget Act, except that for the 1974–75 fiscal year such expenditures as are determined necessary by the state board subject to approval of the Department of Finance and Section 28 of the Budget Act of 1974 may be made.

SEC. 6. There is hereby appropriated from the General Fund for the purposes of Chapter 8 (commencing with Section 13600) of Division 7 of the Water Code, to be allocated by the Department of Finance as loans to the State Clean Water Grants Administration Revolving Fund, an amount not to exceed the sum of one million five hundred thousand dollars ($1,500,000), provided that, any loan made pursuant to this authorization shall be repaid from the State Clean Water Grants Administration Revolving Fund upon such terms and conditions as may be prescribed by the Department of Finance.

No other appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is possible to accelerate the Clean Water Grant Program in California to fund, construct and place in operation water pollution control projects two years sooner than is now the case. Staff limitations imposed by the availability of funds for the processing of applications for such projects have seriously restricted the state's ability to implement an accelerated grant administration program. It is essential that additional funds be provided for grant

administration to accelerate the program thereby avoiding increased construction costs attributable to inflation and facilitating achievement of statewide clean water goals.

CHAPTER 805

An act to amend Section 70141.7 of the Government Code, relating to courts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 70141.7 of the Government Code is amended to read:

70141.7. In any county with a population exceeding 650,000 and not exceeding 700,000, as determined by the 1970 federal census, the superior court may appoint four commissioners. The superior court may provide that the commissioners, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed in Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. The superior court may also authorize the commissioners to perform the duties of a juvenile court referee appointed pursuant to Section 553 of the Welfare and Institutions Code. Any commissioner authorized to perform the duties set forth above shall receive a salary equal to 75 percent of the salary of a judge of the superior court. The salary shall be automatically increased periodically at the time and in the manner specified by Section 68203. Each commissioner shall also be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 806

An act to amend Sections 204 and 206 of, and to add Section 203.3 to, the Code of Civil Procedure, relating to jurors.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.

The people of the State of California do enact as follows:

SECTION 1. Section 203.3 is added to the Code of Civil Procedure, to read:

203.3. Notwithstanding Section 203.1, the municipal courts in a county of the first class shall use the same jury panel as that

summoned for use in the superior court. Persons so selected for jury duty in the municipal courts need not be residents of the municipal court district in which they are summoned to serve.

SEC. 2. Section 204 of the Code of Civil Procedure is amended to read:

204. (a) Except as otherwise provided in this section, during January in each year, the superior court of each county shall make an order designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the courts authorized to use the superior court jury panel, and the trial of causes therein, during the ensuing year. Immediately after such order is made, the board of supervisors shall select, pursuant to Sections 205 and 206, a list of men and women to serve as trial jurors in the superior court of the county during the ensuing year, or until a new list of jurors is provided. In counties having a population of 80,000 inhabitants or over, such selection shall be made by a majority of the judges of the superior court.

(b) In counties having a population of 300,000 inhabitants or over, other than a county of the first class, a majority of the judges of the superior court shall, in January and July of each year or in the December or June immediately preceding, make the order designating the number of trial jurors and the selections and listings of men and women suitable and competent to serve as trial jurors.

SEC. 3. Section 206 of the Code of Civil Procedure is amended to read:

206. (a) The names for the trial jury list shall be selected from the different wards or judicial districts of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making the lists. The trial jury list shall be kept separate and distinct from the grand jury list.

(b) In a county of the first class all trial jurors shall be selected annually on a countywide basis. A person is exempt from liability to act as a juror in any court which is more than 20 miles from his residence if, when summoned as a juror, he makes and transmits his affidavit to the jury commissioner, stating that he lives more than 20 miles from the court for which he is summoned and the address of his residence. If the affidavit is sufficient in substance, it shall be received as an excuse for nonattendance in person at the court to which the affiant was summoned.

(c) In a county of the first class a person is exempt from liability to act as a juror in any court within 20 miles from his residence if, when summoned as a juror, he makes and transmits his affidavit to the jury commissioner, setting forth particular facts showing that undue hardship would result from his service as a juror because there is no adequate means of transportation between his residence and the court for which he is summoned. If the affidavit is sufficient in substance, it shall be received as an excuse for nonattendance in person at the court to which the affiant was summoned.

CHAPTER 807

An act to amend Sections 185.5, 186.3, 194, 2101, 2106, 2108, and 2150 of, and to add Section 199 to, the Streets and Highways Code, relating to transportation funds.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 185.5. of the Streets and Highways Code is amended to read:

185.5. The director shall pay from the State Highway Account in the State Transportation Fund that portion of the administrative expenses of the department that he determines, in consultation with the commission, to have resulted from the functions of the department for purposes specified in Section 2101.

SEC. 1.5. Section 186.3 of the Streets and Highways Code is amended to read:

186.3. (a) Funds apportioned pursuant to Section 2106 shall be expended exclusively for acquisition of rights-of-way for and construction of routes on the select system of county roads and city streets for such county or city established as provided in this section or for maintenance purposes thereon, or for highway-oriented transportation studies requested by a state or federal agency; provided, however, that any expenditure of funds apportioned pursuant to Section 2106 or 2107 for acquisition of rights-of-way or construction upon a state highway, or upon a select system road or street in a county or city, including any select system road or street outside the boundaries of the county or city that complements the select system of the county or city, shall be deemed an expenditure upon the select system of the county or city making such expenditure.

(b) Each county and city, to be eligible for allocation and apportionment of funds pursuant to Section 2106 or 2107, shall file a report and map or maps with the department indicating its select system of county roads or city streets, and thereafter each eligible county and city may submit a supplemental report with map or maps recommending proposed additions or deletions to the system where such additions or deletions are warranted by changes brought about by annexations or changes in traffic or land-use patterns or by other causes. Such submittals shall be reviewed and approved or modified by the department and shall constitute the select system upon which funds may thereafter be expended.

(c) All select systems and their modifications or revisions heretofore approved by the commission shall be effective upon the date of such approval.

(d) Notwithstanding subdivision (a), funds received pursuant to Sections 2106 and 2107 and expended for the acquisition of

rights-of-way for, and the construction of, city streets shall be considered expenditures on the select system of the city, if the city legislative body finds that 90 percent or more of either its select system or its entire system of city streets has been constructed. For purposes of this subdivision, the select system of city streets shall include all city streets which meet, or substantially meet, all three criteria set forth in subdivision (b) of Section 186.4. In the event that the total mileage of streets in the city has increased by more than 10 percent since the findings were made by the city legislative body, it shall reevaluate its findings.

(e) Notwithstanding subdivision (a), funds apportioned pursuant to Section 2106 may be expended or allocated for the purposes specified in subdivisions (c) and (d) of Section 2101 by a county or city included within an area in which the voters thereof have approved a proposition pursuant to Section 4 of Article XXVI of the California Constitution.

SEC. 2. Section 194 of the Streets and Highways Code is amended to read:

194. In each annual budget report prepared by the commission and the department under Section 143.1, the commission shall allocate to the Transportation Planning and Research Account a sum equal to the pro rata share of the comprehensive transportation planning duties attributable to highway and to exclusive public mass transit guideway planning and research, as determined by the Secretary of the Business and Transportation Agency in consultation with the commission.

SEC. 3. Section 199 is added to the Streets and Highways Code, to read:

199. Upon the approval of a proposition by the voters of an area pursuant to Section 4 of Article XXVI of the California Constitution, the entity, including, but not limited to, a transit district, responsible for construction of an exclusive mass transit guideway project in that area may submit the project to the department for inclusion in its resource allocation recommendations. If the project is located within an area under the jurisdiction of a statutorily created regional transportation agency, the project shall be approved by the agency prior to being submitted to the department.

The department shall submit its resource allocation recommendations for that project for the comment and review of the transportation planning agency designated in Section 29532 of the Government Code for the area, except that in the case of a project located within an area under the jurisdiction of a statutorily created regional transportation agency, the project shall be approved by the agency. In addition all projects shall be submitted by the department to the State Transportation Board for their approval as being in conformance with the regional transportation plan for that area and California Transportation Plan, before the department presents its budget recommendations to the commission for funding the project from the State Highway Account under such terms and conditions as

the commission and board deem appropriate and subject to the percentage limitation of Section 200.

If, at any time during the resource allocation decision process, the department or commission is unable to achieve an agreement with the entity concerning a transit project, the entity, the department, or the commission may request the Secretary of Business and Transportation Agency to convene and chair a committee composed of an equal number of members of the board and commission to resolve the disagreement.

The funds set aside pursuant to this section shall be deemed expenditures on the state highway system for purposes of Sections 188, 188.8, and 188.9 and shall be separately identified in the budget report submitted to the Legislature pursuant to Sections 143.1 and 143.2.

SEC. 4. Section 2101 of the Streets and Highways Code is amended to read:

2101. All moneys in the Highway Users Tax Account in the Transportation Tax Fund and hereafter received in the account are appropriated for all of the following:

(a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(b) The research and planning for exclusive public mass transit guideways (and their related fixed facilities), the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(c) The construction and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services, in any area where the voters thereof have approved a proposition pursuant to Section 4 of Article XXVI of the California Constitution.

(d) The payment of principal and interest on voter-approved bonds issued for the purposes specified in subdivision (c).

SEC. 5. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent ($0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly from the Highway Users Tax Account in the Transportation Tax Fund among counties and cities as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars ($400) per month shall be apportioned to each city and city and county and eight hundred dollars ($800) per month shall be apportioned to each county and city and county.

(b) Thirty thousand dollars ($30,000) per month shall be transferred to the Bicycle Lane Account in the State Transportation Fund.

(c) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for countywide tax levies as reported to the State Controller by the State Board of Equalization. In the event an incorporation or annexation is legally completed following the base sum computation, the new city's assessed valuation shall be deducted from the county's assessed valuation, the estimate of which may be provided by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 2107 are to be used for purposes of this section.

No apportionment shall be made to any city or county which does not have a select system established in accordance with the provisions of Section 186.3. If all or a portion of the select system of a city or county shall by a change in the physical limits of such city or county be included within the boundaries of another city or county, such portion shall be considered to be a part of the select system of such other city or county. Any amounts which would otherwise have been apportioned to a city which does not so qualify for an apportionment shall be reapportioned to the remaining cities in the county in which such city is located or, if there are no eligible cities in the county, to the county. Any amounts which would otherwise have been apportioned to a county which does not so qualify for an apportionment shall be reapportioned to the eligible cities in such county or, if there are no eligible cities in the county, to other counties and cities pursuant to this section.

SEC. 6. Section 2108 of the Streets and Highways Code is amended to read:

2108. The balance of the money in the Highway Users Tax Account in the Transportation Tax Fund, after making the apportionments provided in Sections 2104 to 2107.7, inclusive, shall be transferred to the State Highway Account in the State Transportation Fund for expenditure on state highways and for exclusive public mass transit guideway purposes.

SEC. 7. Section 2150 of the Streets and Highways Code is amended to read:

2150. All amounts paid to each county, out of the Highway Users Tax Fund shall be deposited in its road fund. The board may deposit in said fund any other money available for roads. All money received by a county from the Highway Users Tax Fund and all money deposited by a county in its road fund shall be expended by the county exclusively for county roads for the purposes specified in Section 2101 or for other public street and highway purposes as provided by law.

The amounts paid to a county for snow removal on county roads and for heavy rainfall and storm damage on county roads, pursuant to Section 2110, shall be kept in separate accounts in its road fund and shall be used solely for the purpose for which apportioned.

SEC. 8. All elections held prior to August 1, 1974, in which a proposition was submitted to authorize the use of motor vehicle tax revenues for exclusive public mass transit guideway purposes, pursuant to Section 4 of Article XXVI of the California Constitution, as adopted at the June 4, 1974, direct primary election, are hereby confirmed, validated, and declared legally effective. This validation shall include all acts and proceedings of the governing board of any public body and of any person, public officer, board, or agency previously done or taken upon such proposition submitted to the voters. This section shall grant such legislative authorization as may be necessary to validate any such acts and proceedings previous taken which the Legislature could have granted in the law under which such acts or proceedings were taken.

CHAPTER 808

An act to amend Sections 17538, 17538.3, and 17538.5 of the Business and Professions Code, relating to mail order business.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 17538 of the Business and Professions Code is amended to read:

17538. It is unlawful in the sale or offering for sale of consumer goods or services for any person conducting a mail order or catalog

business in this state or advertising a California mailing address to accept money through the mails from a consumer for consumer goods or services ordered by mail or telephone and then permit six weeks, unless otherwise stated in the advertisement, to elapse without doing any one of the following things:

(a) Delivering or mailing the consumer goods or services ordered.

(b) Making a full refund.

(c) Sending the consumer a letter or notice advising him of the duration of an expected delay or the substitution of consumer goods or services of equivalent or superior quality, and offering to send him a refund within one week if he so requests. If the vendor proposes to substitute consumer goods or services, he shall describe it in detail, indicating how it differs from the consumer goods or services ordered.

(d) Sending the consumer substituted consumer goods or services of equivalent or superior quality, if the consumer is extended the opportunity to return the substituted goods or services and the seller promises to refund to the consumer the cost of returning such goods or services together with any portion of the purchase price previously paid by the consumer. A notice to the consumer stating the right to obtain a refund and the cost of returning the substituted consumer goods or services shall accompany the sending of such goods or services to the consumer.

For purposes of subdivisions (c) and (d), consumer goods or services may not be considered of "equivalent or superior quality" if they are not substantially similar to the goods or services ordered, or not fit for the usual purposes for which such consumer goods or services are used, or if the seller normally offers the substituted consumer goods or services at a price lower than the price of the consumer goods or services ordered.

(e) When a consumer makes an initial application for an open-end credit plan, as defined in the Federal Consumer Credit Protection Act (15 U.S.C. 1682), at the same time the consumer goods or services are ordered, and such goods or services are to be purchased on credit, the person conducting the mail order business shall have seven weeks, rather than six weeks, to perform the actions specified in this section.

(f) As used in this section and Section 17538.3:

(1) "Goods" means tangible chattels bought for use primarily for personal, family, or household purposes, including certificates or coupons exchangeable for such goods, and including goods which, at the time of the sale or subsequently, are to be so affixed to real property as to become a part of such real property, whether or not severable therefrom.

(2) "Person" means an individual, partnership, corporation, association, or other group, however organized.

(3) "Consumer" means an individual who seeks or acquires, by purchase or lease, any goods or services for personal, family, or household purposes.

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(4) "Services" means work, labor, and services for other than a commercial or business use, including services furnished in connection with the sale or repair of goods.

SEC. 2. Section 17538.3 of the Business and Professions Code is amended to read:

17538.3. The provisions of Section 17538 do not apply to any of the following:

(a) To consumer goods or services ordered pursuant to an open-end credit plan as defined in the Federal Consumer Credit Protection Act or any other credit plan pursuant to which the consumer's account was opened prior to the mail order in question, and under which the creditor may permit the consumer to make purchases from time to time from the creditor or by use of a credit card.

(b) To instances in which all advertising for consumer goods or services contains a notice as to each item or services offered, which, in the case of printed advertising, shall be in a type size at least as large as that indicating the price, that a delay may be expected of a specified period. In such cases, one of the events described in Section 17538 must occur no later than one week after expiration of the period specified in the advertisement.

(c) To consumer goods or services, such as quarterly magazines, which by their nature are not ready for use or consumption until a future date and for that reason cannot be stocked at the time of order.

(d) To installments other than the first of consumer goods, such as magazine subscriptions, ordered for serial delivery.

(e) To any delay in delivery of consumer goods or services caused by the United States Post Office, an act of God, or a labor strike by the seller's employees.

SEC. 3. Section 17538.5 of the Business and Professions Code is amended to read:

17538.5. It is unlawful in the sale or offering for sale of consumer goods or services for any person conducting a mail order or catalog business in this state and utilizing a post office box address to fail to disclose the legal name under which business is done and the complete street address from which business is actually conducted in all advertising and promotional materials, including order blanks and forms.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 809

An act to amend Section 5544.2 of the Public Resources Code, relating to regional park districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 5544.2 of the Public Resources Code is amended to read:

5544.2. A district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for the next two-year period derived pursuant to Sections 5545 and 5545.5. All such indebtedness which is incurred on or after July 1, 1968, shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 6½ percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a portion of the taxes levied and collected pursuant to Sections 5545 and 5545.5 shall be levied and collected and set aside sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inasmuch as the East Bay Regional Park District has prepared and adopted the master plan and levied the additional tax specified in subdivision (b) of Section 5545.5, and in order for the district to utilize immediately the borrowing powers conferred by this act for the acquisition and development of new park lands, it is necessary for this act to take effect immediately.

CHAPTER 810

An act to add Sections 1442 and 1442.5 to the Health and Safety Code, relating to health care to indigents.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature recognizes the importance of the health care provided by counties to indigent residents through county hospitals and health care facilities. It is the purpose and intent of the Legislature by this act to insure that the duty of counties to provide health care to indigents is properly and continuously fulfilled.

SEC. 2. Section 1442 is added to the Health and Safety Code, to read:

1442. The board of supervisors in each county, prior to closing a county hospital or other county medical facility, eliminating any area of service in a county hospital or other county medical facility or reducing the level of services provided to indigents as of January 1, 1975, or prior to leasing, selling, or in any way transferring the management of a county hospital or other county medical facility, shall file with the State Department of Health and the appropriate areawide voluntary health planning agency the following:

(a) A description of the county's existing facilities and services, the board's proposal for changing those facilities or services, including a plan for providing the eliminated services or facilities through alternative means.

(b) A copy of any contracts, agreements, or arrangements with any facility or individual to provide services to indigent people.

These documents shall be filed by the county at least 60 days prior to the effective date of such plan for providing the eliminated services or facilities, or any such contracts, agreements or arrangements.

The Department of Health shall file annually with the Legislature a report of all such closings of facilities and reductions or elimination of services.

SEC. 3. Section 1442.5 is added to the Health and Safety Code, to read:

1442.5. Prior to closing a county facility, eliminating or reducing the level of services provided, or prior to the leasing, selling, or transfer of management, the board shall provide public notice, including notice posted at the entrance to all county health care facilities, of public hearings to be held by the board prior to their decision to proceed. Such notice shall be posted not less than 90 days prior to such public hearings.

The board shall make findings based on these hearings that their proposed action will not have a detrimental impact on the health

care needs of the indigents of the county. Such findings shall be included as part of the official public hearing record.

Notwithstanding the board's closing of a county facility, the elimination of or reduction in the level of services provided, or the leasing, selling, or transfer of management of a county facility subsequent to January 1, 1975, the county shall provide for the fulfillment of its duty to provide care to all indigent people, either directly through county facilities or indirectly through alternative means.

(a) Where this duty is fulfilled by a contractual arrangement with a private facility or individual, the facility or individual shall assume the county's full obligation to provide care to those who cannot afford it, and make their services available to Medi-Cal and Medicare recipients.

(b) Where this duty is fulfilled by alternative means, the facility or individual providing services shall be in compliance with Sections 441.18 and 1277.

(c) Whether this duty is fulfilled directly by the county or through alternative means, the availability of services, and the quality of the treatment received by people who cannot afford to pay for their health care shall be the same as that available to nonindigent people receiving health care services in private facilities in that county.

(d) The board shall designate an agency to provide: a 24-hour information service which can give eligible people immediate information as to the available services and access to them and an agency to receive and respond to complaints from people eligible for services under this chapter. The designated agency may be the agency which operates the facility. This subdivision shall apply only in instances in which there is a closing of a county facility, an elimination or reduction in the level of services provided, or the leasing, selling, or transfer of such a county facility.

(e) The board shall arrange for all facilities or individuals contracting to provide services to indigent people to be listed in the local telephone directory under county listings, and shall specify therein that such facilities or individuals fulfill the obligations of county facilities.

The provisions of Section 25371 of the Government Code do not relieve the county of the obligation to comply with the provisions of this section.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 811

An act to amend Section 6827 of the Public Resources Code, relating to oil and gas leases, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6827 of the Public Resources Code is amended to read:

6827. Leases for the extraction and removal of oil and gas deposits may be made by the commission to the highest qualified bidder, or joint bidders, as provided in this chapter. Such a lease shall include all oil and gas deposits in the leased land and be for a term of 20 years and for so long thereafter as gas or oil is produced in paying quantities from the leased land, or lessee shall be diligently conducting production, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land. Any lease heretofore issued under this chapter for a term of 20 years, or any renewal or extension thereof, may at any time or times prior to its expiration be extended upon such terms and conditions and for such period of time as the commission deems for the best interests of the state or as the Legislature may provide; provided further, that upon the lessee's timely application therefor the commission may issue a new lease in exchange for any lease issued for a term of 20 years, or any renewal or extension thereof; such new lease shall be issued at the same royalty and upon the same terms and conditions as the lease for which it is exchanged, unless the commission and the lessee shall otherwise agree, except that the term of such exchange lease shall be for a term of five years and for so long thereafter as oil or gas is produced in paying quantities, or lessee shall be conducting production, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land.

When state lands, including tide and submerged lands, are offered for lease by the commission, the commission shall specify a sliding scale royalty on oil commencing at not less than 16⅔ percent up to a maximum percentage specified in the invitation to bid to be paid on the average production of oil per well per day under such lease, and a royalty of not less than 16⅔ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands. Such royalties shall be paid in kind or as a percentage of the current market price at the well of, and of any premium or bonus paid on, the production removed or sold from the leased land, subject to an allowance for oil treatment and dehydration of not to exceed five

cents ($0.05) per barrel for royalty oil, and an annual rental payable in advance of not less than one dollar ($1) for each acre of land subject to the lease at the rental date. Unless the commission decides to reject all bids pursuant to Section 6836, the lease of the parcel or tract which is the subject of the bid shall be awarded to the qualified bidder who undertakes to pay the highest cash bonus in addition to satisfying all other provisions of the lease.

As alternatives to the procedure set forth in the preceding paragraph, the commission, if it so provides in the invitation to bid, may: (1) specify a sliding scale royalty on oil commencing at 16⅔ percent up to a maximum percentage specified in the invitation to bid, to be paid on the average production of oil per well per day under such lease, and a royalty of not less than 16⅔ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands, and award the lease of the parcel or tract which is the subject of the bid to the qualified bidder who bids the highest factor to be applied to the scale of oil royalties specified in the offer to bid, in addition to satisfying all other provisions of the lease, unless the commission decides to reject all bids pursuant to Section 6836; or (2) specify that bidding shall be on the basis of a flat rate of royalty and award the lease of the parcel or tract which is the subject of the bid to the qualified bidder who undertakes to pay the highest flat rate of royalty, but not less than 16⅔ percent, on oil, to be paid on the production of oil under such lease, and a royalty of not less than 16⅔ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands, unless the commission decides to reject all bids pursuant to Section 6836; or (3) specify, with respect to a proposed lease for the extraction of gas, that bidding shall be on the basis of a flat rate of royalty, and award the lease of the parcel or tract which is the subject of the bid to the qualified bidder who undertakes to pay the highest flat rate of royalty, but not less than 16⅔ percent, on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands, unless the commission decides to reject all bids pursuant to Section 6836. Under such alternatives, the royalties shall be paid in kind or as a percentage of the current market price at the well of the production removed or sold from the leased lands, subject to an allowance for oil treatment and dehydration of not to exceed five cents ($0.05) per barrel for royalty oil, and an annual rental payable in advance of not less than one dollar ($1) for each acre of the land subject to the lease at the rental date.

If, at any time or from time to time, before or after the expiration of the primary term of such lease, the leased lands cease to produce oil or gas, the lease shall, nevertheless, continue in full force and

effect if within six months after the cessation of production, or such longer period of time as the commission may authorize, lessee shall commence and thereafter prosecute with reasonable diligence drilling, deepening, repairing, redrilling or other operations for the purpose of restoring production of oil or gas from the leased lands.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is an urgent need to develop new sources of energy to offset the increasing shortages of oil and gas within the State of California. The state possesses natural gas resources that can be developed in a timely manner to help meet this need. It is necessary that the state develop these resources consistent with sound environmental, economic, and resources management practices in order to maximize the total public benefit. In view of these facts, it is essential that this act take effect immediately.

CHAPTER 812

An act to amend Section 12001 of the Health and Safety Code, relating to explosives.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12001 of the Health and Safety Code is amended to read:

12001. This part does not apply to any of the following:

(a) Any person engaged in the transportation of explosives regulated by, and when subject to, the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Small arms ammunition of .75 caliber or less when designated as a class C explosive by the United States Department of Transportation.

(c) Fireworks regulated under Part 2 (commencing with Section 12500) of this division, including, but not limited to, special-effects pyrotechnics regulated by the State Fire Marshal pursuant to Section 12555.

(d) Any explosives while in the course of transportation via railroad, aircraft, water, or highway when the explosives are in actual movement and under the jurisdiction of and in conformity with regulations adopted by the United States Department of Transportation, United States Coast Guard, or the Federal Aviation Agency. However, no explosives shall be sold, given away, or delivered except as provided in Section 12120.

(e) Special fireworks classified by the United States Department of Transportation as class B explosives when such special fireworks are regulated under Part 2 (commencing with Section 12500) of this division.

(f) Black powder in quantities of five pounds or less and smokeless powder in quantities of 20 pounds or less used, possessed, stored, sold, or transported that is exempted under, or authorized by, the Federal Organized Crime Control Act of 1970 (P.L. 91-452 of the 91st Congress) and applicable federal regulations thereunder.

CHAPTER 813

An act to amend Section 1 of Chapter 497 of the Statutes of 1959, relating to tidelands and submerged lands granted in trust to the County of Marin.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 497 of the Statutes of 1959 is amended to read:

Section 1. There is hereby granted to the County of Marin, and to its successors, all of the right, title, and interest of the State of California, held by said state by virtue of its sovereignty in and to all of the tide and submerged lands, filled or unfilled, bounded and described as follows:

Parcel A

All that land within the unincorporated area of the County of Marin, lying within Richardson Bay as shown upon the Board of Tide Land Commissioners' "Map No. 1 of the Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1870, on file in the office of the State Lands Commission at Sacramento, designated as Saucelito Basin and those areas designated as Brickyard, Oyster, Salt Works, Rosedale and Coyote Canals and that portion of Saucelito Canal lying southeasterly from Courses Nos. 160 and 161 of "Meanders at Ordinary High Tide" as tabulated on Table I of said Map No. 1, and those areas designated as Monterey, Sonoma, Waldo, Myrtle, Yuba, Grove, Eureka, Pescadero, Madrona, Manzanita, Teutonia, Oro, Fresno, Shasta, Yolo, Parepa, Pohono, Esmeralda, Tulare, Owyhee, Coyote and Canal Streets, and all the street areas normal to the aforementioned streets at present known and referred to as Tomales, Bolinas, Petaluma, Humboldt, Donahue and Railroad Avenues, including Railroad Avenue lying between Coyote Canal and Rosedale Canal and each of the undesignated areas

lying between Railroad Avenue and Blocks 169, 195 and 232.

Parcel B

All that land lying within Gallinas Canal (including the north and south forks thereof) as shown on the Board of Tide Land Commissioners' "Map No. 3 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1871 on file in the office of the State Lands Commission at Sacramento, lying westerly from a line drawn between the southeasterly end of Course No. 1 and the northeasterly end of Course No. 87 as said courses are tabulated on said Map No. 3 in the Table entitled "Meanders of Gallinas Canal".

Parcel C

All that land within Richardson Bay and within the City of Belvedere designated upon the Board of Tide Land Commissioners' "Map No. 1 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1870, on file in the office of the State Lands Commission at Sacramento, as Middle and East Canals and that portion of Saucelito Basin more particularly described as follows:

Beginning at the most westerly corner of Lot 382 as shown upon said Map No. 1, thence running southeasterly along the southwesterly lines of Lots 382, 388, 389 and 390 to the beginning of Course No. 328 of the "Meanders at Ordinary High Tide" as tabulated in Table I of said Map No. 1; thence continuing southeasterly along the "Meanders at Ordinary High Tide" to the southeasterly end of Course No. 342; then westerly to the northeasterly end of Course No. 47 of the "Meanders of the Line of Nine Ft. Depth at the Lowest Tide" as tabulated in Table III of said Map No. 1; then southwesterly along said Course No. 47 to a point on the southwesterly limits of the City of Belvedere; then northwesterly along said limits of the City of Belvedere to the point of beginning.

To be forever held by said county, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said county, and its successors, for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways,

roadways, aprons, taxiways, parking areas, and all other works, building, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this Section 1.

(4) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(5) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, hotels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(6) For the establishment, preservation, restoration, improvement, or maintenance of intertidal and subtidal marine biological reserves, restoration and maintenance of shellfish and related fishery resources, development of nature study trails and areas, exhibits, research projects, preservation of areas of unique marine phenomena for water sports, and the natural beauty and biological resources and activities related thereto, subject to the prior approval of the Fish and Game Commission as to those matters which are subject to regulation by the commission pursuant to the Fish and Game Code.

(b) Said county, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, not exceeding 55 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 55 years, for purposes consistent with the trusts upon which said lands are held by the State of California,

and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said county under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said county hereunder.

(c) Said lands shall be improved without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fisheries, by the state, or any board, agency or commission thereof, when authorized or approved by the county, nor by the county of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) The county may conduct such dredging operations to remove accumulated spoils as are necessary to maintain navigable channels. The county shall secure a permit from the State Lands Commission to conduct any such dredging operation, and shall comply with all conditions which the State Lands Commission may impose, but shall not be obligated to pay the state royalties for the spoils removed in the course of such dredging if the State Lands Commission determines that the quality of the spoils and the amounts involved have no significant economic value.

(e) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(f) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft or railroad owned or operated by the State of California.

(g) There is hereby reserved to the people of the State of California the absolute right to fish in the waters of said lands with the right of convenient access to said waters over said lands for said purposes.

(h) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(i) The lands herein described are granted subject to the express reservation and condition that the state may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person,

firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(j) That within 10 years from November 10, 1969, said lands shall be substantially improved, restored, preserved, or maintained by said county without expense to the state, and if the State Lands Commission determines that the county has failed to improve, restore, preserve, or maintain said lands as herein required, all right, title, and interest of said county in and to all lands granted by this act shall cease and all right, title, and interest in said lands shall revert and rest in the state. All restoration, preservation, or maintenance shall be effected in accordance with a plan therefor, approved by the State Lands Commission.

CHAPTER 814

An act to amend Section 26002 of, and to add Section 26006 to the Government Code, relating to public transportation.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 26002 of the Government Code is amended to read:

26002. Unless otherwise provided by law, the board may lay out, maintain, control, construct, repair, and manage public ferries, bridges, wharves, chutes, other shipping facilities, and passenger transportation facilities within the county and may cooperate with any city in so doing.

The board of supervisors may furnish and operate public transportation services within the unincorporated areas of the county. Such service may be furnished and operated within a city or transit district if the governing board of the city or district consents thereto.

SEC. 2. Section 26006 is added to the Government Code, to read:

26006. The board of supervisors may make contributions of public funds, materials, property and services to any city or to any statutorily created transit district for the purpose of improving public transportation within the county. The contributions may be subject to such terms and conditions as the board, in its discretion, deems reasonable under the circumstances, and contracts may be entered into for that purpose.

CHAPTER 815

An act to amend Section 19462 of the Government Code, relating to state employees.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 19462 of the Government Code is amended to read:

19462. Each state employee, including employees having probationary status, employed in a position which is permanent and full time, or employed in a position which is less than full time for the equivalent of one year, shall receive the allowance for uniforms provided for in Section 19461, if:

(a) The uniform is clearly necessary for ready visual identification by the public for law enforcement, public safety, or other closely related purposes; and

(b) The employee is required by his appointing power to wear the uniform for the regular performance of his duties; and

(c) The uniform is authorized for wear only in an official capacity.

CHAPTER 816

An act to add Article 2.3 (commencing with Section 16140) to Part 4, Division 9 of the Welfare and Institutions Code, relating to adoption.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Article 2.3 (commencing with Section 16140) is added to Part 4, Division 9 of the Welfare and Institutions Code, to read:

Article 2.3. Intercountry Adoptions

16140. For the purposes of this article "request" means an express written request that the department conduct a home study with respect to the suitability of the requester's home. Such request need not be part of any document required to be completed by the department.

16141. Notwithstanding any other provision of law, the State Department of Health shall complete any investigation requested with respect to a person who is a resident of California and who

wishes to adopt a child from a foreign country within the following periods of time:

(a) For a "priority child," as that term is defined by international child placing agencies, the entire process, including investigatory procedures and submission of its report as to the suitability of the petitioner's home, shall be completed within six months from the date the request is made.

(b) In all other cases, the entire process, including investigatory procedures and submission of its report as to the suitability of the petitioner's home, shall be completed within 12 months of the date the request is made.

(c) In any case, any group meeting that may be required by the department with respect to its investigation shall take place within one month of the date the request is made.

16142. Commencing January 1, 1976, the department shall submit an annual report to the Legislature regarding the number of approved homes waiting for the placement of an intercountry child and stating, on an average, the period of time such families have been waiting.

CHAPTER 817

An act to amend Section 99231 of, and to repeal and add Section 99207 of, the Public Utilities Code, relating to public transportation.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 99207 of the Public Utilities Code is repealed.

SEC. 2. Section 99207 is added to the Public Utilities Code, to read:

99207. "Included municipal operator" means a city or county which is included, in whole or in part, within a transit district or which has been extended the authority to join a transit district by that district's enabling legislation, and in which city or county public transportation services have continuously been provided, since at least January 1, 1971, by the city or county, by a nonprofit corporation or other legal entity wholly owned by the city or county, or by the University of California.

SEC. 3. Section 99231 of the Public Utilities Code is amended to read:

99231. All operators and city or county governments with responsibility for providing municipal services to a given area collectively may file claims for only such moneys as represents that area's apportionment.

The term "apportionment" has reference to that proportion of the total annual revenue anticipated to be received in the fund that the population of the area bears to the total population of the county.

The term "area" means:

(a) With reference to a transit district, the entire area stated in its enabling legislation or franchise, excluding cities therein which have retained the right to join the district at a later time.

(b) With reference to a county government, the unincorporated area of the county.

(c) With reference to a city government, the corporate area of the city.

(d) Where a transit district, or a county or city, provides public transportation services beyond its boundaries, its area, for purposes of this section, shall also include:

(1) All of that area within one-half mile of any route which extends beyond its boundaries.

(2) All of the corporate area of a city to which it provides such services pursuant to contract or prior express authority of the secretary.

The transportation planning agency may rely, in its determination of populations, on estimates which are used by the State Controller for distributing money to cities under Section 2107 of the Streets and Highways Code and to counties under Section 11005 of the Revenue and Taxation Code, and may contract with the Department of Finance or other appropriate state agency for an annual determination of such population estimates as may be necessary.

CHAPTER 818

An act to amend Section 11704 of the Education Code and to add Section 303.5 to the Health and Safety Code, relating to the immunization of pupils, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

1. SECTION 1. Section 11704 of the Education Code is amended to read:

11704. (a) Anything to the contrary notwithstanding, the governing board of any school district shall cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in school age children. For that purpose the board may use any funds, property, and personnel of the district, and may permit any person licensed as a physician and surgeon, or any person licensed as a registered nurse acting under the direction

of a supervising physician and surgeon as provided in subdivisions (b) and (c), to administer an immunizing agent to any pupil whose parents have consented in writing to the administration of such immunizing agent.

(b) A registered nurse, acting under the direction of a supervising physician and surgeon, may perform immunization techniques within the course of a school immunization program provided that the administration of an immunizing agent is upon the standing orders of a supervising physician and surgeon and in accordance with such written regulations as the State Department of Health may adopt pursuant to Section 303.5 of the Health and Safety Code.

"Supervising physician and surgeon," as used herein, means the physician and surgeon of the local health department or the physician and surgeon of the school district that is directing the school immunization program.

(c) While nothing in this section shall be construed to require the physical presence of the supervising physician and surgeon, the supervising physician and surgeon under whose direction the registered nurse is acting shall require such nurse to:

(1) Satisfactorily demonstrate competence in the administration of immunizing agents, including knowledge of all indications and contraindications for the administration of such agents, and in the recognition and treatment of any emergency reactions to such agents which constitute a danger to the health or life of the person receiving the immunization; and

(2) Possess such medications and equipment as required, in the medical judgment of the supervising physician and surgeon, to treat any emergency conditions and reactions caused by the immunizing agents and which constitute a danger to the health or life of the person receiving the immunization, and to demonstrate the ability to administer such medications and to utilize such equipment as necessary.

SEC. 2. Section 303.5 is added to the Health and Safety Code, to read:

303.5. It is the intent of the Legislature that the administration of immunizing agents by registered nurses in school immunization programs under the direction of a supervising physician and surgeon as provided in Section 11704 of the Education Code shall be in accordance with accepted medical procedure. To implement this intent, the State Dept. of Health may adopt written regulations specifying the procedures and circumstances under which a registered nurse, acting under the direction of a supervising physician and surgeon, may administer an immunizing agent pursuant to Section 11704 of the Education Code.

However, nothing in this section shall be construed to prevent any registered nurse from administering an immunizing agent in accordance with the provisions of Section 11704 of the Education Code in the absence of such written regulations as the department is authorized to adopt under this section.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to promptly and efficiently immunize pupils against communicable diseases at the commencement of the 1974–75 school year, it is essential that this act take immediate effect.

CHAPTER 819

An act to add Section 16868.4 to the Education Code, relating to schoolbuses.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 16868.4 is added to the Education Code, to read:

16868.4. The governing board of any school district may enter into a contract under the terms of which the school district grants the use of any schoolbus which is owned or leased by the school district to any federal, state, or local governmental agency for the purpose of providing transportation for employees of said agency to or from their places of employment, or both; provided that:

(a) No public transportation is reasonably available to said agency's employees at their place of employment.

(b) The school district normally provides transportation for students residing on the governmental agency's property to or from school, or both.

(c) The transportation of said agency's employees does not interfere with the school district's use of schoolbuses for school transportation purposes.

(d) All schoolbus warning lights and exterior lettering or signs that identify the bus as a schoolbus are covered or removed during operation by the federal, state, or local governmental agency.

(e) Mechanical condition of a schoolbus during operation by the federal, state, or local governmental agency is maintained so as to meet or exceed those regulations promulgated by the Department of Education pursuant to Section 16852 governing the operation of schoolbuses.

(f) Accurate records are maintained which reflect the actual number of miles any schoolbus is driven during times of operation by the federal, state, or local governmental agency, which records are to be made available to the Superintendent of Public Instruction in connection with the annual report of transportation expense made by the school district. The Superintendent of Public Instruction, in

accordance with Section 16862, shall deduct from the allowances to a school district for transportation an amount equal to the depreciation of schoolbuses due to their use in transporting employees of a federal, state, or local governmental agency pursuant to this section.

CHAPTER 820

An act providing for the conveyance of specified real property of the Preston School of Industry by the State of California to the County of Amador for specified purposes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14670 of the Government Code notwithstanding, the Director of General Services, with the approval of the Department of the Youth Authority, may let in the best interests of the state two buildings known as Dairy Cottage and Farm Building, and approximately five acres of land surrounding the buildings, located at the Preston School of Industry situated in the County of Amador and presently leased to the Amador Association for the Retarded and Handicapped, to the Amador Association for the Retarded and the Handicapped for the purpose of operation of a program for handicapped and retarded persons in Amador, Calaveras, or surrounding counties for a period not to exceed 50 years. The lease authorized by this act shall be nonassignable and shall be subject to periodic review every five years. Such review shall be made by the Director of General Services, who shall:

(a) Assure the state the original purposes of the lease are being carried out;

(b) Determine what, if any, adjustment should be made in the terms of the lease.

Any lease executed pursuant to this act shall be canceled if the facilities which exist on the property are not adequately maintained.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that retarded and handicapped persons in the affected counties receive program services to adequately protect the public health and safety, it is necessary that this act take immediate effect.

CHAPTER 821

An act to amend Section 21100 of, and to add Section 21100.3 to, the Vehicle Code, relating to local regulation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding the following matters:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire.

(c) Regulating traffic by means of traffic officers.

(d) Regulating traffic by means of semaphores or other official traffic control devices.

(e) Regulating traffic by means of any person given temporary appointment for such duty by the local authority whenever official traffic control devices are disabled or otherwise inoperable.

(f) Regulating traffic at the site of road or street construction or maintenance by persons authorized for such duty by the local authority.

(g) Licensing and regulating the operation of tow car service.

(h) Operation of bicycles, and, as specified in Section 21114.5, electric carts by physically disabled persons, or persons 50 years of age or older, on the public sidewalks.

No person shall, however, be appointed pursuant to subdivision (e) or (f) unless and until the local authority has submitted to the commissioner or to the chief law enforcement officer exercising jurisdiction in the enforcement of traffic laws within the area in which such persons are to perform such duty, for review, a proposed program of instruction for the training of persons for such duty, and unless and until the commissioner or such other chief law enforcement officer approves the proposed program. The commissioner or such other chief law enforcement officer shall approve such a proposed program if he reasonably determines that the program will provide sufficient training for persons assigned to perform the duty described in subdivision (e) or (f).

SEC. 2. Section 21100.3 is added to the Vehicle Code, to read:

21100.3. It is unlawful for any person to disobey the traffic directions of a person appointed or authorized by a local authority to regulate traffic pursuant to subdivision (e) or (f) of Section 21100 when such appointee is wearing an official insignia issued by the local authority and is acting in the course of his appointed duties.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inasmuch as certain metropolitan areas have, or are preparing, contingency plans for traffic regulation by nonofficial persons when traffic control devices have been rendered inoperable by power failures, it is necessary for this act to take effect immediately.

CHAPTER 822

An act to amend Sections 19531 and 19531.5 of the Revenue and Taxation Code, relating to senior citizens property tax assistance.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 19531 of the Revenue and Taxation Code, as amended by Chapter 84 of the Statutes of 1974, is amended to read:

19531. Each claimant applying for assistance under Article 2 (commencing with Section 19521) of this part shall file a claim under penalty of perjury with the Franchise Tax Board on a form supplied by such board. The claim shall contain:

(a) Evidence acceptable to the Franchise Tax Board that the claimant was a resident of California and 62 years of age or older on or before the first day of January preceding the end of the fiscal year for which the claim is filed.

(b) A statement showing the household income for the period set forth in Section 19501.5.

(c) A statement describing the property on which the claim is based and showing at least the assessed value of the homestead; the size and nature of the homestead; together with the tax bill. No interest shall be allowed on any payment made to any claimant pursuant to this part.

If a claimant submits a statement containing the essential data set forth in this section under penalty of perjury within the period set forth in Section 19532, the Franchise Tax Board shall compute the amount of assistance and authorize payment. The amount of any assistance otherwise payable under this part may be applied by the Franchise Tax Board against any liability due from the claimant under any law administered by the Franchise Tax Board.

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SEC. 2. Section 19531.5 of the Revenue and Taxation Code, as added by Chapter 84 of the Statutes of 1974, is amended to read:

19531.5. For the purposes of this part, the requirement that property taxes be paid before assistance can be granted may be waived if the taxes were not paid for reasonable cause and the claimant declares under penalty of perjury that the assistance granted will be promptly applied to pay delinquent property taxes on the homestead to the extent reasonably feasible under the circumstances.

SEC. 3. This act shall apply to claims for assistance for property tax fiscal year 1974–75 and property tax fiscal years thereafter.

CHAPTER 823

An act to amend Section 23355 of, and to add Section 23355.1 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 23355 of the Business and Professions Code is amended to read:

23355. Except as otherwise provided in this division and subject to the provisions of Section 22 of Article XX of the Constitution, the licenses provided for in Article 2 of this chapter authorize the person to whom issued to exercise the rights and privileges specified in this article and no others at the premises for which issued during the year for which issued.

SEC. 2. Section 23355.1 is added to the Business and Professions Code, to read:

23355.1. Notwithstanding any other provision of this division, the following acts are authorized:

(a) Deliveries of distilled spirits by a licensee to a retail licensee may be made from the vendor's licensed premises or from a warehouse located within the county in which the vendor's licensed premises are located except as permitted by Section 23383. Deliveries to a licensed importer may also be made from any point outside the state.

(b) A distilled spirits manufacturer, distilled spirits manufacturer's agent, distilled spirits rectifier general, or rectifier may store, bottle, cut, blend, mix, flavor, color, label, and package distilled spirits owned by another distilled spirits manufacturer, distilled spirits manufacturer's agent, distilled spirits rectifier general, rectifier or a distilled spirits wholesaler, and may deliver such distilled spirits from the premises where stored, bottled, cut, blended, mixed, flavored, colored, labeled or packaged, or from a

warehouse located in the same county as such premises for the account of the owner of such distilled spirits to any licensee such owner would be authorized to deliver to under his own license, except to a retail licensee.

(c) A distilled spirits manufacturer, distilled spirits manufacturer's agent, distilled spirits rectifier general, rectifier or distilled spirits wholesaler may store and deliver distilled spirits for the account of another licensee who would be authorized to make the delivery under his own license, except that such licensee shall not make a delivery to a retail licensee on behalf of another licensee.

CHAPTER 824

An act to add Section 2861.5 to the Business and Professions Code, relating to vocational nurses.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2861.5 is added to the Business and Professions Code, to read:

2861.5. A person licensed under this chapter who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of his employment shall not be liable for any civil damages as the result of acts or omissions in rendering the emergency care. This section shall not be construed to grant immunity from civil damage to any person whose conduct in rendering emergency care is grossly negligent.

CHAPTER 825

An act to amend Sections 633, 1461, 2606.2, and 2606.3 of, to add Section 710.3 to, and to repeal Section 984.5 of, the Unemployment Insurance Code, relating to unemployment disability compensation.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 633 of the Unemployment Insurance Code is amended to read:

633. Except as provided in Sections 603.5, 605, 605.1, 605.5, 709, 710, 710.2, 710.3, and 710.5, and in Chapters 5.5 (commencing with

Section 1451) and 5.6 (commencing with Section 1461) of this part, "employment" does not include service performed in the employ of a state, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions.

SEC. 2. Section 710.3 is added to the Unemployment Insurance Code, to read:

710.3. Any employing unit specified in Section 135.3, any city, county, or city and county, and any special district which is located within this state may elect to become an employer subject to Part 2 (commencing with Section 2601) of this division, only, with respect to all its employees, including those with civil service or tenure positions, and may file its written election with the director. Such an election may be made on its own motion by the appropriate governing board of the entity making the election, or may be made by such governing board pursuant to a petition signed by a majority of the employees (including those with civil service or tenure positions) requesting the governing board to file such an election with the director. Upon the filing of such an election, the filing entity shall, upon approval by the director, become an employer subject to Part 2 (commencing with Section 2601) of this division to the same extent as other employers, and services performed by its employees, including those with civil service or tenure positions, shall constitute employment subject to such part. Beginning at that time, it shall withhold from the wages of employees the contributions required for unemployment compensation disability benefits.

SEC. 3. Section 984.5 of the Unemployment Insurance Code is repealed.

SEC. 4. Section 1461 of the Unemployment Insurance Code is amended to read:

1461. Except as provided in this chapter, a county employee shall, upon the request of the board of supervisors of the county submitted to the director, be eligible for unemployment compensation benefits on the same terms and conditions as are specified by this part, Part 3 (commencing with Section 3501) of this division, and Part 4 (commencing with Section 4001) of this division, for all other individuals. The employees of a county may submit to a board of supervisors a petition, signed by a majority of such employees, requesting the board to submit a request to the director to become eligible for such benefits. Except as inconsistent with the provisions of this chapter, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this chapter. A county employee shall have no rights, based on county wages, to disability benefits under this division unless the county employing him has elected to become an employer pursuant to Section 710.3.

SEC. 5. Section 2606.2 of the Unemployment Insurance Code is amended to read:

2606.2. Notwithstanding the provisions of subdivision (a) of Section 2606, "employment" for the purposes of this part does not include service performed in the employ of the State of California,

or any instrumentality of this state or of this state and one or more other states, for a hospital or institution of higher education located in this state.

This section shall not apply to any entity specified in Section 710.3 which has elected to become an employer under this part and has filed such an election with the director.

SEC. 6. Section 2606.3 of the Unemployment Insurance Code is amended to read:

2606.3. Notwithstanding the provisions of subdivision (a) of Section 2606, "employment" for the purposes of this part does not include service performed in employment as defined in Section 605.2 unless the employing unit has made an election to become an employer under this part and has filed such an election with the director.

CHAPTER 826

An act to amend Section 2157 of the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2157 of the Streets and Highways Code is amended to read:

2157. There is hereby created the Departmental Transportation Advisory Committee. At the 1973–74 Regular Session of the Legislature, and at the commencement of the 1977–78 Regular Session and each four years thereafter, the Speaker of the Assembly and the Rules Committee of the Senate shall jointly appoint a committee of 16 members, to consist of county and city officials, representatives of transportation planning agencies, representatives of air, highway, motoring, and public transportation organizations, and others interested in transportation planning to act in an advisory capacity to the department in the preparation of various transportation reports required by statute, including, but not limited to, functional classification and needs studies. The department shall cooperate and confer with the advisory committee so appointed. Each committee so appointed shall remain in existence until such time as a new advisory committee is appointed.

Any vacancy on the committee shall be filled by a joint appointment by the Speaker of the Assembly and the Rules Committee of the Senate, and the appointee shall serve until the appointment of a new committee.

SEC. 2. This act is an urgency statute necessary for the

immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Departmental Transportation Advisory Committee is currently engaged in preparing recommendations to the Department of Transportation in regard to the distribution of federal funds available for transportation purposes. Such distribution is necessary prior to January 1, 1975, and a larger and broader based committee will assure recommendations on an equitable basis.

CHAPTER 827

An act to amend Section 6757.5 of the Revenue and Taxation Code, and to amend Sections 1703 and 1703.5 of the Unemployment Insurance Code, relating to liens.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6757.5 of the Revenue and Taxation Code is amended to read:

6757.5. Within the time allowed in Section 6757, the board may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty, constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. A lien imposed by this section shall not be valid as against a purchaser for value without actual knowledge of the lien.

SEC. 2. Section 1703 of the Unemployment Insurance Code is amended to read:

1703. (a) If an employing unit is delinquent in a payment of any contributions, penalties or interest provided for in this division, the director may, not later than three years after the payment became delinquent, or within 10 years after the last entry of a judgment under Section 1815, file for record in the office of any county recorder a certificate specifying the amount of contributions, interest and penalties due, the cost of recording a release required by any provision of law, the name and address as it appears on the records of the department of the employing unit liable for the same, and the fact that the department has complied with all provisions of this division in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid, together with interest, penalty, and the cost of recording the

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release, constitutes a lien upon all the property in the county owned by the person or acquired by him before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to all the property in such county for 10 years unless sooner released or otherwise discharged. A lien imposed by this section shall not be valid insofar as personal property is concerned as against a purchaser for value without actual knowledge of the lien.

(b) In the case of releases for which fees are required pursuant to any provision of law, the department shall be billed quarterly or, at the option of the department, at more frequent intervals. All billings shall refer to the department certificate number of the recorded releases.

SEC. 3. Section 1703.5 of the Unemployment Insurance Code is amended to read:

1703.5. Within the time specified in Section 1703, the director may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty, constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. A lien imposed by this section shall not be valid as against a purchaser for value without actual knowledge of the lien.

SEC. 4. There are no costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because the provisions of this act will not result in any increased expenditures by local agencies.

CHAPTER 828

An act to amend Section 1 of Chapter 1942 of the Statutes of 1961, relating to the replenishment of ground waters in the Alameda County Water District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1942 of the Statutes of 1961 is amended to read:

Section 1. The following definitions apply to the words used in this act:

(a) "District" means the Alameda County Water District (organized pursuant to the County Water District Law, commencing with Section 30000 of the Water Code).

(b) "Water year" means the period commencing on July 1st of one calendar year and ending on June 30th of the calendar year immediately following.

(c) "Ground water" means the water beneath the surface of the ground, whether or not flowing through known and definite channels.

(d) "Nonsaline water" means water, the salinity of which does not exceed the tolerance generally accepted within the district for salinity of water used for domestic or agricultural purposes therein.

(e) "Production" or "producing" means the extraction or extracting of ground water, by pumping or any other method from shafts, tunnels, wells, excavations, or other sources of ground water for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction or extracting of ground water incidentally produced with oil in the production of oil or gas, nor the extraction or extracting of ground water incidentally produced in a bona fide mining operation or construction of a tunnel or railroad, highway, aqueduct, pipeline, or other useful purpose unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose, nor the extraction or extracting of ground water used in the production and processing of sand and gravel or other industrial processes to the extent that such water is returned to the ground water basin. The return of such water to the groundwater basin shall be accomplished by the quarry operator or industrial user in a privately owned facility specifically for such purpose. The quarry operator or industrial user shall be responsible for metering the quantity of such return water after it has been clarified to a turbidity of not greater than 100 Jackson candle units and for proof that the quality of the water so returned has not been otherwise degraded.

(f) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within the district.

(g) "Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation.

(h) "Operator" means the person or persons operating a water-producing facility; the owner thereof shall be conclusively presumed to be such operator unless satisfactory showing be made to the board of directors of the district that such water-producing facility actually is operated by some other person or persons.

(i) "Producer" means any operator producing ground water.

(j) "Annual overdraft" means the amount, as determined by the board of directors of the district, by which the quantity of ground water removed by any natural or artificial means from the ground water supplies within the district during the water year exceeds the quantity of nonsaline water replaced therein by the replenishment of such ground water supplies in such water year by any natural or artificial means other than replenishment under the provisions of this act.

(k) "Accumulated overdraft" as used in this act means the amount of water necessary to be replaced in the intake area of the ground water basin within said district to prevent the landward movement of ocean water into the fresh ground water body, as determined by the board of directors from time to time.

(*l*) "Existing agency" means any public corporation, agency, district, or political subdivision, now or hereafter created, which has any of the powers granted the Alameda County Water District by this act.

(m) "Agricultural water" means water first used on lands in the production of plants, crops, or livestock for market.

(n) "Recreational water" means water first used on municipally owned and operated lands for parks or recreational purposes.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The public peace, health and safety require that the Alameda County Water District be permitted at the earliest possible time to compute replenishment assessments on ground water used in the production and processing of sand and gravel in such manner as to exempt water used or produced incidental thereto and thus to protect quarry operations from unfair and unreasonable assessment. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 829

An act to amend Sections 3102, 3308, and 3321 of, to add Sections 3309, 3326, 3327, and 3355 to, and to repeal Section 3304 of, the Food and Agricultural Code, relating to fairs and expositions, and making an appropriation therefor.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

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SECTION 1. Section 3102 of the Food and Agricultural Code is amended to read:

3102. If the Department of Parks and Recreation or the board of directors of any district agricultural association finds that, in order to conduct a successful horserace meeting with adequate competition and a sufficient number of competent jockeys and exercise boys, it is necessary that it purchase suitable accident and disability insurance for the benefit of the jockeys and exercise boys who are participating in the horserace meeting, it may purchase such insurance to protect them from the physical hazards of such participation.

SEC. 2. Section 3304 of the Food and Agricultural Code is repealed.

SEC. 3. Section 3308 of the Food and Agricultural Code is amended to read:

3308. As used in this part, "fair site" means the fair site in Sacramento County adjacent to the American River, and "California Exposition and State Fair" means the fair conducted at the fair site. The department has control of the fair site, except as provided for in Section 3323. The fair site is not a part of the state park system.

SEC. 4. Section 3309 is added to the Food and Agricultural Code, to read:

3309. As used in this part, "credential admission" means any admission which is authorized by the department for admission to the California Exposition and State Fair without payment of the admission charge when a service is rendered by the person who is admitted which is necessary for the conduct of such fair.

SEC. 5. Section 3321 of the Food and Agricultural Code is amended to read:

3321. The department shall manage the California Exposition and State Fair and the fair site, and provide for an annual fair in one or more seasonal divisions in Sacramento County of the industries and industrial products of this state and commercial products exported and imported through the ports of this state. The fair shall be designated as the California State Fair.

SEC. 6. Section 3326 is added to the Food and Agricultural Code, to read:

3326. All records of the department for entries in events at the California Exposition and State Fair or at the fair site are public records, except entries in events which are scheduled for future judging or overnight entries in races on which there is parimutuel wagering prior to such events, judging, or races.

SEC. 7. Section 3327 is added to the Food and Agricultural Code, to read:

3327. The department may enter into contracts with persons, firms, or corporations, or cities, counties, or other public agencies, to construct, maintain, or operate exhibits or concessions for the California Exposition and State Fair or within the fair site.

SEC. 8. Section 3355 is added to the Food and Agricultural Code,

to read:

3355. The State Fair Contingent Fund is hereby created in the State Treasury. All moneys collected or received from gifts or bequests, or from municipal or county appropriations or donations for the administration, operation, management, or improvement of the California Exposition and State Fair or the fair site shall be deposited in the State Treasury to the credit of the State Fair Contingent Fund. All moneys so deposited shall be used for the administration, operation, management, or improvement of the California Exposition and State Fair or fair site, in accordance with the terms of the gift, bequest, or municipal or county appropriation or donation from which the moneys are derived. All moneys in the State Fair Contingent Fund are hereby appropriated to the department without regard to fiscal years, to be expended in accordance with the purpose for which the moneys were received.

CHAPTER 830

An act to amend the heading of Chapter 2.5 (commencing with Section 35525) of Part 5 of Division 13 of, to amend Sections 31701, 35525, 72090, and 72093 of, and to add Chapter 3.5 (commencing with Section 72028) to Part 8 of Division 20 of, the Water Code, relating to water districts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 2.5 (commencing with Section 35525) of Part 5 of Division 13 of the Water Code is amended to read:

CHAPTER 2.5. PROVISIONS PERTAINING ONLY TO THE KERN DELTA, CAWELO, RAG GULCH, AND KERN-TULARE WATER DISTRICTS

SEC. 1.5. Section 31701 of the Water Code is amended to read:

31701. If a district has no revenue or if the revenues of the district are, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, or if there are delinquent and unpaid charges, as defined in subdivision (e), outstanding, the board of directors shall, annually, on or before August 1st, furnish to the board of supervisors and to the auditor of each county, respectively, in writing:

(a) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the

amount required to pay the principal of or interest on any bonded debt of the district or of an improvement district therein as it becomes due.

(b) A description of the improvement district benefited by the purposes of the bonded debt as stated in the resolution declaring the necessity to incur the bonded indebtedness, or, if the whole district was benefited by incurring it, a statement of that fact.

(c) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required to meet all the charges, claims, expenditures and expenses, other than a bonded debt, of each improvement district created in the county pursuant to this division, together with a description of each such improvement district as determined by resolution of the board.

(d) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required by the district for other expenses and claims against it.

(e) A statement of those delinquent and unpaid charges for water and other services, or either, requested in writing by the owner of the property that remain delinquent and unpaid for 60 days or more on July 1st determined by the board to be included therein.

(f) The estimate of the minimum amount of money required to be raised by taxes in the county under subdivisions (c) and (d) shall not exceed the amounts permitted by any maximum property tax rate limitation in the Revenue and Taxation Code, provided however, that if no tax was levied by the district for either the 1971–1972 or the 1972–1973 fiscal year and the district incurred expenses in such years which expenses were paid from revenues other than taxes, then the maximum levy shall not exceed fifty cents ($0.50) per one hundred dollars ($100) of assessed valuation per year.

SEC. 2. Section 35525 of the Water Code is amended to read:

35525. The provisions of this chapter shall apply only to the Kern Delta Water District, the Cawelo Water District, the Rag Gulch Water District, and the Kern-Tulare Water District as member units of the Kern County Water Agency or to an improvement district formed within the Kern Delta Water District, the Cawelo Water District, the Rag Gulch Water District, or the Kern-Tulare Water District pursuant to the provisions of this division.

SEC. 3. Chapter 3.5 (commencing with Section 72028) is added to Part 8 of Division 20 of the Water Code, to read:

CHAPTER 3.5. APPORTIONMENT OF EXTRAORDINARY COSTS OF WATER DELIVERY

72028. Whenever the board determines that it is necessary to equitably apportion any extraordinary costs of water delivery, including, but not limited to, filtration costs, to the benefited improvement districts within the district, the board shall, by

resolution, declare its intent to impose the proportional share of such costs on the improvement districts within the district.

72028.1. The resolution of intention shall include the nature of the extraordinary costs of water delivery, the amount of the cost which is to be borne by each benefited improvement district, and the calling of a combined election within all of the improvement districts affected on a date to be fixed for the purpose of submitting to the voters thereof the proposition of imposing additional debt on the improvement district.

72028.2. The election called by the resolution of intention shall be held in accordance with the provisions of Chapter 5 (commencing with Section 71940) of Part 7 of this division for the holding of bond elections.

72028.3. If the majority of the registered voters in all of the combined improvement districts in which the election is held voting on the proposition vote to impose the additional debt on the improvement districts, it shall be imposed; otherwise it shall not.

72028.4. When additional debt is imposed on improvement districts pursuant to this chapter, the board shall take action at the time and in the manner required by law to require the board of supervisors to levy, in addition to any other tax it levies, a tax upon the property within the affected improvement districts at a rate or rates fixed by the board.

SEC. 4. Section 72090 of the Water Code is amended to read:

72090. A district may cause taxes to be levied, in the manner provided in this part, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor. The amount of this levy shall not exceed the amount permitted by any maximum property tax rate limitation in the Revenue and Taxation Code, provided, however, that if no tax was levied by the district in either the 1971–1972 or 1972–1973 fiscal year and the district incurred expenses in such years, which expenses were paid from revenues other than taxes, then the maximum levy shall not exceed fifty cents ($0.50) per one hundred dollars ($100) of assessed valuation per year.

SEC. 5. Section 72093 of the Water Code is amended to read:

72093. The board shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the district. These acts by the board are a valid assessment of the property and a valid levy of the taxes so fixed. The amount of this levy shall not exceed the amounts permitted by any maximum property tax rate limitation in the Revenue and Taxation Code, provided, however, that if no tax was levied by the district for either the 1971–1972 of the 1972–1973 fiscal year, and the district incurred expenses in such years, which expenses were paid from revenues other than taxes, then the maximum levy shall not exceed fifty cents ($0.50) per one hundred dollars ($100) of assessed valuation per year.

SEC. 6. The State of California and the people thereof are hereby

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declared to have a primary and supreme interest in securing to the inhabitants and holders of title to lands within the Rag Gulch Water District and the Kern-Tulare Water District the greatest possible use, conservation and protection of ground water within the district and of waters of the Kern River to which certain holders of title to land within the districts may be entitled, to the ends that rights of all holders of title to lands within the districts will be recognized and protected through an equitable apportioning of the costs of the project of the districts in accordance with benefits received therefrom, that costs of water utilization shall be equalized, and that a firm water supply shall be assured.

Investigation having shown conditions in the area comprising the districts to be peculiar to the districts, it is hereby declared that a general law cannot be applicable thereto, and the enactment of this special law by the amendment of Section 35525 of the Water Code made by this act, is therefore necessary for the proper allocation of costs of the project for the proper distribution and use of waters available to the districts, for the protection of life and property therein, and for the public good.

CHAPTER 831

An act to add Section 2107.4 to the Streets and Highways Code, relating to highway funds.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2107.4 is added to the Streets and Highways Code, to read:

2107.4. Not more than one-quarter of the funds allocated to a city or county from the Highway Users Tax Account in the Transportation Tax Fund for the construction of streets therein may be used to make principal and interest payments on bonds issued for such construction, if the issuance of such bonds is authorized by a proposition approved by a majority of the votes cast thereon. The term of any such bonds shall not exceed 25 years.

Any city or county issuing such bonds shall submit, during January 1978, to the Legislature a report with all of the following information:

(a) Amount of the bond issue and year of issuance.

(b) Term of the bond issue.

(c) Percentage of its Highway Users Tax Account allocation pledged for the principal and interest payment on such bonds.

(d) Cost and description of the street or streets constructed.

(e) Date, or expected date, of completion of the street or streets.

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CHAPTER 832

An act to add Sections 19666 and 19667 to the Business and Professions Code, relating to horseracing.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 19666 is added to the Business and Professions Code, to read:

19666. No person shall alter or counterfeit, or attempt to alter or counterfeit, any parimutuel ticket.

SEC. 2. Section 19667 is added to the Business and Professions Code, to read:

19667. No person shall knowingly have in his possession any altered, forged, or counterfeit parimutuel ticket.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 833

An act to amend Sections 5354, 5358.5, and 7325 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5354 of the Welfare and Institutions Code is amended to read:

5354. The officer providing conservatorship investigation shall investigate all available alternatives to conservatorship and shall recommend conservatorship to the court only if no suitable alternatives are available. This officer shall render to the court a written report of investigation prior to the hearing. The report to the court shall be comprehensive and shall contain all relevant aspects of the person's medical, psychological, financial, family, vocational and social condition, and shall contain all available information concerning the person's real and personal property. The facilities providing intensive treatment or comprehensive evaluation shall

disclose any records or information which may facilitate the investigation. If the officer providing conservatorship investigation recommends against conservatorship, he shall set forth all alternatives available. A copy of the report shall be transmitted to the individual who originally recommended conservatorship, to the person or agency, if any, recommended to serve as conservator, and to the person recommended for conservatorship. The court may receive such report in evidence and may read and consider the contents thereof in rendering its judgment. In contested cases, if the proposed conservatee or his counsel objects to the receipt of the report in evidence, such report shall not be read or considered by the court until the issue of grave disability has been adjudicated.

SEC. 2. Section 5358.5 of the Welfare and Institutions Code is amended to read:

5358.5. When any conservatee placed into a facility pursuant to this chapter leaves the facility without the approval of the conservator or the person in charge of the facility, or when the conservator appointed pursuant to this chapter deems it necessary to remove his conservatee to the county designated treatment facility, the conservator may take the conservatee into custody and return him to the facility or remove him to the county designated treatment facility. A conservator, at his discretion, may request a peace officer to detain the conservatee and return such person to the facility in which he was placed or to transfer such person to the county designated treatment facility, pursuant to Section 7325 of the Welfare and Institutions Code. Such request shall be in writing and accompanied by a certified copy of the letters of conservatorship showing the person requesting detention and transfer to be the conservator appointed pursuant to this chapter as conservator of the person sought to be detained. Either the conservator or his assistant or deputy may request detention under this section. Whenever possible, persons charged with apprehension of persons pursuant to this section shall dress in plain clothes and shall travel in unmarked vehicles.

SEC. 3. Section 7325 of the Welfare and Institutions Code is amended to read:

7325. When any patient committed by a court to a state hospital or other institution on or before June 30, 1969, or when any patient who is judicially committed on or after July 1, 1969, or when any patient who is involuntarily detained pursuant to Part 1 (commencing with Section 5000) of Division 5 escapes from any state hospital, any hospital or facility operated by or under the Veterans' Administration of the United States government, or any facility designated by a county pursuant to said Part 1, or any facility into which the patient has been placed by his conservator appointed pursuant to Chapter 3 (commencing with Section 5350), Part 1, Division 5, of this code, or when a judicially committed patient's return from leave of absence has been authorized or ordered by the State Department of Health or the facility of the Veterans'

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Administration, any peace officer, upon written request of the state hospital, veterans' facility, or the facility designated by a county, or the patient's conservator appointed pursuant to Chapter 3 (commencing with Section 5350), Part 1, Division 5, of this code, shall without the necessity of a warrant or court order, or any officer or employee of the State Department of Health designated to perform such duties may, apprehend, take into custody and deliver him to the state hospital or to a facility of the Veterans' Administration, or the facility designated by a county, or to any person or place authorized by the State Department of Health, or by the Veterans' Administration, or the local director of the county mental health program of the county in which is located the facility designated by the county, or the patient's conservator appointed pursuant to Chapter 3 (commencing with Section 5350), Part 1, Division 5, of this code, as the case may be, to receive him. Every officer or employee of the State Department of Health designated to apprehend or return such patients shall have the powers and privileges of peace officers so far as necessary to enforce the provisions of this section.

As used in this section "any peace officer" means the persons specified in Section 830.1 of the Penal Code.

CHAPTER 834

An act to amend Section 39154 of the Health and Safety Code, relating to air pollution.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974

The people of the State of California do enact as follows:

SECTION 1. Section 39154 of the Health and Safety Code is amended to read:

39154. No new motor vehicle required pursuant to this part to meet the emission standards established in or pursuant to this part, shall be sold and registered in this state if the vehicle manufacturer has violated emission standards or test procedures and has failed to take corrective action, which may include recall of vehicles, specified by the board in accordance with regulations of the board. If a manufacturer contests the necessity for or scope of a recall of vehicles ordered pursuant to this section and so advises the board, the board shall not require such recall unless it first affords the manufacturer the opportunity, at a public hearing, to present evidence in support of the manufacturer's objections. If a vehicle is recalled pursuant to this section, the manufacturer shall make all necessary corrections specified by the board without charge to the registered owner of the vehicle or, at the manufacturer's election, reimburse the registered owner for the cost of making such

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necessary corrections.

The procedures for determining, and the facts constituting, compliance and failure of compliance shall be established by the board pursuant to subdivision (c) of Section 39051.

CHAPTER 835

An act to amend Sections 7467.3, 13105, 22606, 22710, 22757.5, 23601.5, 23604.4, 23604.5, 23753.1, and 24000 of the Education Code, relating to postsecondary education.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 7467.3 of the Education Code is amended to read:

7467.3. In the implementation of this chapter, the Department of Education shall, on a regular basis, advise and consult with representatives of the Department of Human Resources Development, the office of the Chancellor of the California Community Colleges, the California Postsecondary Education Commission, the University of California, the Chancellor of the California State University and Colleges, the Commission for Teacher Preparation and Licensing, the Department of Industrial Relations, the Department of Consumer Affairs, the California Advisory Council on Vocational Education and Technical Training, and the State Personnel Board.

SEC. 2. Section 13105 of the Education Code is amended to read:

13105. The Superintendent of Public Instruction, the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, and the California Postsecondary Education Commission shall each appoint a representative to serve as member ex officio without vote.

SEC. 3. Section 22606 of the Education Code is amended to read:

22606. The primary function of the California State University and Colleges is the provision of instruction for undergraduate students and graduate students, through the master's degree, in the liberal arts and sciences, in applied fields and in the professions, including the teaching profession. Presently established two-year programs in agriculture are authorized, but other two-year programs shall be authorized only when mutually agreed upon by the Trustees of the California State University and Colleges and the State Board of Education. The doctoral degree may be awarded jointly with the University of California, as provided in Section 22552, or jointly with a private institution of higher education accredited by the Western

Association of Schools and Colleges and provided the proposed doctoral program is approved by the California Postsecondary Education Commission. Faculty research is authorized to the extent that it is consistent with the primary function of the state university and colleges and the facilities provided for that function.

SEC. 4. Section 22710 of the Education Code is amended to read:

22710. The Legislature finds that coordination and planning are vital elements in providing postsecondary education to meet the needs of the people of the State of California.

The Legislature intends to create a statewide agency to assure the effective utilization of public postsecondary education resources, thereby eliminating waste and unnecessary duplication, and to promote diversity, innovation, and responsiveness to student and societal needs through planning and coordination.

It is further the intent of the Legislature that educational policy recommendations of the commission shall be a primary consideration in developing state policy and funding for postsecondary education.

It is further the intent of the Legislature that the commission shall have adequate staffing and funding to carry out its duties and responsibilities.

It is further the intent of the Legislature that the commission shall encourage the participation of faculty members, students, administrators, and members of the general public in carrying out its duties and responsibilities.

SEC. 5. Section 22757.5 of the Education Code is amended to read:

22757.5. The State Board of Education is vested with all necessary power and authority to perform all acts necessary to authorize governing boards of districts maintaining community colleges to receive the benefits and to expend the funds provided by any acts of Congress under which districts maintaining community colleges may be eligible to receive benefits, including, but not limited to, Title VII of the Housing Act of 1961 (Pub. Law 87-70), as amended, and any of the acts of Congress referred to in this chapter. The board is vested with all necessary power and authority to authorize districts maintaining community colleges to cooperate with the government of the United States, or any agency or agencies thereof, for the purpose of receiving the benefits and expending the funds provided by said acts of Congress, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the California Postsecondary Education Commission adopted in accordance with any of said acts of Congress under which the California Postsecondary Education Commission is designated in this chapter as the state educational agency. Whenever necessary to secure the full benefits of said acts of Congress, the governing board may give such security as may be required and may comply with such conditions as may be imposed by the federal government. The funds received by the district under the provisions of said acts of Congress

shall be deposited in the county treasury as provided for in Section 17152.

This section shall be applicable to only those acts of Congress which have been enacted prior to January 1, 1967.

SEC. 6. Section 23601.5 of the Education Code is amended to read:

23601.5. The campuses authorized in subdivisions (s), (u) and (v) of Section 23601 shall commence construction only upon resolution of the trustees, approved by the California Postsecondary Education Commission.

SEC. 7. Section 23604.4 of the Education Code is amended to read:

23604.4. Criteria for including the words "state university" in the name of any of the particular institutions designated in Section 23601 shall be jointly developed and approved by the Trustees of the California State University and Colleges and the California Postsecondary Education Commission.

SEC. 8. Section 23604.5 of the Education Code is amended to read:

23604.5. The name of any particular institution named in Section 23601 may be changed to read "California State University, _____," or "_____ State _____" (College or University, as the case may be), except that the institutions named in subdivisions (a), (b), (d), (e), (g), and (h) of Section 23601 shall be changed to read "San Jose State University," "San Francisco State University," "Humboldt State University," "San Diego State University," "California Polytechnic State University, San Luis Obispo," and "California State Polytechnic University, Pomona," respectively; provided that the term "university" may be used in the name of a particular institution only after affirmative action by the trustees and the California Postsecondary Education Commission after consideration of the criteria developed pursuant to Section 23604.4.

SEC. 9. Section 23753.1 of the Education Code is amended to read:

23753.1. Other sections to the contrary notwithstanding, tuition fees adequate to meet the cost of maintaining limited residence programs which are established by the trustees in the area of military installations and which are designed primarily for the benefit of military and nonmilitary personnel at such installations, shall be required of, and collected from resident and nonresident students enrolled in such programs, under and pursuant to rules and regulations prescribed by the trustees. Students whose enrollment is entirely in such programs shall not be required to pay nonresident tuition established pursuant to Section 23754.

The trustees shall not establish a limited residence program in the area of a military installation which is designed primarily for the benefit of military and nonmilitary personnel at such installation without the prior approval of the California Postsecondary Education Commission.

The enactment of this section is intended to prohibit, and the provisions of this section shall be construed as prohibiting, the state from providing capital outlay expenditures for any limited residence program in the area of a military installation which is designed primarily for the benefit of military and nonmilitary personnel at such installation.

The effect of this section is limited to the classes provided by California Polytechnic State University at Vandenberg Air Force Base.

If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SEC. 10. Section 24000 of the Education Code is amended to read:

24000. The trustees may accept on behalf of the state any gift, bequest, devise, or donation of real or personal property whenever such gift and the terms and conditions thereof will aid in carrying out the primary functions of the state colleges as specified in Section 22606. Neither Section 11005 of the Government Code nor any other provision of law requiring approval by a state officer of gifts, bequests, devises, or donations shall apply to such gifts, bequests, devises, or donations. Such gifts, bequests, devises, or donations, and the disposition thereof, shall be annually reported to the California Postsecondary Education Commission, the Joint Legislative Budget Committee and the Department of Finance by the fifth calendar day of each regular session of the Legislature.

SEC. 11. It is the intent of the Legislature that the amendments to Sections 13105 and 23753.1 of the Education Code, as proposed by Sections 2 and 9, respectively, of this bill, and which amendments incorporate the amendments to Sections 13105 and 23753.1, as proposed by Assembly Bill No. 541, shall become operative only if this bill and Assembly Bill No. 541 are both chaptered and take effect on or before January 1, 1975.

SEC. 12. Except as provided by Section 11 of this act, any section of any other act enacted by the Legislature in 1974 at its 1973–74 Regular Session, which takes effect on or before January 1, 1975, and which amends or repeals a section amended by this act, shall prevail over this act whether such act is enacted prior or subsequent to this act.

CHAPTER 836

An act to add Section 11161.7 to the Penal Code, relating to child abuse.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11161.7 is added to the Penal Code, to read:

11161.7. (a) The Department of Justice shall prescribe by regulation a form which may be used by reporting professional medical personnel in making reports required to be made pursuant to Section 11161.5.

(b) As used in this section "professional medical personnel" means a physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, and registered nurse.

(c) Failure by professional medical personnel to use such form in reporting an incident of possible child abuse shall not constitute a violation of Section 11162.

CHAPTER 837

An act to add Section 2860.7 to the Business and Professions Code, relating to vocational nurses.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2860.7 is added to the Business and Professions Code, to read:

2860.7. (a) A licensed vocational nurse, acting under the direction of a physician may perform: (1) tuberculin skin tests, coccidioidin skin tests, and histoplasmin skin tests, providing such administration is within the course of a tuberculosis control program, and (2) immunization techniques, providing such administration is upon standing orders of a supervising physician, or pursuant to written guidelines adopted by a hospital or medical group with whom the supervising physician is associated.

(b) The supervising physician under whose direction the licensed vocational nurse is acting pursuant to subdivision (a) shall require such nurse to:

(1) Satisfactorily demonstrate competence in the administration of immunizing agents, including knowledge of all indications and contraindications for the administration of such agents, and in the recognition and treatment of any emergency reactions to such agents which constitute a danger to the health or life of the person receiving the immunization; and

(2) Possess such medications and equipment as required, in the medical judgment of the supervising physician and surgeon, to treat any emergency conditions and reactions caused by the immunizing agents and which constitute a danger to the health or life of the person receiving the immunization, and to demonstrate the ability

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to administer such medications and to utilize such equipment as necessary.

(c) Nothing in this section shall be construed to require physical presence of a directing or supervising physician, or the examination by a physician of persons to be tested or immunized.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 838

An act to amend Section 1242.6 of the Business and Professions Code, relating to vocational nurses.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1242.6 of the Business and Professions Code is amended to read:

1242.6. (a) Any registered nurse licensed under the provisions of Chapter 6 (commencing with Section 2700) of Division 2 may perform arterial puncture, venipuncture, or skin puncture for the purposes of withdrawing blood or for test purposes upon authorization from any licensed physician and surgeon.

(b) Any licensed vocational nurse licensed under the provisions of Chapter 6.5 (commencing with Section 2840) of Division 2 may perform arterial puncture, venipuncture, or skin puncture for the purposes of withdrawing blood or for test purposes upon authorization from any licensed physician and surgeon, if prior thereto the licensed vocational nurse has been instructed by a physician and surgeon and has demonstrated competence to such physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California or has demonstrated competence to the satisfaction of such board.

CHAPTER 839

An act to amend Section 409.6 of, and to add Section 409.7 to, the Code of Civil Procedure, and to amend Section 17985 of the Health and Safety Code, relating to buildings.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 409.6 of the Code of Civil Procedure is amended to read:

409.6. Nothing contained in Sections 409 through 409.5 or Section 409.7 shall affect or limit the liability otherwise existing of any person recording a notice of pendency of action for damages proximately caused thereby.

SEC. 2. Section 409.7 is added to the Code of Civil Procedure, to read:

409.7. Whenever an action is commenced to declare a building uninhabitable, the plaintiff public agency, at the time of filing the complaint, shall file in the office of the recorder of the county in which such building is situated, a notice of the pendency of the action, containing the names of the parties, and a description of the real property upon which the building affected thereby is situated.

The recordation of a filing under this section shall constitute notice of the action. From the time of the recordation only, shall a purchaser or encumbrancer of the building affected thereby be deemed to have constructive notice of the pendency of such action as it relates to the building and only of its pendency against parties designated by their real names in the filing.

SEC. 2.5. Section 17985 of the Health and Safety Code is amended to read:

17985. Any enforcement agency which institutes an action or proceeding pursuant to this article shall file a notice of the pendency of the action or proceeding in the county recorder's office of the county where the property affected by the action or proceeding is situated. The notice shall be filed at the time of the commencement of the action or proceeding. It has the same effect as the notice of pendency of action provided for in the Code of Civil Procedure

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 840

An act to amend Sections 24000.1 and 24002 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 24000.1 of the Education Code is amended to read:

24000.1. Notwithstanding any other provision of law to the contrary, the chief fiscal officer of each campus of the California State University and Colleges shall deposit into and maintain in local trust accounts or in trust accounts in accordance with the provisions of Sections 16305 to 16305.7, inclusive, of the Government Code, or in the California State University and Colleges Trust Fund, moneys received in connection with the following sources or purposes:

(a) Gifts, bequests, devises, and donations received under Section 24000.

(b) Any student loan or scholarship fund program, including but not limited to, student loan programs of the state, federal government (including programs referred to in Section 24001), local government, or private sources.

(c) Advance payment for anticipated expenditures or encumbrances in connection with federal grants or contracts.

(d) Room, board, and similar expenses of students enrolled in the international program of the California State University and Colleges.

(e) Cafeteria replacement funds.

(f) Miscellaneous receipts in the nature of deposits subject to return upon approval of a proper application.

(g) Fees and charges for services and materials authorized by Section 23751 that are optional to the user.

SEC. 2. Section 24002 of the Education Code is amended to read:

24002. (a) All money received from the sale of publications pursuant to Section 23616, all money received under an agreement entered into pursuant to Section 23608 except recovery of contributions to the Public Employees' Retirement Fund, and except as to the fees and charges specified in subdivision (g) of Section 24000.1, all money collected as fees from students in any state college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, 24000, and 24000.1, and by reason of Section 2080.9 of the Civil Code, is hereby appropriated for the support of the California State University and Colleges in addition to such other amounts as may be appropriated therefor by the Legislature, and such money received under Sections 24000 and 24000.1, or received by reason of Section 2080.9 of the Civil Code, is appropriated without regard to fiscal year; provided, that

money received by reason of Section 2080.9 of the Civil Code shall be used for student scholarships and loans pursuant to such regulations as the trustees shall provide, and while held pending the grant of a scholarship or loan, may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest or other earnings received pursuant to such investment shall also be used for such scholarships and loans; and provided further, that money received by reason of Sections 24000 and 24000.1 may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest and other earnings received pursuant to such investment shall also be used for such purposes as may be established by the trustees consistent with the terms and conditions of the gift, bequest, devise, donation, or agreement under Sections 24000 and 24000.1. Except as otherwise provided with respect to money received by reason of Section 2080.9 of the Civil Code and Sections 24000 and 24000.1 of the Education Code, all money received pursuant to this section shall augment such support appropriation of the California State University and Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

(b) All money received from the sale or the disposition of real property acquired by or on behalf of a particular state university or college by gift, devise, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real property for, such particular state university or college, in addition to such other amounts as may be appropriated therefor by the Legislature. All money received from the sale or other disposition of personal property, other than money, acquired by or on behalf of a particular state college by gift, bequest, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real or personal property for, such particular state university or college, in addition to such other amounts as may be appropriated therefor by the Legislature. No money shall be expended by the trustees under this subdivision without the approval of the Director of Finance. Such money shall augment such support or capital outlay appropriation of the California State University and Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury

CHAPTER 841

An act to amend Sections 6 and 11 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 6. A majority of the members of the board shall constitute a quorum for the transaction of business. The board of directors shall act only by resolution or motion. Resolutions and motions may be adopted by a voice vote, but on demand of any member the roll shall be called. No motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. Any hearings or meetings held by said district or its board of directors as required by this act or in carrying out the provisions of this act may be continued or adjourned from time to time. Each director shall receive a sum not exceeding fifty dollars ($50) and a reasonable sum for mileage to be fixed by the board from time to time for each meeting of the board of directors attended by him. A director shall receive additional compensation not exceeding fifty dollars ($50) per day as shall be fixed and allowed by the board from time to time for his services while otherwise employed by authority of the board on the business of the district; also subject to approval of the board, reasonable compensation for all traveling and other expenses, including mileage incurred by him in such employment. No director shall receive compensation pursuant to this section for more than six days in any calendar month.

SEC. 2. Section 11 of the Orange County Water District Act (Chapter 924 of the Statutes 1933) is amended to read:

Sec. 11. Each director, whether elected or appointed, shall be a resident of said district and an owner of land in the division from which he is elected or appointed. A public officer, whether elected or appointed, may be elected or appointed to serve as a member of the board of directors of the district.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 842

An act to add Section 23763 to the Education Code, relating to California State University and Colleges.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows.

SECTION 1. Section 23763 is added to the Education Code, to read:

23763. To enhance the opportunities for California State University and Colleges employees to participate in training and career development the trustees may, subject to such rules and regulations as they may establish, waive entirely or reduce any or all fees for such employees who enroll in work-related courses offered by the California State University and Colleges necessary for improving skills for existing jobs or advancement in accordance with a career development plan at the California State University and Colleges.

CHAPTER 843

An act to add Section 39297.9 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1 Section 39297.9 is added to the Health and Safety Code, to read:

39297.9. Notwithstanding any other provision of this chapter, the air pollution control officer of any air pollution control district in a county with a population of 6,000,000 or less, upon authorization of the district governing body, may authorize, by permit, open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight-hour period which is:

(a) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

In authorizing the operation of a mechanized burner, the air pollution control officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this section.

The governing body of any air pollution control district may prohibit, by regulation, the operation of mechanized burners within the district.

CHAPTER 844

An act to add Sections 1795.6 and 1795.7 to the Civil Code, relating to warranties.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1795.6 is added to the Civil Code, to read:

1795.6. (a) Every warranty period relating to an implied or express warranty accompanying a sale or consignment for sale of consumer goods selling for fifty dollars ($50) or more shall automatically be tolled for the period from the date upon which the buyer either (1) delivers nonconforming goods to the manufacturer or seller for warranty repairs or service or (2), pursuant to subdivision (c) of Section 1793.2 or subdivision (c) of Section 1793.3, notifies the manufacturer or seller of the nonconformity of the goods up to, and including, the date upon which (1) the repaired or serviced goods are delivered to the buyer, (2) the buyer is notified the goods are repaired or serviced and are available for the buyer's possession or (3) the buyer is notified that repairs or service is completed, if repairs or service is made at the buyer's residence.

(b) For purposes of this section only, "manufacturer" includes the manufacturer's service or repair facility.

(c) Every manufacturer or seller of consumer goods selling for fifty dollars ($50) or more shall provide a receipt to the buyer showing the date of purchase. Every manufacturer or seller performing warranty repairs or service on the goods shall provide to the buyer a work order or receipt with the date of return and either the date the buyer was notified that the goods were repaired or serviced or, where applicable, the date the goods were shipped or delivered to the buyer.

SEC. 2. Section 1795.7 is added to the Civil Code, to read:

1795.7. Whenever a warranty, express or implied, is tolled pursuant to Section 1795.6 as a result of repairs or service performed by any retail seller, the warranty shall be extended with regard to the liability of the manufacturer to a retail seller pursuant to law. In such event, the manufacturer shall be liable in accordance with the

provisions of Section 1793.5 for the period that an express warranty has been extended by virtue of Section 1795.6 to every retail seller who incurs obligations in giving effect to such express warranty. The manufacturer shall also be liable to every retail seller for the period that an implied warranty has been extended by virtue of Section 1795.6, in the same manner as he would be liable under Section 1793.5 for an express warranty. If a manufacturer provides for warranty repairs and service through its own service and repair facilities and through independent repair facilities in the state, its exclusive liability pursuant to this section shall be to such facilities.

SEC. 3. This act shall become operative July 1, 1975.

CHAPTER 845

An act to amend Sections 7280.4, 7280.6, 7280.8, 7281, and 7281.2 of the Government Code, and to amend Section 2 of Chapter 122 of the Statutes of 1974, relating to the Burton-Stull Vietnam Veterans Employment Act, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 7280.4 of the Government Code is amended to read:

7280.4. Such payments for reimbursement pursuant to Section 7280.3 shall be made to an employer who hires such a veteran as soon as possible after the veteran commences training.

SEC. 2. Section 7280.6 of the Government Code is amended to read:

7280.6. The provisions of this chapter shall be administered by, and payments shall be disbursed through, the Department of Employment Development, in addition to any other functions or duties which are imposed upon it by law.

SEC. 3. Section 7280.8 of the Government Code is amended to read:

7280.8. The Director of the Department of Employment Development, or his designee, shall certify to employers such veterans as certified trainees under this chapter as he or his designee shall deem to be qualified for training in employment by such employer. The director or his designee, when certifying trainees to employers, shall make every effort to insure that at least 50 percent of the certified trainees reside in economically disadvantaged areas, as such term is defined in Section 9111 of the Unemployment Insurance Code.

SEC. 4. Section 7281 of the Government Code is amended to

read:

7281. No veteran shall be certified under Section 7280.8 if any of the following occur:

(a) The director or his designee finds that the employer does not have a reasonable expectation of at least six months continuous full-time employment for each certified trainee certified to him.

(b) The director or his designee finds that there is reasonable cause to believe that the employer will demote, discharge, or lay off persons now employed by him and replace such persons with certified trainees.

(c) The employer is engaged in a labor dispute.

(d) The employment of certified trainees by the employer would constitute a breach of a collective bargaining agreement entered into by the employer.

(e) The director or his designee finds that there is no substantial likelihood that the employment offered by the employer to the certified trainee will result in either substantially permanent full-time employment or an upgrading of the certified trainee's job skills to a level at which reasonably permanent full-time employment may be expected to be available to him in the community.

(f) The director or his designee finds that, as to any person or class of persons or employer or class of employers to whom eligible veterans may otherwise be certified as certified trainees, such certification would result in any of the following:

(1) Employment involving any condition of wages, hours, conditions of employment, or safety prohibited by law or by a collective bargaining agreement entered into by the employer.

(2) A surplus of persons who will be unemployed as a result of such certification.

(3) The unlawful employment of minors or the violation of any laws relating to compulsory school attendance.

(4) Detriment to the health or welfare of any person.

(5) When it is found that the existing prevailing conditions in the area and industry would in any way be lowered or adversely affected.

(g) The employer is a party to any contract or agreement to receive federal reimbursement for training the individual veteran.

The director may, pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of this code, make all necessary and reasonable regulations to prevent any abuses of the reimbursement program established under this chapter and for the administration of this section and Section 7280.8, and may obtain the assistance of any public or private agencies in finding and encouraging suitable employers to offer employment pursuant to this chapter.

SEC 5. Section 7281.2 of the Government Code is amended to read:

7281.2. No employer may receive any reimbursement for costs specified in this chapter if the veteran whom he hires as a trainee is a person whom the employer had previously employed, or a member

of the employer's immediate family or related within the first degree.

SEC. 6. Section 2 of Chapter 122 of the Statutes of 1974 is amended to read:

Sec. 2. There is hereby appropriated from the General Fund to the Department of Employment Development for the purposes of Chapter 17 (commencing with Section 7280) of Division 7 of Title 1 of the Government Code, the sum of one million dollars ($1,000,000). The department may utilize up to 17 percent of such sum to administer the employer reimbursement program created thereunder, including services rendered by the Department of Industrial Relations related to this program.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Various technical errors were effected in Chapter 122 of the Statutes of 1974, which became effective April 2, 1974. In order to correct such technical errors at the earliest possible time to insure the proper administration of the Burton-Stull Vietnam Veterans Employment Act, it is necessary that this act take effect immediately.

CHAPTER 846

An act to amend Section 4215 of the Government Code, relating to protection of public utilities in public contracts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 4215 of the Government Code is amended to read:

4215. In any contract to which a public agency as defined in Section 4401 is a party, the public agency shall assume the responsibility, between the parties to the contract, for the timely removal, relocation, or protection of existing main or trunkline utility facilities located on the site of any construction project that is a subject of the contract, if such utilities are not identified by the public agency in the plans and specifications made a part of the invitation for bids. The contract documents shall include provisions to compensate the contractor for the costs of locating, repairing damage not due to the failure of the contractor to exercise reasonable care, and removing or relocating such utility facilities not indicated in the plans and specifications with reasonable accuracy, and for equipment on the project necessarily idled during such work. The contract documents shall include provisions that the contractor shall

not be assessed liquidated damages for delay in completion of the project, when such delay was caused by the failure of the public agency or the owner of the utility to provide for removal or relocation of such utility facilities.

Nothing herein shall be deemed to require the public agency to indicate the presence of existing service laterals or appurtenances whenever the presence of such utilities on the site of the construction project can be inferred from the presence of other visible facilities, such as buildings, meter and junction boxes, on or adjacent to the site of the construction; provided, however, nothing herein shall relieve the public agency from identifying main or trunklines in the plans and specifications.

Nothing herein shall preclude the public agency from pursuing any appropriate remedy against the utility for delays which are the responsibility of the utility.

Nothing herein shall be construed to relieve the utility from any obligation as required either by law or by contract to pay the cost of removal or relocation of existing utility facilities.

If the contractor while performing the contract discovers utility facilities not identified by the public agency in the contract plans or specifications, he shall immediately notify the public agency and utility in writing.

The public utility, where they are the owner, shall have the sole discretion to perform repairs or relocation work or permit the contractor to do such repairs or relocation work at a reasonable price.

SEC. 2. The amendment to Section 4215 of the Government Code made by Section 1 of this act does not constitute a change in, but is declaratory of, the existing law.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because this act consists of technical changes to statutes enacted prior to January 1, 1973.

CHAPTER 847

An act to amend Section 27264.5 of the Education Code, relating to taxes for support of county libraries.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 27264.5 of the Education Code is amended to read:

27264.5. The board of supervisors may create special taxing zones within the territory of the county subject to taxation for county free library purposes for the purpose of levying special taxes within the

zones when it is found by the board that the territory within the zones require special services or special facilities in addition to those provided generally by the county free library system and that the special tax levy is commensurate with the special benefits to be provided in the zones.

Taxes levied pursuant to this section, together with taxes levied pursuant to Section 27263, shall not exceed the higher of the limit provided by Section 27263 or the applicable provisions of Section 2263 of the Revenue and Taxation Code.

CHAPTER 848

An act to amend Section 25485.2 of the Education Code, relating to community colleges.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 25485.2 of the Education Code is amended to read:

25485.2. No part of a community college district may be changed by transfer of territory, annexation, withdrawal, operation of law, or any other manner unless the change is approved by the governing boards of the community college districts affected, or unless the electorate, by a majority vote of those voting at an election held for that purpose, approves the proposed change in accordance with procedures established by law.

CHAPTER 849

An act to amend Sections 72451, 74661.5, and 74662 of, and to add Section 74661.2 to, the Government Code, relating to courts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 72451 of the Government Code is amended to read:

72451. Each traffic trial commissioner appointed pursuant to this article shall have the qualifications of a judge of the municipal court. Unless otherwise expressly provided by law, he shall receive a monthly salary in the same sum as is paid a commissioner in the Los Angeles Municipal Court District. The deputy clerk and secretary in

the supporting staff shall receive a monthly salary in the same sum as is paid similar employees having comparable duties in the court in which they serve not to exceed the salary payable to a deputy clerk grade IV and deputy clerk, judicial secretary in the top step, in the Los Angeles Municipal Court District. The salaries and expenses of a traffic trial commissioner and his staff appointed pursuant to this article shall be paid or reimbursed by the appointing authority to the extent that funds are available therefor.

SEC. 2. Section 74661.2 is added to the Government Code, to read:

74661.2. Any traffic trial commissioner appointed pursuant to Article 10 (commencing with Section 72450) of Chapter 9 of this title to serve a municipal court district in the County of Santa Clara shall receive a salary equal to that of the San Jose-Milpitas Judicial District Commissioner as provided in Section 74661.5.

SEC. 3. Section 74661.5 of the Government Code is amended to read:

74661.5. The judges of the San Jose-Milpitas Judicial District may appoint one commissioner. The commissioner shall possess the same qualifications as the law requires of a judge of the court. He shall hold office at the pleasure of the judges and shall receive a salary equal to eighty-six and nine-tenths percent (86.9%) of the salary of a judge of the municipal court. The commissioner shall be ex officio deputy clerk of the court and shall be a member of any retirement system which includes attachés of the court and shall receive the same fringe benefits as granted to such attachés.

SEC. 4. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 55.5. The clerk may appoint:

(a) One chief deputy court clerk who shall receive a salary as specified in range 50.5.

(b) One administrative assistant-municipal court who shall receive a salary as specified in range 50.

(c) Five deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 44.5.

(d) Twenty-four deputy court clerks, grade III, each of whom shall receive a salary as specified in range 43.5.

(e) Forty deputy court clerks, grade II, each of whom shall receive a salary as specified in range 37.5.

(f) Twenty-one deputy court clerks, grade I, each of whom shall receive a salary as specified in range 34.5.

(g) One Spanish-English interpreter who shall receive a salary as specified in range 39.5.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity

which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 850

An act to amend Section 73779 of, to add Sections 73772 and 73773 to, and to repeal Sections 73772 and 73773 of, the Government Code, relating to courts.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 73772 of the Government Code is repealed.

SEC. 2. Section 73772 is added to the Government Code, to read:

73772. There shall be one clerk, who shall be the administrative officer of the court and who shall receive an annual salary of twenty-four thousand five hundred four dollars ($24,504) payable in equal monthly installments of two thousand forty-two dollars ($2,042) per month.

SEC. 3. Section 73773 of the Government Code is repealed.

73773. The clerk, with the approval of the judges of said court, may appoint:

SEC. 4. Section 73773 is added to the Government Code, to read:

73773. The clerk, with the approval of the judges of said court, may appoint:

(a) One chief deputy clerk who shall receive an annual salary of nineteen thousand six hundred eight dollars ($19,608) payable in equal monthly installments of one thousand six hundred thirty-four dollars ($1,634) per month.

(b) Twelve deputy clerks grade V, each of whom shall receive a minimum salary of nine hundred ninety-nine dollars ($999) monthly with increments of fifty dollars ($50) and fifty-two dollars ($52) to a maximum of one thousand one hundred one dollars ($1,101) monthly.

(c) Four deputy clerks grade IV, each of whom shall receive a minimum salary of eight hundred eighty-four dollars ($884) monthly with increments of forty-four dollars ($44) and forty-six dollars ($46) to a maximum of nine hundred seventy-four dollars ($974) monthly.

(d) Sixteen deputy clerks grade III, each of whom shall receive a minimum salary of eight hundred two dollars ($802) monthly with increments of forty dollars ($40) and forty-two dollars ($42) to a maximum of eight hundred eighty-four dollars ($884) monthly.

(e) Twelve deputy clerks grade II, each of whom shall receive a minimum salary of seven hundred twenty-seven dollars ($727) monthly with increments of thirty-seven dollars ($37) and thirty-eight dollars ($38) to a maximum of eight hundred two dollars

($802) monthly.

(f) Seven deputy clerks grade I, each of whom shall receive a minimum salary of six hundred ninety-three dollars ($693) monthly with increments of thirty-four dollars ($34) and thirty-seven dollars ($37) to a maximum of seven hundred sixty-four dollars ($764) monthly.

(g) Seven intermediate typists, each of whom shall receive a minimum salary of six hundred forty-four dollars ($644) monthly with increments of thirty-two dollars ($32) and thirty-four dollars ($34) to a maximum of seven hundred ten dollars ($710) monthly.

(h) One clerk (file clerk) who shall receive a minimum salary of five hundred forty-three dollars ($543) monthly with increments of twenty-seven dollars ($27) and twenty-eight dollars ($28) to a maximum of five hundred ninety-eight dollars ($598) monthly.

In the application of the provisions of this section to existing officers and attachés of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

SEC. 5. Section 73779 of the Government Code is amended to read:

73779. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of Marin, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 (commencing with Section 72150) of Chapter 8 of this title, may be paid any compensation in excess of or less than the maximum to which such employee would otherwise be entitled; provided, that any such salary adjustment shall not extend longer than January 1, 1977.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 851

An act to amend Section 26570 of the Health and Safety Code, relating to refrigerated food.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 26570 of the Health and Safety Code is amended to read:

26570. It is unlawful for any person to hold or display any potentially hazardous refrigerated food at any temperature above 45 degrees Fahrenheit.

CHAPTER 852

An act to amend Section 1760.6 of the Health and Safety Code, relating to emergency medical services.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1760.6 of the Health and Safety Code is amended to read:

1760.6. The Advisory Committee on Emergency Medical Services is hereby created and established in the State Department of Health. The committee shall advise the director on regulations to be adopted by the department for implementation of this article. The committee may give the director general advice in regard to communications, medical equipment, training, personnel, facilities, and other subjects relating to emergency medical services. The committee shall be composed of 15 members. The Governor shall appoint 13 members as follows: one representative of a private ambulance company, one hospital administrator, three physicians and surgeons, one of whom is currently practicing in emergency medical care, and one of whom is in private practice, one licensed professional nurse who is licensed pursuant to the provisions of Chapter 6 (commencing with Section 2700) or Chapter 6.5 (commencing with Section 2840) of Division 2 of the Business and Professions Code and who is currently practicing in emergency medical care, one county health officer, one mobile intensive care paramedic, as defined in subdivision (a) of Section 1481, two public members, one of whom has been active in community efforts to improve emergency medical services, one representative of a public emergency medical services agency, one representative of the Department of the California Highway Patrol, and one representative of the State Department of Health, who shall serve as chairman.

The Senate Rules Committee and the Speaker of the Assembly shall each appoint one public member.

The members of the advisory committee shall receive no compensation for their services, but shall be reimbursed for their

actual, necessary traveling and other expenses incurred in the discharge of their duties.

The committee shall meet on the call of the chairman.

CHAPTER 853

An act to add Section 535.6 to the Welfare and Institutions Code, relating to delinquency prevention.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 535.6 is added to the Welfare and Institutions Code, to read:

535.6. The board of supervisors may by ordinance provide for the establishment, support, and maintenance of a delinquency prevention agency or department, or may assign delinquency prevention duties to any existing county agency, or department. Any such agency or department may engage in activities designed to prevent juvenile and adult delinquency, including rendering direct and indirect services to persons in the community, and may cooperate with any other agency of government in carrying out its purposes.

CHAPTER 854

An act to amend Section 4706.5 of the Labor Code, relating to workmen's compensation.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 4706.5 of the Labor Code is amended to read:

4706.5. (a) Whenever any fatal injury is suffered by an employee under such circumstances as to entitle him to compensation benefits, but for his death, and such employee does not leave surviving him any person entitled to a dependency death benefit, the employer shall pay a sum to the Department of Industrial Relations equal to the total dependency death benefit that would be payable to a surviving spouse with no dependent minor children.

(b) Where the deceased employee leaves no surviving dependent, personal representative, heir, or other person entitled to the accrued and unpaid compensation referred to in Section 4700,

such accrued and unpaid compensation shall be paid by the employer to the Department of Industrial Relations.

(c) The payments to be made to the Department of Industrial Relations, as required by subdivisions (a) and (b), shall be placed in the General Fund for the payment for subsequent injuries specified in Article 5 (commencing with Section 4750) of this chapter. The payments so received are hereby appropriated for such purpose.

(d) The payments to be made to the Department of Industrial Relations, as required by subdivision (a), shall be paid to the department in a lump sum in the manner provided in subdivision (b) of Section 5101.

(e) The Department of Industrial Relations shall keep a record of all payments due the state under this section, and shall take such steps as may be necessary to collect such amounts.

(f) Each employer, or his insurance carrier, shall notify the administrative director, in such form as the administrative director may prescribe, of each employee death, except when the employer has actual knowledge or notice that the deceased employee left a surviving dependent.

(g) When, after a reasonable search, the employer concludes that the deceased employee left no one surviving him who was entitled to a dependency death benefit, and concludes that the death was under such circumstances as to entitle him to compensation benefits, such employer may voluntarily make the payment referred to in subdivision (a). Payments so made shall be construed as payments made pursuant to an appeals board findings and award. Thereafter, if the appeals board finds that the deceased employee did in fact leave a person surviving him who is entitled to a dependency death benefit, upon such finding, all payments referred to in subdivision (a) which have been made shall be forthwith returned to the employer, or if insured, to the employer's workmen's compensation carrier that indemnified the employer for the loss.

CHAPTER 855

An act to add Section 3110.1 to the Financial Code, relating to banks.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3110.1 is added to the Financial Code, to read:

3110.1. Subject to the court approval, the superintendent may sell any part or the whole of the business of the bank (hereinafter in this section referred to as "seller"), or of any branch or branches of the

seller, to any other bank (hereinafter in this section referred to as "buyer") subject to the prior approval of the superintendent and the affirmative vote of two-thirds of all of the directors of the purchaser, or, if the seller or purchaser is a national banking association, consent shall be given and evidenced in such manner as may be provided by the laws of the United States applicable thereto. The superintendent in the terms of the sale shall fix a time when the sale shall be effective, and at such time the purchaser shall ipso facto and by operation of law and without further transfer, substitution, act or deed, except as specifically withheld or limited by the terms of the sale, succeed to all rights, obligations properties, assets, investments, deposits, demands, and agreements of the seller, subject to the right of every depositor of the seller or of the business, branch, or branch business so sold to withdraw his deposit in full on demand after such sale, irrespective of the terms under which it was deposited with the seller; and to all rights, obligations, properties, assets, investments, deposits, demands, and agreements of the seller under all trusts, executorships, administrations, guardianships, agencies, and all other fiduciary or representative capacities, to the same extent as though purchaser had originally assumed, acquired or owned the same and purchaser shall succeed to and be entitled to take and execute the appointment to all executorships, trusteeships, guardianships and other fiduciary and representative capacities to which seller may be named, or appointed by any other instrument, subject to the rights of all trustors and beneficiaries under the trusts so sold after such transfer to nominate another or succeeding trustee of the trust so transferred.

CHAPTER 856

An act to amend Section 13413 of the Education Code, relating to certificated employees.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 13413 of the Education Code is amended to read:

13413. In the event a hearing is requested by the employee, the hearing shall be commenced within 60 days from the date of the employee's demand for a hearing. The hearing shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the Commission on Professional Competence shall have all the power granted to an agency therein, except that the right of discovery of the parties shall not be limited

to those matters set forth in Section 11507.6 of the Government Code but shall include the rights and duties of any party in a civil action brought in a superior court. In all cases, discovery shall be completed prior to one week before the date set for hearing.

If the right of discovery granted under the preceding paragraph is denied by either the employee or the governing board, all the remedies in Section 2034 of the Code of Civil Procedure shall be available to the party seeking discovery and the court of proper jurisdiction, to entertain his motion, shall be the superior court of the county in which the hearing will be held.

The time periods in this section and of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall not be applied so as to deny discovery in a hearing conducted pursuant to this section.

The superior court of the county in which the hearing will be held may, upon motion of the party seeking discovery, suspend the hearing so as to comply with the requirement of the preceding paragraph.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters which occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

In those causes specified in subdivisions (b), (f), (h), (i), (j), and (k) of Section 13403, the hearing shall be conducted by a hearing officer whose decision shall be binding on the board. In the event the employee is charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the hearing shall be conducted by a Commission on Professional Competence. One member of the panel shall be selected by the employee, one member shall be selected by the governing board, and one member shall be a hearing officer of the State Office of Administrative Procedure who shall be chairman and a voting member of the competency panel and shall be responsible for assuring that the legal rights of the employee are protected at the hearing. If either the governing board or the employee for any reason fails to select a commission member at least seven days prior to the date of the hearing, such failure shall constitute a waiver of the right to selection, and the county board of education or its specific designee shall immediately make the selection. When the county board of education is also the governing board of the school district, the selection shall be made by the Superintendent of Public Instruction, who shall be reimbursed by the school district for all costs incident to the selection.

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The member selected by the governing board and the member selected by the employee shall have at least five years' experience in the specific educational function of the accused as set forth in Section 13055.

In those instances where the employee has been charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the decision shall be made, by a majority vote, by the Commission on Professional Competence which shall prepare a written decision containing findings of fact, determinations of issues and a disposition either:

(a) That the employee should be dismissed.

(b) That the employee should not be dismissed.

In those instances where the employee has been charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the decision of the Commission on Professional Competence shall be deemed to be the final decision of the governing board.

The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

The governing board and the employee shall have the right to be represented by counsel.

If the governing board orders the dismissal of the employee, the governing board and the employee shall share equally the expenses of the hearing, including the cost of the hearing officer. The employee and the governing board shall pay their own attorney fees.

If the governing board orders that the employee not be dismissed, the governing board shall pay all expenses of the hearing, including the cost of the hearing officer, and reasonable attorney fees incurred by the employee.

CHAPTER 857

An act to amend Section 402.1 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 402.1 of the Revenue and Taxation Code is amended to read:

402.1. In the assessment of land, the assessor shall consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected. Such restrictions shall include, but are not limited to: (a) zoning; (b) recorded contracts with governmental agencies other than those provided for in Section 422; (c) permit

authority of, and permits issued by, governmental agencies exercising land use powers concurrently with local governments, including the California coastal commissions, the San Francisco Bay Conservation and Development Commission, and the Tahoe Regional Planning Agency; (d) environmental constraints applied to the use of land pursuant to provisions of statutes.

There shall be a rebuttable presumption that restrictions will not be removed or substantially modified in the predictable future and that they will substantially equate the value of the land to the value attributable to the legally permissible use or uses.

Grounds for rebutting the presumption may include but are not necessarily limited to the past history of like use restrictions in the jurisdiction in question and the similarity of sales prices for restricted and unrestricted land. The possible expiration of a restriction at a time certain shall not be conclusive evidence of the future removal or modification of the restriction unless there is no opportunity or likelihood of the continuation or renewal of the restriction, or unless a necessary party to the restriction has indicated an intent to permit its expiration at that time.

In assessing land where the presumption is unrebutted, the assessor shall not consider sales of otherwise comparable land not similarly restricted as to use as indicative of value of land under restriction, unless the restrictions have a demonstrably minimal effect upon value.

In assessing land under an enforceable use restriction wherein the presumption of no predictable removal or substantial modification of the restriction has been rebutted, but where the restriction nevertheless retains some future life and has some effect on present value, the assessor may consider, in addition to all other legally permissible information, representative sales of comparable land not under restriction but upon which natural limitations have substantially the same effect as restrictions.

For the purposes of this section:

(a) "Comparable lands" are lands which are similar to the land being valued in respect to legally permissible uses and physical attributes.

(b) "Representative sales information" is information from sales of a sufficient number of comparable lands to give an accurate indication of the full cash value of the land being valued.

It is hereby declared that the purpose and intent of the Legislature in enacting this section is to provide for a method of determining whether a sufficient amount of representative sales information is available for land under use restriction in order to ensure the accurate assessment of such land. It is also hereby declared that the further purpose and intent of the Legislature in enacting this section and Section 1630 of the Revenue and Taxation Code is to avoid an assessment policy which, in the absence of special circumstances, considers uses for land which legally are not available to the owner and not contemplated by government, and that these sections are

necessary to implement the public policy of encouraging and maintaining effective land use planning. Nothing in this statute shall be construed as requiring the assessment of any land at less than as required by Section 401 of this code or as prohibiting the use of representative comparable sales information on land under similar restrictions when such information is available.

SEC. 2. It is the intent of the Legislature in enacting this act to clarify the status of recently enacted legislation with respect to Section 402.1 of the Revenue and Taxation Code and not to make a substantive change in such section.

CHAPTER 858

An act to amend Section 11583 of, and to add Section 5352 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5352 is added to the Elections Code, to read:

5352. The clerk may use copies of the affidavits of registration for the purpose of checking signatures on petitions.

SEC. 2. Section 11583 of the Elections Code is amended to read:

11583. (a) Original campaign statements filed with the Secretary of State shall be preserved indefinitely. The Secretary of State may prepare a photographic reproduction of any or all campaign statements filed with him, to be preserved at his discretion, but in no event may the original campaign statements be destroyed.

(b) All other campaign statements shall be preserved by the officers with whom they are filed for a period of four years from December 31 of the year in which they are filed, and may thereafter be destroyed by such officers. The officers may prepare a photographic reproduction of any or all of the campaign statements filed with them in lieu of preserving such statements. The photographic reproduction shall be preserved for the same period required for preserving campaign statements and shall thereafter be destroyed.

(c) The campaign statements may be reproduced on film at a time designated by the officer with whom they are filed, provided that a copy of all campaign statements shall be available for public inspection during the reproduction process. Whenever campaign statements required to be filed by this chapter are not sufficiently legible to reproduce a readable photographic record, the officer may require the person filing the statement to substitute a legible original

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statement.

(d) The officer preparing a photographic reproduction of campaign statements shall return the campaign statement to the candidate, committee, or officeholder after the officer has made a copy to be used in the photographic reproduction or after the officer has made the photographic reproduction, if a self-addressed stamped envelope is provided for such purpose. If the officer does not return the campaign statement at the time prescribed, he shall destroy the statement.

(e) A system of microphotography may be used as a photographic reproduction process, provided that all film used in the microphotography process complies with the minimum standards of quality approved by the United States Bureau of Standards. A true copy of the microfilm shall be provided to facilitate public inspection and duplication for sale to the public in the office of the officer performing the reproduction process. Another true copy of such film shall be kept in a safe place for security purposes.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for this act to apply to campaign statements filed in connection with the November 1974 general election, it is necessary that this act go into immediate effect at the earliest possible time.

CHAPTER 859

An act to amend Sections 19124 and 19150 of the Health and Safety Code, relating to earthquake protection.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 19124 of the Health and Safety Code is amended to read:

19124. The Division of Codes and Standards of the Department of Housing and Community Development may enforce any provision of this chapter which it finds is being violated in a building hereafter constructed, after it has given the enforcement agency written notice of the violation and the enforcement agency has failed to secure correction of the violation within the following 10 days. In such cases where the division processes applications for building permits the fees prescribed in this chapter shall be payable to the division.

SEC. 2. Section 19150 of the Health and Safety Code is amended to read:

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19150. Every building or structure and every portion thereof shall be designed and constructed to resist stresses produced by lateral forces as provided in Part 2 (commencing with Section B100), Title 24, California Administrative Code. In areas where the Division of Codes and Standards of the Department of Housing and Community Development is the enforcement agency, plumbing and electrical equipment and installations shall be subject to the rules and regulations adopted pursuant to Sections 17921 and 17922 of this code.

CHAPTER 860

An act to amend Sections 35850.5 and 35951 of the Water Code, relating to California water districts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 35850.5 of the Water Code is amended to read:

35850.5. A district shall have power to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of such district, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Notwithstanding anything to the contrary in this division, such contracts may provide that bonds of such district may be issued in order to acquire water rights or entitlements, including the right to receive and use water or a water supply, for each of the parties to such contracts, with such water rights or entitlements being divided among the parties in consideration of the payments to be made by such parties in order to provide debt service on the bonds of such district. A district may issue its bonds for the purpose of acquiring such water rights or entitlements under such contracts whenever joint action with the other parties to such contracts is reasonably necessary or convenient in order to obtain such water rights or entitlements for the district, and in such case the issuance of bonds of the district shall be considered a public purpose for the benefit of the district within the meaning of Section 25 of Article XIII of the California Constitution. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and

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methods of procedure for such agency the method by which such agency may contract. Such contracts with other public or private corporations or persons may contain such other and further convenants and agreements as may be necessary or convenient to accomplish the purposes thereof.

SEC. 2. Section 35951 of the Water Code is amended to read:

35951. Bonds may be issued for the purposes of acquiring or constructing works for irrigation, domestic, municipal, and industrial water supply, acquiring the necessary property for these works, acquiring funds to fulfill contractual commitments to carry out the powers and purposes of the district contained in contracts with other agencies, including contractual commitments entered into pursuant to Section 35850.5, acquiring all or part of the operating funds for the district (the total amount of such funds so acquired not to exceed at any time an amount equal to the total operating costs of the district for a two-year period as estimated by its board), acquiring any property necessary for the purposes of the district, redeeming any outstanding warrants of the district issued for the acquisition or construction of works of the district and otherwise carrying out the provisions of this division.

CHAPTER 861

An act to amend Sections 73914, 74642, 74643, 74644, and 74644.2 of, and to add Sections 73915.2 and 74644.4 to, the Government Code, relating to municipal court personnel.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 73914 of the Government Code is amended to read:

73914. The biweekly salaries for the following classes of positions shall be, and shall be increased, in accordance with the following schedule:

	Range	Hourly rate Step A	A	B	C	D	E
Clerk of the municipal court.. .	334	$7 3778	$590.22	$620 41	$652 17	$685 53	$720.58
Assistant clerk of the municipal court .	246	4 7569	380.55	400 62	420 47	441 97	464 57
Chief deputy clerk . ..	242	4 6630	373 04	392 11	412 17	433 24	455 39

Municipal court clerk	217	4.1163	329.30	346 14	363 85	382 46	402.02
Clerk-typist III	192	3 6335	290 68	305.54	321 18	337 62	354.89
Clerk-typist I	146	2 8886	231 09	242.90	255 33	268 38	282 11
Marshal	357	8 2751	662 01	695 86	731 45	768 85	808 18
Chief deputy marshal	338	7 5265	602 12	632.92	665 32	699 34	735 10
Deputy marshal II	289	5 8946	471 57	495 69	521.03	547 69	575 69
Deputy marshal	279	5 6079	448 63	471 57	495 69	521 03	547.69
Account clerk III	202	3 8193	305 54	321 18	337 62	354 89	373 04
Account clerk II	175	3 3381	267.05	280.71	295 07	310 15	326 03

SEC. 2. Section 73915.2 is added to the Government Code, to read:

73915.2. (a) Employees in the classifications of deputy marshal, deputy marshal II, and chief deputy marshal, who are graduates of an accredited college or university shall be entitled to receive additional compensation, separate from the basic salary, as follows:

(1) Such employees holding an associate of arts degree or associate of science degree shall be paid allowances of 2½ percent of their respective basic salary.

(2) Such employees holding a bachelor's degree shall be paid allowances of 7½ percent of their respective basic salaries.

(b) Employees in the classifications of deputy marshal, deputy marshal II, and chief deputy marshal, who hold a valid intermediate or advanced certificate issued by the California State Commission on Peace Officer Standards and Training, shall be entitled to receive additional compensation as follows:

(1) Such employees holding an intermediate certificate shall be paid allowances of 2½ percent of their respective basic salary.

(2) Such employees holding an advanced certificate shall be paid allowances of 7½ percent of their respective basic salary.

(c) Any such employee who has qualified under subdivision (a) or (b), shall also be paid an allowance of 2½ percent of his basic salary in addition to that authorized by subdivision (a) or (b), after satisfactorily completing thirty (30) additional semester or equivalent quarter units in specific educational fields, as designated and approved by the personnel director of the County of Santa Barbara and by the marshal.

(d) If any such employee possesses an associate of arts degree or a bachelor's degree, and either or both valid intermediate or advanced certificates issued by the California State Commission on Peace Officer Standards and Training, he shall only be entitled to receive additional compensation for one of these achievements.

(e) The additional compensation provided by this section shall be paid only upon certification by the marshal to the Auditor-Controller of the County of Santa Barbara, on forms prescribed by the auditor-controller, the names of the employees entitled to receive such additional compensation. Persons receiving the additional

compensation provided by this section shall obtain appropriate certificates issued by the California State Commission on Peace Officer Standards and Training, when due, or such additional compensation shall cease. These additional sums are payable as allowances and are not a part of the basic salary.

SEC. 3. Section 74642 of the Government Code is amended to read:

74642. There shall be one clerk-administrative officer of the municipal court, one assistant clerk-administrator of the municipal court, one chief deputy of the municipal court, seven municipal court clerks, one clerk, supervising, one account clerk III, two clerks III, six clerks II, one account clerk-typist, 12 clerk-typists I, one clerk I, and one extra help as needed, each of whom shall receive a salary in accordance with Sections 74644, 74644.1, and 74644.2.

SEC. 4. Section 74643 of the Government Code is amended to read:

74643. There shall be one marshal, one chief deputy marshal, one marshal's sergeant, nine deputy marshals, one account clerk III, one account clerk II, three clerks II, and one clerk I, each of whom shall receive a salary in accordance with Sections 74644, 74644.1, and 74644.2.

SEC. 5. Section 74644 of the Government Code is amended to read:

74644. The biweekly salary for the following classes of positions shall be, and shall be increased, in accordance with the following schedule:

	Range	Hourly rate Step A	A	B	C	D	E
Clerk-administrative officer of the municipal court	334	$7 3778	$590 22	$620 41	$652 17	$685.53	$720 58
Chief deputy of the municipal court	246	4 7569	380 55	400.02	420 47	441 97	464.57
Clerk, supervising	212	4 0148	321 18	337.62	354 89	373 04	392 11
Account clerk III	202	3 8193	305 54	321 18	337 62	354 89	373.04
Account clerk II	175	3 3381	267 05	280 71	295 07	310 15	326 03
Clerk III	192	3 6335	290 68	305.54	321.18	337 62	354 89
Clerk II	165	3 1757	254 06	267 05	280.71	295 07	310 15
Account clerk-typist	156	3 0363	242 90	255 33	268 38	282 11	296.54
Clerk-typist I	146	2.8886	231.09	242.90	255 33	268.38	282.11
Clerk I	146	2 8886	231 09	242 90	255 33	268 38	282.11
Extra help	146	2.8886	231.09	242.90	255 33	268 38	282 11
Marshal	357	8 2751	662 01	695 86	731 45	768.85	808 18
Chief deputy marshal	338	7 5265	602 12	632 92	665 32	699.34	735.10
Marshal's sergeant	314	6 6774	534 19	561 51	590 22	620 41	652 17
Deputy marshal	279	5 6079	448 63	471 57	495.69	521.03	547 69

Assistant clerk-administrator of the municipal court	283	5 7209	457.67	481 07	505.67	531 54	558 72
Municipal court clerk	217	4 1163	329 30	346.14	363 85	382 46	402 02

SEC. 6. Section 74644.2 of the Government Code is amended to read:

74644.2. Notwithstanding any other provisions of this article, whenever a different compensation is established for any of the hereinafter mentioned positions under the County of Santa Barbara salary ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as superior court clerk II, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk-administrative officer of the municipal court, assistant clerk-administrator of the municipal court, chief deputy of the municipal court, and municipal court clerk under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as clerk, supervising; account clerk III; account clerk II; clerk III; clerk II; account clerk-typist; clerk-typist I; clerk I; and extra help, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk, supervising; account clerk III; account clerk II; clerk III; clerk II; account clerk-typist; clerk-typist I; clerk I; and extra help under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(c) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as sheriff's deputy, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of marshal, chief deputy marshal, marshal's sergeant, and deputy marshal under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County salary ordinance is payable but shall be effective only until January 1, 1976.

SEC. 7. Section 74644.4 is added to the Government Code, to read:

(a) Employees in the classification of deputy marshal, marshal's sergeant and chief deputy marshal, who are graduates of an

accredited college or university shall be entitled to receive additional compensation, separate from the basic salary, as follows:

(1) Such employees holding an associate of arts degree or associate of science degree shall be paid allowances of 2½ percent of their respective basic salary.

(2) Such employees holding a bachelor's degree shall be paid allowances of 7½ percent of their respective basic salaries.

(b) Employees in the classifications of deputy marshal, marshal's sergeant and chief deputy marshal, who hold a valid intermediate or advanced certificate issued by the California State Commission on Peace Officer Standards and Training, shall be entitled to receive additional compensation as follows:

(1) Such employees holding an intermediate certificate shall be paid allowances of 2½ percent of their respective basic salary.

(2) Such employees holding an advanced certificate shall be paid allowances of 7½ percent of their respective basic salary.

(c) Any such employee who has qualified under subdivision (a) or (b) above, shall be paid an allowance of 2½ percent of his basic salary, in addition to that authorized under subdivisions (a) and (b), after satisfactorily completing thirty (30) additional semester or equivalent quarter units in specific educational fields, as designated and approved by the personnel director of the County of Santa Barbara and by the marshal.

(d) If any such employee possesses an associate of arts degree or a bachelor's degree and a valid intermediate or advanced certificate issued by the California State Commission on Peace Officer Standards and Training, he shall be entitled to receive additional compensation for only one of these achievements.

(e) The additional compensation provided by this section shall be paid only upon certification by the marshal to the Auditor-Controller of the County of Santa Barbara, on forms prescribed by the auditor-controller, of the names of the employees entitled to receive such additional compensation. Persons receiving the additional compensation provided by this section shall obtain appropriate certificates issued by the California State Commission on Peace Officer Standards and Training, when due, or else additional compensation shall cease. Such additional sums are payable as allowances and are not a part of the basic salary.

SEC. 8. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

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CHAPTER 862

An act to amend Sections 20700, 20704, 20706, 20840, 20853 and 20882 of, to add Article 3.5 (commencing with Section 20784) to Chapter 7 of Division 8 of the Business and Professions Code, relating to petroleum.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 20700 of the Business and Professions Code is amended to read:

20700. "Department," as used in this chapter, means the Department of Food and Agriculture, acting through the Division of Measurement Standards.

SEC. 2. Section 20704 of the Business and Professions Code is amended to read:

20704. "State Sealer," as used in this chapter, means the Chief of the Division of Measurement Standards in the Department of Food and Agriculture.

SEC. 3. Section 20706 of the Business and Professions Code is amended to read:

20706. "County sealer," as used in this chapter, means any sealer or director of weights and measures appointed by a county.

SEC. 4. Article 3.5 (commencing with Section 20784) is added to Chapter 7 of Division 8 of the Business and Professions Code, to read:

Article 3.5. Standards for Diesel Fuel, Kerosene and Fuel Oils

20784. The Director of Food and Agriculture shall adopt regulations pursuant to Chapter 4.5 (commencing with Section 11371, of Part 1, Division 3 of Title 2 of the Government Code establishing specifications for the following petroleum products: (a) diesel fuel, (b) kerosene, (c) fuel oil. Such specifications may be based on specifications adopted by American Society for Testing and Materials.

It shall be unlawful for any person to sell, offer for sale or hold for sale any petroleum products for which specifications have been prescribed by the director which fails to conform thereto.

20784.1. The Director of Food and Agriculture may also adopt regulations governing the labeling of storage containers and accessories thereto and dispensing apparatus for the products mentioned in Section 20784 in general conformity for such requirements for gasoline. It is unlawful to violate such requirements.

SEC. 5. Section 20840 of the Business and Professions Code is amended to read:

20840. It is unlawful for any person to sell, offer for sale, assist in the sale of, permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product referred to in this chapter at any place where petroleum products are kept or stored for sale, unless and until there is firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fillpipe of each underground storage tank, from which or into which such product is drawn or poured out for sale or delivery, a sign or label plainly visible consisting of the name of such product including in the case of gasoline and diesel fuel the grade or brand name designation, if any, in letters not less than one-half of an inch in height, together with the brand name, trademark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height. When such sign or label is used in connection with "lubricating oil" or "motor oil," or oils used to lubricate transmissions, gears or axles, the sign or label shall also have in letters and numerals, plainly visible and not less than one-half of an inch in height, the viscosity grade classification number of such product.

Any device or pump used to dispense a mixture or premixture of gasoline and motor oil shall have displayed on such device a sign or label stating in letters or numerals not less than one-half of an inch in height the ratio of gasoline to motor oil, the name of the product, and the brand name.

The provisions of this section shall apply, with respect to thinners or solvents, only to the sale or delivery or offer for sale of such products through service stations, garages and other retail outlets.

The viscosity grade classification number shall be determined in accordance with the Society of Automotive Engineers latest recommended practice of crankcase oil or transmission and axle lubricant viscosity classification, and shall be preceded by the letters "S.A.E." Lubricating oil, or motor oil or oils used to lubricate transmissions, gears or axles falling within more than one S.A.E. viscosity grade classification shall be labeled to show the grade or grades for which the supplier intends it for use.

On any container with a net content of one United States gallon or less the brand, trademark or trade name, and the S.A.E. viscosity grade classification number or other grade classification number and the words "motor oil," "lubricating oil," "transmission oil," "transmission lubricant," "gear oil," "gear lubricant," "axle oil," or "axle lubricant" may be painted, printed, embossed or otherwise firmly affixed on such containers in letters and numerals not less than one-sixteenth inch in width and not less than one-fourth inch in height, and such designation shall constitute compliance with the provisions of this section.

SEC. 6. Section 20853 of the Business and Professions Code is amended to read:

20853. The use of pumps or other devices which are capable of withdrawing gasoline from one tank and motor oil, or a premixture of gasoline and motor oil in a known ratio, from another tank, and

dispensing them as a single combined product, or of withdrawing gasoline alone from the tank containing gasoline and of withdrawing a premixture of gasoline and motor oil alone from the tank containing a premixture of gasoline and motor oil shall be authorized when the department determines that all the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is dispensed and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed or the quantity being dispensed from the premixture of gasoline and motor oil tank alone when the premixture of gasoline and motor oil alone is dispensed.

(b) The device mechanism accurately and visibly records and displays: (1) the ratio of gasoline to motor oil, the quantity of each ingredient being dispensed, the price per gallon for the gasoline being dispensed, and the price per quart for any motor oil being dispensed or (2) the ratio of gasoline to motor oil and the price per gallon for the product being dispensed.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil during dispensing.

The provisions of this section shall not supersede any other provisions in this chapter, except that they shall supersede such other provisions including Sections 20782, 20783, 20840, 20846, 20849, 20850, 20851, and 20930 to the extent necessary to authorize the operation of the above-described blending type of pump connected to two tanks, one containing motor oil, or a premixture of motor oil and gasoline in a known ratio, and the other gasoline, provided that the motor oil shall in its separate state meet the specifications for lubricating oil as required by Section 20800 and that the gasoline shall in its separate state meet the specifications for gasoline as required by Section 20780.

SEC. 7. Section 20882 of the Business and Professions Code is amended to read:

20882. All letters, figures or numerals used in designating the brand name or words "no brand" in any advertising medium referred to in this article shall be at least six inches in height and the height shall not be more than twice the dimension of the width of each such letter, figure or numeral.

CHAPTER 863

An act to amend Sections 7349, 7350, and 7354.5 of, the Labor Code, relating to aerial tramway inspection.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 7349 of the Labor Code is amended to read:

7349. The inspection herein provided for shall be made by a division safety engineer or, on ski lifts, by a certified tramway inspector qualified under Section 7354.5 and employed by a licensed insurance company. A temporary permit for operation may be issued by a division engineer or by the qualified insurance inspector, on a form furnished by the division, under conditions of Sections 7348 and 7351.

SEC. 2. Section 7350 of the Labor Code is amended to read:

7350. The division may fix and collect such fees for the inspection of aerial passenger tramways as it deems necessary to cover the actual cost of having the inspection performed by a division safety engineer. The division may not charge for inspections performed by certified insurance inspectors, but may charge a fee of not more than ten dollars ($10) to cover the cost of processing the permit when issued by the division as a result of such inspection.

SEC. 3. Section 7354.5 of the Labor Code is amended to read:

7354.5. Notwithstanding any other provision of this chapter, in any case in which an insurer admitted to transact insurance in this state has inspected or caused to be inspected, by a qualified, licensed professional engineer who is registered in California pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, any aerial passenger tramway used as a ski lift, the division may, if it finds such inspections were made according to the provisions of subdivisions (a) and (b) of Section 7344, accept such inspections in lieu of any other inspections for that year, except that the initial inspection of a new ski life or of a major alteration to an existing ski lift shall be performed by a division safety engineer. Such private inspector shall, before commencing his duties therein, secure from the division a certificate of competency to make such inspections. The division may determine the competency of any applicant for such certificate, either by examination or by other satisfactory proof of qualification.

The division may rescind at any time, upon good cause being shown therefor, and after hearing, if requested, any certificate of competency issued by it to a ski lift inspector. The inspection reports made to the division shall be in such form and content as the division may find necessary for acceptance as a proper inspection made by such private inspector.

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CHAPTER 864

An act to add Section 13448.5 to the Education Code, relating to certificated employees.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13448.5 is added to the Education Code, to read:

13448.5. Any probationary employee whose services have been terminated as provided in Section 13447 shall have the following rights:

(a) For the period of 24 months from the date of such termination, any employee who in the meantime has not attained the age of 65 years shall have the preferred right to reappointment, subject to the prior rights to reappointment by all permanent employees as set forth in Section 13448, in the order of original employment as determined by the governing board in accordance with the provisions of Sections 13252 to 13273, inclusive, if the number of employees is increased or the discontinued service is reestablished, with no requirements that were not imposed upon other employees who continued in service; provided, that no probationary or temporary employee with less seniority shall be employed to render a service which such employee is certificated and competent to render and provided that such an employee shall be given a priority over employees whose right to a position is derived pursuant to Section 13336.5.

(b) As to any such employee who is reappointed, the period of his absence shall be treated as a leave of absence and shall not be considered as a break in the continuity of his service, he shall retain the classification and order of employment he had when his services were terminated, and credit for prior service under any state or district retirement system shall not be affected by such termination; provided, however, that the period of his absence shall not be counted as a part of the service required for attaining permanent status in the district or, except as provided in subdivision (c), for retirement purposes.

(c) During the period of his preferred right to reappointment, any such employee shall, in the order of original employment, and subject to the rights of permanent employees as set forth in Section 13448, be offered prior opportunity for substitute service during the absence of any other employee who has been granted leave of absence or who is temporarily absent from duty; provided, that his services may be terminated upon a return to duty of such other employee, that such substitute service shall not affect the retention of his previous classification and rights, and that such an employee shall be given a priority over employees whose right to a substitute

position is derived pursuant to Section 13336.5.

(d) At any time prior to the completion of one year after his return to service, an employee reappointed under the provisions of this section may elect to continue or to reinstate his membership and interest in any state or district retirement system and to receive retirement benefits as if no absence from service had occurred. In the event of such election the employee shall pay into the retirement system the amount of his share of contribution and the district's share of contribution attributable to the period of absence and the amount of any contributions withdrawn, plus interest.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code in the 1974–75 fiscal year because there are no duties, obligations or responsibilities imposed on local government in the 1974–75 fiscal year by this act. However, there are state-mandated local costs in this act in the 1975–76 fiscal year and subsequent fiscal years that require reimbursement under Section 2231 of the Revenue and Taxation Code which can be handled in the regular state budget process.

CHAPTER 865

An act to amend Sections 29505, 29506, 29507, 29510.1, 29510.2, 29510.3, 29510.4, 29512, 29513.1, 29516, 29517, 29526, 29527, 29535, 29537, 29537.1, 29537.2, 29538, 29538.1, 29538.3, 29540, 29541, 29545, 29551, and 29561, to repeal and add Sections 29508 and 29513.2, and to repeal Section 29507.1, of the Corporations Code, relating to commodity brokers.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 29505 of the Corporation Code is amended to read:

29505. "Commodity exchange" means (a) a coin and bullion dealer and (b) any person engaged in the operation of any market or exchange on which commodities or commodities contracts are dealt or traded in, and any person other than a commodity broker providing services or performing a function, including but not limited to clearing transactions in commodities for future delivery or effecting settlements of contracts for future delivery for and between members of the exchange, constituting a portion of such market or exchange. "Coin and bullion dealer" means a commodity exchange whose business as such is limited to the sale or purchase of coins or bullion or commodities contracts relating thereto.

SEC. 1.5. Section 29506 of the Corporations Code is amended to

read:

29506. "Commodity option issuer" means any person who engages in the business of issuing or guaranteeing options to acquire or to sell a commodity futures contract.

SEC. 2. Section 29507 of the Corporations Code is amended to read:

29507. "Commodity salesman" means any individual who represents a commodity exchange, commodity broker, commodity option issuer or broker-dealer in effecting or attempting to effect purchases or sales of commodities or commodities contracts. "Commodity salesman" does not include a commodity exchange, commodity broker, or broker-dealer or a partner of such or any individual who has no place of business in this state who effects transactions in this state exclusively with commodity exchanges, commodity brokers, broker-dealers and commodity option issuers.

SEC. 3. Section 29507.1 of the Corporations Code is repealed.

SEC. 4. Section 29508 of the Corporations Code is repealed.

SEC. 5. Section 29508 is added to the Corporations Code, to read:

29508. "Commodity broker" means any person engaged in soliciting, accepting or executing orders for the purchase or sale of commodities or commodity contracts on a commodity exchange or issued by a commodity option issuer.

SEC. 6. Section 29510.1 of the Corporations Code is amended to read:

29510.1. It is unlawful for any person to engage in business in this state as a commodity exchange unless such person has first applied for and secured from the commissioner a certificate, then in effect, authorizing him to do so, unless such person is exempted by the provisions of this chapter; provided, however, that a person issued a certificate as a coin and bullion dealer shall limit his activities as an exchange to the sale or purchase of coins or bullion or commodity contracts relating thereto.

SEC. 7. Section 29510.2 of the Corporations Code is amended to read:

29510.2. It is unlawful for any person to engage in business in this state as a commodity broker unless:

(a) If such person conducts or solicits transactions executed on a commodity exchange licensed pursuant to Section 29510.1, such person is registered as such with the exchange;

(b) If such person is not registered under the provisions of subdivision (a) of this section and conducts or solicits transactions executed on a commodity exchange not located in this state and which is not registered under the Federal Commodity Exchange Act, or conducts or solicits transactions in the commodity contracts of any commodity option issuer, such person has first applied for and secured from the commissioner a certificate, then in effect, authorizing him so to do; or

(c) Such person is exempted by the provisions of this chapter.

SEC. 8. Section 29510.3 of the Corporations Code is amended to

read:

29510.3. It is unlawful for any person to engage in business in this state as a commodity option issuer unless such person has first applied for and secured from the commissioner a certificate, then in effect, authorizing him to do so, unless such person is exempted by the provisions of this chapter.

SEC. 9. Section 29510.4 of the Corporations Code is amended to read:

29510.4. It is unlawful for any person to act as a commodity salesman in this state unless such person is an employee of a commodity exchange, commodity broker, commodity option issuer or broker-dealer and unless:

(a) If such individual represents a commodity broker registered with a licensed commodity exchange pursuant to the provisions of subdivision (a) of Section 29510.2, such individual is registered as a commodity salesman with such licensed commodity exchange,

(b) If such individual represents a commodity exchange subject to the provisions of Section 29510.1, a commodity broker subject to the provisions of subdivision (b) of Section 29510.2 or a commodity option issuer subject to the provisions of Section 29510.3, or a person exempted from the provisions of Section 29510.2 pursuant to the provisions of Section 29511, such individual has first applied for and secured from the commissioner a certificate, then in effect, authorizing him so to do; or

(c) Such individual is exempted by the provisions of Section 29514.

SEC. 10. Section 29512 of the Corporations Code is amended to read:

29512. A person registered under the Investment Advisers Act of 1940 or registered as a broker-dealer under the Securities Exchange Act of 1934 who has not previously had any certificate denied or revoked under this law or under the Corporate Securities Law of 1968 or any predecessor statute, shall be exempted from the provisions of Section 29510 and subdivision (b) of Section 29510.2 if he has no place of business in this state and (a) his only clients in this state are investment or commodity advisers, commodity option issuers, commodity exchanges, commodity brokers, broker-dealers, banks, savings and loan associations, trust companies, insurance companies, investment companies registered under the Investment Company Act of 1940, pension or profit-sharing trusts, or other institutional investors or governmental agencies or instrumentalities designated by rule of the commissioner, or (b) during any period of 12 consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (a) above, whether or not he or any of the persons to whom the communications are directed is then present in this state.

SEC. 11. Section 29513.1 of the Corporations Code is amended to read:

29513.1. (a) A person registered as a commodity exchange under

the Commodity Exchange Act shall be exempted from the provisions of this division.

(b) A commodities exchange shall be exempted from the provisions of Section 29510.1 if (i) it has no place of business in this state and (ii) it does business as such in this state only with persons in the following classes:

(1) A commodity exchange, commodity option issuer, commodity adviser or commodity broker licensed under or exempted from the provisions of this chapter.

(2) An investment adviser or broker-dealer licensed under the provisions of Part 3 (commencing with Section 25200) of Division 1 of Title 4 of this code, or exempted from licensing thereunder.

(3) An investment company registered under the Investment Company Act of 1940.

(4) A bank, trust company, pension or profit-sharing trust, or other institutional investors or governmental agencies or instrumentalities designated by rule of the commissioner.

SEC. 12. Section 29513.2 of the Corporations Code is repealed.

SEC 13. Section 29513.2 is added to the Corporations Code, to read:

29513.2. A person licensed as a commodity option issuer pursuant to the provisions of Section 29510.3, shall be exempted from the provisions of Section 29510 and subdivision (b) of Section 29510.2.

SEC. 14. Section 29516 of the Corporations Code is amended to read:

29516. Every applicant for a certificate as a commodity adviser, commodity exchange commodity broker or commodity option issuer and every person registered with a commodity exchange as a commodity broker, (other than a California corporation) shall file with the commissioner, in such form as he, by rule, prescribes, an irrevocable consent appointing the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or his successor, executor, or administrator, which arises under this law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such consent in connection with a previous application under this division need not file another. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless (a) the plaintiff, who may be the commissioner in a suit, action or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his last address on file with the commissioner, and (b) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

SEC 15. Section 29517 of the Corporations Code is amended to read:

29517. (a) No commodity adviser, commodity exchange, commodity option issuer, commodity broker, or associated person shall conduct any business as such in this state unless he meets such reasonable specified and appropriate standards with respect to training, experience and other qualifications as the commissioner finds necessary and appropriate in the public interest or for the protection of investors. The commissioner may establish such standards by rule, which may

(1) Appropriately classify commodity advisers, commodity exchanges, commodity option issuers, floor brokers, commodity solicitors, commodity salesmen and persons associated with them;

(2) Specify that all or any portion of such standards shall be applicable to any such class; and

(3) Require persons in any such class to pass examinations prescribed in accordance with such rules.

(b) The commissioner may prescribe by rule reasonable fees and charges to defray the costs of carrying out this section, including, but not limited to, fees for any examination administered by him or under his direction.

(c) For the purposes of this section, "associated person" means an officer, director or general partner, every managing employee, and every person occupying a similar position or performing similar duties to the aforementioned, of a licensee or registrant.

SEC. 16. Section 29526 of the Corporations Code is amended to read:

29526. It is unlawful for any commodity adviser, commodity exchange, commodity option issuer, or commodity broker, or any partner, officer, director, employee or agent of such persons, or any member of a commodity exchange, directly or indirectly, in this state:

(a) To employ any device, scheme, or artifice to defraud any client or prospective client. The commissioner may, for the purposes of this subdivision, by rule define such schemes, devices or contrivances as are manipulative, deceptive or otherwise fraudulent.

(b) To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any client or prospective client.

(c) Acting as principal for his own account, knowingly to sell any commodity or commodity contract to or purchase any commodity or commodity contract from a client for whom he is acting as commodity adviser, commodity option issuer, or commodity broker or, acting as broker or dealer for a person other than such client, knowingly to effect any sale or purchase of any commodity or commodity contract for the account of such client in a manner otherwise than as permitted by the rules of the commodity exchange on which the transaction is performed or, in the case of a transaction not on a commodity exchange, in a manner otherwise than as permitted by rule of the commissioner.

(d) To engage in any act, practice, or course of business which is

fraudulent, deceptive, or manipulative or to make any fictitious quotation. The commissioner shall, for the purpose of this subdivision, by rule define and prescribe means reasonably designed to prevent such acts, practices, and courses of business as are fraudulent, deceptive or manipulative and such quotations as are fictitious.

(e) To represent that he is a commodity counsel or investment counsel or to use the name "commodity counsel" or "investment counsel" as descriptive of his business unless his principal business consists of acting as commodity or investment adviser and a substantial part of his business consists of rendering commodity or investment advisory services on the basis of the individual needs of his clients.

SEC. 17. Section 29527 of the Corporations Code is amended to read:

29527. It is unlawful for any person holding a certificate or registered as a commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman under this division to represent or imply in any manner whatsoever that any such person has been sponsored, recommended, or approved or that his abilities or qualifications have in any respect been passed upon by the commissioner. Nothing in this section prohibits a statement (other than in a paid advertisement) that a person holds a certificate or is registered under this division, if such statement is true in fact and if the effect of such licensing or registration is not misrepresented.

SEC. 18. Section 29535 of the Corporations Code is amended to read:

29535. Every commodity adviser, commodity exchange, commodity option issuer, commodity broker and member of a commodity exchange shall make and keep such accounts, correspondence, memoranda, papers, books, and other records and shall file or publish such financial and other reports as the commissioner by rule requires. All records so required shall be preserved for the time specified in the rule. All records referred to in this section are subject at any time and from time to time to such reasonable periodic, special, or other examinations by the commissioner, within or without this state, as the commissioner deems necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplications of examinations and reports, the commissioner, insofar as he deems it practicable in administering this section, may cooperate with any federal or state agency regulating or concerned with commodity trading, or any commodity exchange.

SEC. 19. Section 29537 of the Corporations Code is amended to read:

29537. The commissioner shall prescribe such reasonable rules with respect to commodity advisers who have custody of their clients' commodity contracts or funds or who have any power of

attorney from their clients to execute transactions, and with respect to commodity exchanges, commodity option issuers and commodity brokers as he finds to be necessary or appropriate in the public interest or for the protection of investors. Such rules may require the segregation of customer's funds or customer's assets, a minimum capital, a minimum ratio between net capital and aggregate indebtedness, the maintenance of reserves for obligations (contingent or otherwise) to customers, the maintenance of a fidelity bond, the hedging and covering of such obligations and a surety bond in an amount not exceeding ten thousand dollars ($10,000), conditioned upon compliance by such person with the provisions of this division and the rules and orders issued under this division, or any such requirements. Such bond, unless previously canceled, shall apply to the entire period that such person's license or registration is in effect. Any appropriate deposit of cash or securities shall be accepted in lieu of any such bond. Every bond shall provide that no suit may be maintained to enforce any liability thereon unless brought within two years after the contract of sale or other act upon which such suit is based, and shall also provide that the liability of the surety on such bond to all persons aggrieved shall, in no event, exceed in the aggregate the amount thereof. Every such bond shall also contain a provision authorizing the surety thereon to cancel it upon 30 days' written notice to the licensee and to the commissioner; provided, however, that such cancellation shall not affect any liability incurred or accrued prior to the effective date of such cancellation.

SEC. 20. Section 29537.1 of the Corporations Code is amended to read:

29537.1. (a) A commodity exchange licensed under this division shall adopt and maintain appropriate and reasonable provisions, in its articles of incorporation or partnership, by laws or other appropriate means, governing the conduct of its operations, including without limitation the terms and provisions of commodity contracts, the trading of commodities and commodity contracts, the conduct and qualifications of persons authorized to deal in commodities or commodity contracts on the exchange or to solicit transactions (including without limitation standards for financial responsibility, recordkeeping, reports, training and experience), the standards and provisions for registration of commodity brokers and commodity salesmen and fair and reasonable provision for disciplining persons authorized to transact business on the exchange, including commodity brokers. A licensed commodity exchange shall, prior to any amendment, adoption or deletion of any such provisions, give prior written notice to the commissioner, who may by order prohibit, suspend or postpone the effectiveness of any such change. If, within 90 days after such an order has been made, a request for hearing is filed in writing by the commodity exchange, a hearing shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of

Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 15 business days after the request is made (or the commodity exchange consents to a later date) such order is rescinded.

(b) The commissioner may in writing request a licensed commodity exchange to adopt, amend, rescind or suspend a provision as provided in subdivision (a) hereof; if such action is not taken by such commodity exchange within 30 days after receipt by it of such written request, the commissioner may, after due notice and hearing, by order direct such action to be taken by the exchange.

(c) The commissioner may require a commodity exchange licensed under this division to adopt and maintain such rules and regulations as are necessary to protect the public against the conflict of interest involved in a member of an exchange executing transactions for himself and for members of the public. The commissioner may require members who solicit business from the public to periodically report their own transactions to the commissioner.

(d) The commissioner may by rule or order exempt coin and bullion dealers from any provision of this section.

SEC. 21. Section 29537.2 of the Corporations Code is amended to read:

29537.2. A commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman subject to the provisions of this division shall not effect any transaction in, or induce or attempt to induce the purchase or sale of, any commodity or commodity contract in this state in contravention of such rules as the commissioner may prescribe designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commission or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market.

SEC. 22. Section 29538 of the Corporations Code is amended to read:

29538. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, deny a certificate or registration to, or suspend for a period not exceeding 12 months or revoke the certificate or registration of, a commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman, if he finds that such censure, denial, suspension, or revocation is in the public interest and that such commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling such commodity adviser, commodity exchange, commodity option issuer, floor broker,

commodity solicitor or commodity salesman, whether prior or subsequent to becoming such, or any employee of such commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman, while so employed:

(a) Has willfully made or caused to be made in any application for a certificate or any report filed with the commissioner under this division, or in any proceeding before the commissioner, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has willfully omitted to state in any such application or report any material fact which is required to be stated therein; or

(b) Has (1) been convicted of or has plead nolo contendere to any felony or misdemeanor, or (2) has been held liable in a civil action by final judgment of a court based upon conduct showing moral turpitude, and the commissioner finds that any such felony, misdemeanor or civil action (i) involved the purchase or sale of any commodity or security, (ii) arose out of the conduct of the business of a broker-dealer, commodity adviser, commodity exchange, commodity broker, commodity option issuer, or investment adviser, (iii) involved embezzlement, fraudulent conversion, or misappropriation of property, funds or securities, or (iv) involved the violation of Section 1341, 1342 or 1343 of Title 18 of the United States Code, or (v) involved an act of fraud or dishonesty; or

(c) Is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as a commodity adviser, an investment adviser, an underwriter, a commodity broker, commodity exchange, commodity option issuer, commodity salesman or broker-dealer or as an affiliated person or employee of an investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security, commodity or commodity contract; or

(d) Is subject to any currently effective order of the Securities and Exchange Commission, the Commodity Exchange Authority or any other state revoking or suspending his registration as a commodity adviser, commodity exchange, commodity option issuer, commodity broker, commodity salesman, investment adviser or as a broker or dealer or is subject to any currently effective order of any national securities association, board of trade designated as a "contract market" pursuant to the Commodity Exchange Act or national securities exchange (as defined in the Securities Exchange Act of 1934) suspending or expelling him from membership in such association or exchange; or

(e) Has willfully violated any provision of the Commodity Exchange Act, Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or Title 4 (commencing with Section 25000) of this code,

or of any rule or regulation under any of such statutes; or

(f) Has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any statute or rule or regulation referred to in subdivision (e); or

(g) Has willfully violated any provision of this division or rule or regulation promulgated under this division.

SEC. 23. Section 29538.1 of the Corporations Code is amended to read:

29538.1. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, or suspend for a period not exceeding 12 months or bar from any position of employment, management or control of any commodity adviser, commodity exchange, commodity option issuer, commodity broker, any partner, officer, director, employee of, or person performing similar functions for, a commodity adviser, commodity exchange, commodity option issuer, or commodity broker, if he finds that such censure, suspension or bar is in the public interest and that such partner, officer, director, employee or person performing similar functions has committed any act or omission enumerated in subdivision (a), (e) or (f) of Section 29538 or has been convicted of any offense or held liable in any civil action specified in subdivision (b) of Section 29538 or is enjoined from any act, conduct or practice specified in subdivision (c) of Section 29538 or is subject to any order specified in subdivision (c) of Section 29538.

SEC. 24. Section 29538.3 of the Corporations Code is amended to read:

29538.3. (a) A disciplinary action taken by a licensed commodity exchange against a commodity broker or commodity salesman is subject to review by the commissioner at any time within 12 months after notice of such action is filed with the commissioner. In the event the commissioner determines to reconsider the penalty imposed by the exchange, or in the event the respondent in such proceeding files an appeal with the commissioner within 90 days after he receives notice of such decision, the matter shall be heard after due notice, the hearing to commence not later than 30 days after the receipt by the commissioner of any request for hearing filed by respondent within the aforesaid period. If a hearing in such matter is held under the provisions of this section, the decision of the commissioner shall be substituted for that of the commodity exchange. The commissioner may at any time within 12 months after receipt of notice of a disciplinary action taken by a licensed commodity exchange stay the effectiveness of any penalty imposed by such exchange.

(b) Nothing contained in this section or in Sections 29538 or 29538.1 shall authorize multiple or successive administrative penalties for the same offense; provided, however, that a modification of penalty under the provisions of subdivision (a) of this section shall not be deemed to result in the infliction of multiple or successive administrative penalties for the same offense.

SEC. 25. Section 29540 of the Corporations Code is amended to read:

29540. Any person whose certificate as a commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman has been suspended or revoked shall immediately surrender such certificate to the commissioner.

SEC. 26. Section 29541 of the Corporations Code is amended to read:

29541. (a) Surrender of a certificate as a commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman becomes effective 30 days after receipt of an application to surrender such certificate or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the surrender is instituted within 30 days after the application is filed. If such a proceeding is pending or instituted, surrender becomes effective at such times and upon such conditions as the commissioner by order determines.

(b) If the commissioner finds that any commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman is no longer in existence, or has ceased to do business as a commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman, or is subject to an adjudication of mental incompetence or to the control of a committee or conservator or guardian, or cannot be located after reasonable search, the commissioner may by order summarily revoke the certificate or registration of such commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman.

(c) The commissioner may summarily suspend or revoke the certificate of a commodity adviser, commodity exchange, commodity option issuer, commodity broker or commodity salesman if he (1) fails to pay any fee required by Section 29551 or imposed pursuant to Section 29552 within 10 days after notice by the commissioner that such fee is due and unpaid, or (2) fails to file any report required under Section 29535 within 10 days after notice by the commissioner that such report is due, or (3) fails to maintain any bond required by Section 29537.

(d) The commissioner may by rule establish procedures for the withdrawal of registration with a commodity exchange by a commodity broker, specifying the manner of supervision of such withdrawal by the commodity exchange and the commissioner, on a basis consistent with the provisions of subdivision (a) of this section.

SEC. 26.5. Section 29545 of the Corporations Code is amended to read:

29545. (a) No person shall offer or sell a commodity option contract or any guarantee thereof in this state other than pursuant to and in conformity with the terms and conditions of a permit, then

in effect, granted by the commissioner to the issuer of such commodity option contract pursuant to an application filed under the terms of this section, unless the issuer of such commodity option contract, or the transaction, has been exempted from the provisions of this section, either conditionally or otherwise, by rule of the commissioner hereunder.

(b) An application for permit pursuant to this section shall be filed by the issuer of the commodity option contracts proposed to be sold and shall contain such information, in such form and detail, and shall be verified in such manner, as the commissioner may by rule or order reasonably prescribe.

(c) The commissioner may deny an application for, or suspend or revoke, a permit pursuant to this section, if he finds:

(1) That the premiums upon all options to be outstanding at any one time will exceed a portion or multiple of the net worth of the issuer as the commissioner may determine by rule or order to be appropriate for the reasonable safety of investors.

(2) That the options to be outstanding at any one time will not be so diversified with respect to the underlying commodities or commodities contracts, or so limited in number, that the ability of the issuer, or of the guarantor or underwriter of the commodity option contracts, to meet the obligations on the outstanding contracts may be impaired by the developments in the market for a single commodity or that the number of options outstanding against a particular market may threaten the normal operation thereof.

(3) That the options are not either (i) guaranteed or underwritten by an exchange on which the underlying commodities futures contracts are traded (or an affiliate of such exchange) or (ii) that appropriate arrangements have not been made through reserves and segregated funds or commodity contracts so as to reasonably assure full performance of the issuer's obligations.

(4) That the issuer, or the guarantor or underwriter, will not follow practices with respect to the hedging or covering or liquidation of its obligations such as will provide for the reasonable safety of investors and provide against violations of the Bucket Shop Law, Division 4 (commencing with Section 29104) of Title 4 of this code.

(5) That the issuer or guarantor is not operating in compliance with the provisions of this division or is engaged in practices which are unsafe and which threaten its ability to meet its obligations.

(6) That the terms of the commodity option contract or of the guaranty thereof are not fair, just and equitable, or that the manner and method by which such contracts are to be offered and sold does not provide for fair, reasonable and timely disclosures to, or are such as will work a fraud upon, prospective purchasers.

(d) The commissioner may impose as a condition to the issuance of, or amendment to, a permit, such conditions as he deems reasonable and necessary for the protection of investors and to fulfill the purposes of this division. Such conditions may be imposed by rule

or by order, if he finds that such action is necessary and appropriate for the protection of investors.

(e) A commodity option issuer shall promptly notify the commissioner in writing, by an application to amend its permit, of any material change, or proposed change, in the information contained in its application, as originally filed or as amended, other than with respect to any financial statements contained therein. The application shall be in such form as the commissioner may prescribe.

(f) Every permit issued pursuant to this section is effective for 12 months from its effective date, unless the commissioner by rule or order specifies a different period, except during the time an order under subdivision (f) or (g) of this section is in effect.

(g) Except as hereinafter provided, no order denying an application for permit or order suspending or revoking a permit shall be entered under subdivision (c) hereof without appropriate prior notice to the applicant and hearing in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, in connection with which the commissioner shall have all of the powers granted therein. If the commissioner fails to act upon an application within 20 business days after receipt of all information required to be furnished therein and applicant requests in writing a hearing thereon, such hearing shall be held upon notice within 15 business days after the receipt of such request, unless the applicant consents to a later date.

(h) The commissioner may by order summarily suspend a permit issued pursuant to this section if in his opinion the commodity option issuer is operating in violation of this division or in an unsafe or dangerous manner. Upon the issuance of such an order, the commissioner shall promptly notify the commodity option issuer of the entry of such order and of the reasons therefor and that upon receipt of a written request the matter will be set down for hearing to commence within 15 business days after such receipt unless the commodity option issuer consents to a later date. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with subdivision (g) of this section, may modify or vacate the order or extend it until final determination.

SEC. 27. Section 29551 of the Corporations Code is amended to read:

29551. (a) The fee for filing an application for a commodity adviser certificate under Section 29515 is one hundred dollars ($100), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every commodity adviser who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of one hundred dollars

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($100) on or before the 15th day of December preceding the additional period.

(b) The fee for filing an application for a commodity exchange certificate under Section 29510.1 is five hundred dollars ($500), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every commodity exchange who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of five hundred dollars ($500) on or before the 15th day of December preceding the additional period.

(c) The commissioner may by rule establish fees to be paid to the commissioner by commodity brokers and commodity salesmen registered with a licensed commodity exchange, not exceeding one hundred dollars ($100) for each commodity broker and fifty dollars ($50) for each commodity salesman in any calendar year, and such fees shall be in addition to fees payable to the commissioner pursuant to Section 29552.

(d) The fee for filing an application for a commodity broker certificate under subdivision (b) of Section 29510.2 or for filing an application for a coin and bullion dealer certificate under Section 29510.1 is one hundred dollars ($100) for the first office or location and fifty dollars ($50) for each additional office or location in California, and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every commodity broker who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of one hundred dollars ($100) for the first office or location and fifty dollars ($50) for each additional office or location in California on or before the 15th day of December preceding the additional period.

(e) The fee for filing an application for a commodity option issuer certificate under Section 29510.3 is two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California, and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every commodity option issuer who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California on or before the 15th day of December preceding the additional period.

(f) The fee for filing an application for commodity salesman certificate under subdivision (b) of Section 29510.4 is fifty dollars

($50), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every commodity salesman who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of fifty dollars ($50) on or before the 15th day of December preceding the additional period.

(g) The fee for filing an application for permit pursuant to subdivision (a) of Section 29545 is one thousand dollars ($1,000). The fee for filing an application for amendment to permit pursuant to Section 29545 is two hundred dollars ($200).

SEC. 28. Section 29561 of the Corporations Code is amended to read:

29561. (a) The commissioner in his discretion (1) may make such public or private investigations within or outside of this state as he deems necessary to determine whether any person has violated or is about to violate any provision of this law or any rule or order hereunder or to aid in the enforcement of this law or in the prescribing of rules and forms hereunder, and (2) may publish information concerning any violation of this law or any rule or order hereunder.

(b) In making any investigation authorized by subdivision (a) of this section, the commissioner may, for a reasonable time not exceeding 30 days, take possession of the books, records, accounts and other papers pertaining to the business of any commodity adviser, commodity exchange, commodity option issuer, commodity broker and place a keeper in exclusive charge of them in the place where they are usually kept. During such possession no person shall remove or attempt to remove any of the books, records, accounts, or other papers except pursuant to a court order or with the consent of the commissioner; but the directors, officers, partners, and employees of the commodity adviser, commodity exchange, commodity option issuer, or commodity broker may examine them, and employees shall be permitted to make entries therein reflecting current transactions.

(c) For the purpose of any investigation or proceeding under this law, the commissioner or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commissioner deems relevant or material to the inquiry.

(d) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the superior court, upon application by the commissioner, may issue to the person an order requiring him to appear before the commissioner, or the officer designated by him, there to produce documentary evidence, if so ordered, or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court

as a contempt.

(e) No person is excused from attending and testifying or from producing any document or record before the commissioner, or in obedience to the subpoena of the commissioner or any officer designated by him, or in any proceeding instituted by the commissioner, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after validly claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

CHAPTER 866

An act to amend Sections 34302.1, 34302.5, 34303, 34305, 34306, 34307, 34307.1, 34308, and 35122 of the Government Code, relating to cities.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 34302.1 of the Government Code is amended to read:

34302.1. No petition seeking the incorporation of a city may be circulated or filed with the board of supervisors, and neither the board nor the clerk of the board shall accept any such petition for filing until the approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5.

SEC. 2. Section 34302.5 of the Government Code is amended to read:

34302.5. Before circulating a petition seeking the incorporation of a city, the proponents shall file a notice of intention to so do with the board of supervisors. The notice shall contain the names and addresses of and be signed by not less than 25 nor more than 50 registered voters residing in the area to be incorporated or not less than 25 nor more than 50 qualified owners as proponents intending to circulate the petition, the specific boundaries of the territory proposed to be incorporated, and shall designate the name and address of the person to act as chairman of the proponents for the purpose of receiving notices, process and other communications regarding such incorporation.

Notice of receipt of the notice of intention to circulate shall be given by the clerk of the board of supervisors to the legislative bodies of all cities whose territorial limits lie within three miles of any of the territory proposed to be incorporated into a city. Such notice shall be given by mail addressed to the legislative bodies of the cities entitled thereto and shall in general terms indicate the area proposed to be incorporated.

Not more than two such notices affecting areas of the same territory shall be filed within a period of one year.

SEC. 3. Section 34303 of the Government Code is amended to read:

34303. Proceedings are initiated by filing with the board of supervisors at a regular meeting a petition signed by either at least 25 percent of the registered voters residing in the area to be incorporated, as calculated upon the number of qualified electors at the last general state election, or at least 25 percent of the qualified owner(s), representing at least 25 percent of the assessed value of the land included in the proposed city limits, as such value is shown on the last equalized assessment roll of the county. Where there is more than one qualified owner with respect to a parcel, the signature of any one qualified owner(s) shall be sufficient to include the entire assessed value of the parcel. The petition shall, opposite the signer's name show his address if he is a registered voter residing in the area to be incorporated, or, if he is a qualified owner, identify the property owned by the signer by setting forth the street address of the property or the legal description as shown on the most recent tax bill, or other information sufficient to identify the property.

The signatures on any petition filed pursuant to this section shall be obtained within a period of 120 days following the date on which the notice of intention to circulate a petition was filed. The board of supervisors may grant additional successive periods of 30 days each in which a petition may be circulated and signatures obtained.

SEC. 4. Section 34305 of the Government Code is amended to read:

34305. There shall be attached to the petition the affidavit of at least three registered voters residing in the area to be incorporated or at least three qualified owners stating that the signatures to the petition are genuine.

SEC. 5. Section 34306 of the Government Code is amended to read:

34306. The board shall cause its clerk to ascertain whether the petition is signed by the requisite number of registered voters or qualified owners and whether it correctly describes the boundaries of the proposed city. The clerk shall report his findings to the board within 30 days.

In certifying the sufficiency of a petition signed by registered voters, the clerk shall compare the name of each person signing the petition with the voter's register in the office of the county clerk or registrar of voters.

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Except to the extent that proof to the contrary has been submitted to him, the clerk in ascertaining whether the petition is signed by the requisite number of qualified owners shall assume that the assessees whose names appear on the last equalized assessment roll of the county are qualified owners as herein defined. Proof of qualification as a qualified owner, including the officer acting for and on behalf of a corporate owner, shall be in writing and, except for copies of instruments of title, shall be verified. The findings of the clerk shall be conclusive in the absence of fraud.

SEC. 6. Section 34307 of the Government Code is amended to read:

34307. If the report shows that the petition is not signed by the requisite number of registered voters or qualified owners or that the boundaries are inaccurately described, the board is without jurisdiction to proceed further.

SEC. 7. Section 34307.1 of the Government Code is amended to read:

34307.1. If the report shows that the petition is not signed by the requisite number of registered voters or qualified owners no further action may be taken under the proposal for incorporation, and no other notice of intention to circulate a petition for incorporation of any of the same territory shall be filed for a period of two years from the date of filing of the notice of intention.

SEC. 8. Section 34308 of the Government Code is amended to read:

34308. If the report shows that the petition is signed by the requisite number of registered voters or qualified owners and accurately describes the boundaries of the proposed city, the board shall direct its clerk to accept the amount of money fixed by the board to defray the costs of the publication of the notice of hearing on the petition and the notice of election. The board shall fix the time within which the money shall be deposited with the clerk, and upon a showing of due cause therefor may extend such time. If the amount of money so deposited is less than the actual cost of publication, the petitioners shall deposit with the clerk an additional amount equal to the difference between the actual cost of publication and the amount first deposited. Immediately upon ascertaining the actual cost of publication the clerk shall notify the petitioners if such an additional amount is required and, if so, the petitioners shall deposit such amount with the clerk within five days after the completion of the publication.

If the amount first deposited exceeds the actual cost of publication, the clerk shall, upon the request of the petitioners, return to the petitioners the amount of such excess.

SEC. 9. Section 35122 of the Government Code is amended to read:

35122. Upon final determination of the boundaries of the territory proposed to be annexed, the city legislative body shall call a special election without delay and submit to the electors residing

in the territory the question whether it shall be annexed to and incorporated within the city. Such election shall be held on the next established election date not less than 74 days after the termination of the hearings on the proposed annexation.

"Next established election date," as used in this section, shall mean any of the election dates specified in Section 2504 of the Elections Code, and, in the case of each charter city in this state, shall also mean any date upon which the charter city holds a general election for city councilmen.

If it finds that the value of the territory proposed to be annexed equals one-half, or more, of that within the city, as shown by the last equalized assessment rolls, or that the number of qualified electors of the territory equals one-half, or more, of the number of qualified electors within the city, as shown by the county registration of voters, then the city legislative body shall also call a special election and submit to the electors residing in the city the same question at the same time as that submitted to the electors residing within the territory proposed to be annexed.

The city legislative body, as an alternative to the foregoing, may by its resolution thereupon terminate the proceedings without the necessity of calling such election. If proceedings are terminated hereunder, no further proceedings shall be taken for the annexation pursuant to this article of any of such territory by the city for one year.

CHAPTER 867

An act to amend Section 54790 of the Government Code, relating to local agency formation commissions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 54790 of the Government Code is amended to read:

54790. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

(a) To review and approve or disapprove with or without amendment, wholly, partially or conditionally proposals for:

(1) The incorporation of cities;

(2) The formation of special districts, and

(3) The annexation of territory to local agencies, (other than local agencies the annexation of territory to which is required to be made pursuant to the provisions of Division 1 (commencing with Section 56000) of Title 6 of this code); provided that a commission shall not

impose any conditions which would directly regulate land use or subdivision requirements. Nothing in this subsection, however, shall be construed as prohibiting a commission from requiring, as a condition to annexation, that a city prezone the territory to be annexed; provided that the commission shall not specify how or in what manner the territory shall be prezoned.

(4) The exclusion of territory from a city.

(5) The disincorporation of a city.

(6) The consolidation of two or more cities.

(7) The development of new communities within the jurisdiction of the commission pursuant to Sections 33021 and 33298 of the Health and Safety Code.

(b) To adopt standards and procedures for the evaluation of proposals, including standards for each of the factors enumerated in Section 54796.

(c) To make and enforce rules and regulations for the orderly and fair conduct of hearings by the commission.

(d) To incur usual and necessary expenses for the accomplishment of its functions.

(e) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(f) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty thereof, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(g) To waive the restrictions of Section 34312 and of subdivision (1) of Section 35002.3, and Sections 35158 and 35326 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

(h) To waive the application of Section 25210.90 if it finds the application would deprive an area of a service needed to insure the health, safety or welfare of the area's residents and if it finds that such waiver would not effect the ability of a city to provide any service; provided, however, that within 60 days of the inclusion of the territory within the city, the governing body may adopt a resolution nullifying the waiver.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that ambulance service not cease to newly incorporated areas, it is necessary that this act take effect immediately.

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CHAPTER 868

An act to add Section 54902.1 to the Government Code and to amend Section 2325 of, and to add Section 2279 to, the Revenue and Taxation Code, relating to local agencies.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 54902.1 is added to the Government Code, to read:

54902.1. In the event that any statement, map or plat required by this chapter is filed after the deadline specified in Section 54902, the provisions of Section 54903 shall apply to the territory described in such statement, map or plat and the boundary changes indicated therein shall not be effective for tax or assessment purposes for the fiscal year beginning on the following July 1.

Any city or district, or zone thereof, to which this section applies may borrow an amount of money equivalent to the anticipated tax revenue which would have been collected during such fiscal year within the territory described in the statement, map or plat, if such statement, map or plat had been filed on or before the deadline specified in Section 54902.

During succeeding fiscal years a tax or assessment may be levied by, or on behalf of, any city or district, or zone thereof, in order to repay such borrowed funds, including the cost of interest charges connected therewith. The tax shall be levied, after notice of the intent to levy the tax to the State Board of Equalization in such time and manner as prescribed by the board, only on that property described in the statement, map or plat. Such an amount of money may be raised during a single fiscal year or, at the discretion of the affected local agency, a portion of such amount may be raised in each of several fiscal years. The tax or assessment rate authorized by this section shall be in addition to any maximum property tax rate established pursuant to Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code.

SEC. 2. Section 2279 is added to the Revenue and Taxation Code, to read:

2279. A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter for interest and redemption charges on amounts borrowed pursuant to Section 54702.1 of the Government Code.

SEC. 3. Section 2325 of the Revenue and Taxation Code is amended to read:

2325. Annually, no later than 15 days after the property tax rate for a local agency has been fixed, each local agency shall report to the Controller, on a form to be specified by the Controller, the property tax rate levied by, or on behalf of, the agency for the current fiscal

year. Such information shall show the amount of the rate, if any, levied pursuant to Sections 2260, 2261, 2262, 2262.1, 2263, 2263.1, 2263.2, 2263.3, 2264, 2265, 2266, 2266.1, 2267, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, and 2279. Information with respect to any rate levied pursuant to Section 2270 shall also indicate the rate levied to pay interest and redemption charges on bonded indebtedness, the rate levied to pay the cost of retirement and pension benefits and the rate levied to make payments to special funds as required by charter. The Controller shall, by regulation, require any tax rate exempt from rate limitations imposed by this chapter to be reported in the manner specified by this section.

CHAPTER 869

An act to amend Section 76039 of the Government Code, relating to juror's fees.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 76039 of the Government Code is amended to read:

76039. In a county of the 39th class, grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, and travel compensation equal to the product of the rate being paid to public officers of the county for mileage travel compensation multiplied by each mile actually and necessarily traveled from their residences to the places of service. Trial jurors in the justice court shall receive five dollars ($5) for each day's attendance and travel compensation equal to the product of the rate being paid to public officers of the county for mileage travel compensation multiplied by each mile actually and necessarily traveled from their residences to the justice courts.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 870

An act relating to assessments, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding Sections 54902 and 54903 of the Government Code, the annexation of certain territory to the San Andreas Sanitary District shall be effective for assessment and taxation purposes for the 1974–75 fiscal year if the statements and maps or plat required by Section 54900 are filed with the assessor and the State Board of Equalization on or before June 15, 1974.

SEC. 2. Notwithstanding Sections 54902 and 54903 of the Government Code, the annexation of certain territory to the City of Kingsburg shall be effective for assessment and taxation purposes for the 1974–75 fiscal year if the required statements and maps or plats are filed with the assessor and the State Board of Equalization on or before June 5, 1974.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that proper assessment be made this statute must go into immediate effect.

CHAPTER 871

An act to amend Section 15201 of the Welfare and Institutions Code and to repeal Section 76 of Chapter 1216 of the Statutes of 1973, relating to public social services.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 15201 of the Welfare and Institutions Code is amended to read:

15201. There is hereby continuously appropriated out of any moneys in the State Treasury not otherwise appropriated to the department for allocation to the Secretary of the Department of Health, Education and Welfare for payment of an amount equal to the amount of any grants made by the secretary as supplemental payments to aged, blind or disabled persons under the provisions of Chapter 3 (commencing with Section 12000) of this part, less

amounts payable by the federal government pursuant to Section 401 of Title IV of the Social Security Act Amendments of 1972.

SEC. 2. Section 76 of Chapter 1216 of the Statutes of 1973 is repealed.

SEC. 3. The balance of the amount of one million five hundred thousand dollars ($1,500,000) appropriated to the Emergency Revolving Fund by subdivision (b) of Section 15201 of the Welfare and Institutions Code shall continue to be available for expenditure without regard to the fiscal year.

SEC. 4. The amendment of Section 15201 of the Welfare and Institutions Code and the addition of Section 3 of the act enacted at the 1973–74 Regular Session of the Legislature do not constitute changes in, but are declarations of, the preexisting law.

CHAPTER 872

An act to amend Section 1182 of the Labor Code, relating to employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1182 of the Labor Code is amended to read:

1182. After the wage board conference and public hearing, as provided in this chapter, the commission may, upon its own motion or upon petition, fix:

(a) A minimum wage to be paid to employees engaged in any occupation, trade, or industry in this state, which shall not be less than a wage adequate to supply the necessary costs of proper living to, and maintain the health and welfare of such employees.

(b) The maximum hours of work consistent with the health and welfare of employees engaged in any occupation, trade, or industry in this state.

(c) The standard conditions of labor demanded by the health and welfare of the employees engaged in any occupation, trade, or industry in this state.

The commission may thereupon make a mandatory order, to be effective on a date fixed by the commission, which date shall not be less than 60 nor more than 90 days from the publication thereof, specifying the minimum wage to be paid all employees, and the maximum hours and the standard conditions of labor for the employees in the occupation, trade, or industry in question. The hours specified shall not be more than the maximum for employees in California. Such order shall be published in at least one newspaper in each of the Cities of Los Angeles, Sacramento, Oakland, San Jose,

Fresno, San Diego, and San Francisco.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Industrial Welfare Commission is having extreme difficulty in complying with the current three-month time limit and in order to allow such commission to act after March 31, 1974, the act must take effect immediately.

CHAPTER 873

An act to amend Sections 14184, 14213, 14214, 14240, 14280, 14284, 14370, 14371, 14373, 14374, and 14390 of, to amend the heading of Article 27 (commencing with Section 14370) of Chapter 4 of Division 10 of, to add Sections 14228 14283, and 14284.1 to, and to repeal Sections 14046, 14210.1, 14217, 14281.1, 14283, 14286, 14372, 14375, and 14376 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14046 of the Education Code is repealed.

SEC. 2. Section 14184 of the Education Code is amended to read:

14184. From the amount determined under paragraph (4) of subdivision (b) of Section 14180 there shall be deducted an amount equal to that portion of the benefit payable on account of the death by a local system or the Public Employees' Retirement System, which is provided from contributions of the employer, and is in addition to the portion of the benefit payable by such systems which is made up of the accumulated contributions of the member, and independently of any optional election made by the person at the time of his retirement, under which he received a reduced retirement allowance and a benefit was provided at his death.

SEC. 3. Section 14210.1 of the Education Code is repealed.

SEC. 4. Section 14228 is added to the Education Code, to read:

14228. Effective July 1, 1972, a retirant receiving a disability retirement which was effective prior to July 1, 1972, may be employed in a position requiring certification qualification and earn no more than four thousand dollars ($4,000) in a school year. The employment does not operate to terminate or suspend his disability retirement allowance except as provided in Sections 14215 and 14220 and no deductions shall be made from his salary as contributions to this system.

SEC. 5. Section 14213 of the Education Code is amended to read:

14213. A member may apply for a disability allowance if he has five or more years of credited service, the last five of which have been served in this state, and has not attained age 60 years, or has unused sick leave with sufficient days to have him receive salary on account of such sick leave to age 60 years, and has received compensation during any one of the 36 months immediately preceding the date on which the payment of disability allowance is to become effective.

SEC. 6. Section 14214 of the Education Code is amended to read:

14214. The board may authorize payment of a disability allowance to any member who is qualified upon application by the member, his guardian or conservator, or his employer, if such application is made:

(a) While the member is employed in a position requiring membership in this system and is receiving compensation because of such employment, or

(b) While he is physically or mentally incapacitated for performance of his duty and such incapacity has been continuous from the last day for which compensation was paid to him, or

(c) While he is on a leave of absence without compensation, granted for reason other than mental or physical incapacity for performance of his duty, and within four months after the last day of employment for which compensation was paid, or within 12 months while on an official district leave to study at an approved college or university, or

(d) Within four months after the termination of the member's employment in a position requiring membership in this system provided, first, that such application was not made under the provisions of subdivision (b) and, second, that such application was not made more than four months after the last day for which compensation was paid to him.

On receipt of an application for disability allowance the system may order a medical examination of a member to determine whether he is incapacitated for further service. If the applicant for disability allowance refuses to submit to the required medical examination, the application for disability allowance shall be canceled.

SEC. 7. Section 14217 of the Education Code is repealed.

SEC. 8. Section 14240 of the Education Code is amended to read:

14240. Upon retirement for service which became effective after June 30, 1972, a member shall receive a retirement allowance which shall consist of:

(a) An annual allowance payable in monthly installments, upon retirement at age 60 or over, equal to 2 percent of the final compensation for each year of credited service. If the retirement is effective at less than age 60 this allowance shall be reduced by one-half of 1 percent for each full month, or fraction of a month which will elapse until the member would have reached age 60, and

(b) An annuity which shall be the actuarial equivalent of the

accumulated annuity deposit contributions standing to the credit of his account at the time of his retirement, and

(c) A "tax-sheltered annuity" which shall be the actuarial equivalent of the accumulated tax-sheltered annuity contributions standing to the credit of his account at the time of his retirement.

In computing the above amounts, the age of the member at the last day of the month in which the member has requested his retirement be effective or such later date as provided in Section 14210 shall be used.

SEC. 9. Section 14280 of the Education Code is amended to read:

14280. Any member prior to mailing of his first retirement allowance check and those retirants receiving an estimated allowance under Section 14374 may elect an option which is an actuarially reduced retirement allowance payable throughout the life of the member and his designated beneficiary as follows:

(a) Option 2. Upon death a reduced retirement allowance equal to the reduced amount the member was receiving shall be paid to such person as the retirant has nominated by written designation duly executed and filed with the system at the time of his retirement; or

(b) Option 3. Upon the retirant's death, one-half of the reduced retirement allowance shall be continued throughout the life of such person as the retirant has nominated by written designation duly executed and filed with the system at the time of his retirement.

A member may revoke or change his election of an option at any time prior to the mailing of his first retirement allowance check. Those retirants receiving an estimated allowance under Section 14374 shall not change the election after it has been received in the system's office in Sacramento.

After the election has been signed and notarized, then the election of the option shall be in full force and effect. The election shall be void if not received in the system's office in Sacramento within 30 days after signature and notarization and the system shall proceed to compute the allowance on the basis that no option had been elected.

SEC. 9.5. Section 14281.1 of the Education Code is repealed.

SEC. 10. Section 14283 of the Education Code is repealed.

SEC. 11. Section 14283 is added to the Education Code, to read:

14283. In the event of the death of a person who has filed an acceptable application for retirement allowance and did not elect the unmodified allowance on the retirement application nor filed his final election of an option, the person shall be considered retired as of the effective date shown on that retirement application or such later date as specified under Section 14210 and to have formally elected option 2 naming the beneficiary shown on said application to receive benefits from this system.

SEC. 12. Section 14284 of the Education Code is amended to read:

14284. Any member who has qualified to make application for a retirement allowance under Section 14211 may elect, as provided in Section 14280, and without right of revocation or change after receipt

of the election in the system's office in Sacramento to receive an actuarially reduced retirement allowance as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service in a reduced retirement allowance according to the provisions of either option 2 or option 3 as stated in Section 14280. If the death of such member occurs after the date upon which the election has been signed and notarized, then the election shall be in full force and effect. The election shall be void if not received in the system's office in Sacramento within 30 days after the date of signature and notarization.

Upon such member's death, prior to the effective date of his retirement, the beneficiary who was nominated under the option elected and who survives shall receive an allowance calculated under such option, upon the assumption that such member retired on the date of death. The payment of such allowance to the beneficiary shall be in lieu of the family allowance provided in Section 14186 and the payment provided in subdivision (a) of Section 14070 and paragraph (1) of subdivision (b) of Section 14180, except that if the beneficiary dies before all accumulated contributions are paid the balance if any shall be paid to the estate of the person last receiving or entitled to receive the allowance. The accumulated annuity deposit contributions and accumulated tax-sheltered annuity contributions, and the amount provided in paragraph (4) of subdivision (b) of Section 14180, shall be paid the designated beneficiary in a lump sum.

If the member subsequently retires, regardless of whether the beneficiary nominated under the option elected is then living, a reduced retirement allowance computed under Section 14280 and the option elected shall be paid.

The amount of the retirement allowance prior to applying the option factor shall be calculated at the member's age at death before retirement, or age on the last day of the month in which the member requested retirement be effective, as the case may be. The reduction of such retirement allowance under the option elected shall be based on the ages of such member and the beneficiary nominated under such option, at the date the election was signed and notarized.

SEC. 12.5. Section 14284.1 is added to the Education Code, to read:

14284.1. The election of an irrevocable option as provided in Section 14284 shall preclude the payment of disability or family benefits to the member or any beneficiary. Members receiving a disability allowance under Section 14260 may not file an irrevocable election of option.

SEC. 13. Section 14286 of the Education Code is repealed.

SEC. 13.5. The heading of Article 27 (commencing with Section 14370) of Chapter 4 of Division 10 of the Education Code is amended to read:

Article 27. Estimated Retirement or Disability Allowance

SEC. 14. Section 14370 of the Education Code is amended to read:

14370. Whenever the system determines that payments in the correct amount due a member who has applied for retirement or disability cannot be made when payable because required information or documentation is not yet on file in the system, payment of estimated allowances based on preliminary information in the possession of the system, may be made; the system may present claims therefor, and the State Controller shall draw warrants in payment of such claims.

SEC. 15. Section 14371 of the Education Code is amended to read:

14371. Any loss incurred in connection with an estimated allowance shall be a charge against the accumulated retirement contributions and the benefit provided in paragraph (4) of subdivision (b) of Section 14180.

Such payments of estimated allowances to a retirant or disabilitant shall not be made in excess of accumulated retirement contributions in the account and shall be a lien on such contributions until otherwise accounted for.

SEC. 16. Section 14372 of the Education Code is repealed.

SEC. 17. Section 14373 of the Education Code is amended to read:

14373. If any such estimated allowances are more or less than the correct amount due to the retirant, disabilitant, or beneficiary, the difference between such correct amount and the estimated allowance shall be adjusted in subsequent payments or the State Controller may state an account with the retirant, disabilitant, or beneficiary, pursuant to Government Code Section 12419.

SEC. 18. Section 14374 of the Education Code is amended to read:

14374. Whenever the board determines that payments to a member who has applied for retirement, and who has expressed an interest in an option but has not made his final election, cannot be made until after the first day of the month following that month for which such payments are due, the board may present claims for advances on retirement allowances which would normally be due a retired member of the system estimated on preliminary information in the possession of the board, and the State Controller shall draw warrants in payment of such claims.

If the member has applied for a service retirement allowance and has expressed an interest in option 2 or option 3, the estimated retirement allowance shall be in the amount of the monthly payment due on the assumption that the member had elected option 2.

SEC. 19. Section 14375 of the Education Code is repealed.

SEC. 20. Section 14376 of the Education Code is repealed.

SEC. 21. Section 14390 of the Education Code is amended to read:

14390. (a) The retirement or disability allowance begins to accrue on the first day of the month in which the retirement or disability is effective.

(b) On death of the retirant, a person receiving a disability allowance or a person who is reinstated to membership, the allowance ceases on the last day of the month preceding that in which the death or reinstatement occurs.

(c) Family benefits begin to accrue on the first day of the month in which the death of the member occurs.

(d) Option benefits begin to accrue on the first day of the month in which the retirant died.

(e) Family or disability allowances payable on account of a full-time student begin to accrue at the beginning of the month during which the full-time student qualified for the allowance. An allowance terminates at the beginning of the month in which the student no longer qualifies for it.

CHAPTER 874

An act to amend Section 3103 of, and to add Section 2141.1 to, the Business and Professions Code, relating to optometry.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2141.1 is added to the Business and Professions Code, to read:

2141.1. Nothing in this chapter shall prohibit the employment of a person holding a certificate as a physician and surgeon under this chapter and practicing in the specialty of ophthalmology by a person licensed under the provision of Chapter 7 (commencing with Section 3000).

SEC. 2. Section 3103 of the Business and Professions Code is amended to read:

3103. Directly or indirectly accepting employment to practice optometry from any person not having a valid, unrevoked certificate of registration as an optometrist or from any company or corporation constitutes unprofessional conduct. Except as provided in this chapter, no optometrist may, singly or jointly with others, be incorporated or become incorporated when the purpose or a purpose of the corporation is to practice optometry or to conduct the practice of optometry.

The terms "accepting employment to practice optometry" as used in this section shall not be construed so as to prevent a licensed optometrist from practicing optometry upon an individual patient.

Notwithstanding the provisions of this section or the provisions of any other law, a licensed optometrist may be employed to practice optometry by a physician and surgeon who holds a certificate under this division and who practices in the specialty of ophthalmology.

CHAPTER 875

An act to amend Section 17536 of the Business and Professions Code, relating to advertising.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 17536 of the Business and Professions Code is amended to read:

17536. (a) Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction.

(b) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.

(c) If the action is brought at the request of a board within the Department of Consumer Affairs, the court shall determine the reasonable expenses incurred by the board in the investigation and prosecution of the action.

Before any penalty collected is paid out pursuant to subdivision (b), the amount of such reasonable expenses incurred by the board shall be paid to the State Treasurer for deposit in the special fund of the board described in Section 205. If the board has no such special fund the moneys shall be paid to the State Treasurer.

As used in this subdivision, "board" includes commission, bureau, division, and other similarly constituted agency.

(d) As applied to the penalties for acts in violation of Section 17530, the remedies provided by this section and Section 17534 are mutually exclusive.

CHAPTER 876

An act to amend Section 1773.2 of the Labor Code, relating to public works contracts.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1773.2 of the Labor Code is amended to read:

1773.2. The body awarding any contract for public work, or otherwise undertaking any public work, shall specify in the call for bids for the contract, and in the bid specifications and in the contract itself, what the general rate of per diem wages is for each craft, classification or type of workman needed to execute the contract.

In lieu of specifying the rate of wages in the call for bids, and in the bid specifications and in the contract itself, the awarding body may refer to copies thereof on file at its principal office, which shall be made available to any interested party on request. In the event that the awarding body chooses to refer to a copy of the prevailing rate of per diem wages on file at its principal office, in lieu of specifying them in each call for bids, and in the bid specifications and in the contract itself, the awarding body shall publish its determination of the prevailing rate of wages at least one time in a newspaper of general circulation during each year, and in such event, the awarding body shall cause a copy thereof to be posted at each jobsite.

SEC. 2. The amendment of this section made by the 1973–74 Regular Session of the Legislature does not constitute a change in, but is declaratory of, existing law.

CHAPTER 877

An act to amend Section 25210.90 of the Government Code, relating to county service areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows.

SECTION 1. Section 25210.90 of the Government Code is amended to read:

25210.90. Whenever any territory in a county service area is included within a city by reason of incorporation, annexation or otherwise that territory shall be automatically excluded from the county service area upon the effective date of its inclusion in the city, whether or not such inclusion within a city occurs before or after the completion of the formation of the county service area, subject only to compliance with the requirements of Chapter 8, Part 1, Division 2, Title 5 of the Government Code.

Upon the exclusion of such territory all unencumbered funds standing to the credit of the area upon the date of the exclusion shall be divided between the city and the county service area in

proportion to the assessed value of the real property of the territory excluded and the portion remaining. For the purpose of this section the unencumbered funds are the sum of money, uncollected taxes, including taxes levied and collected for the area on property withdrawn after the date of withdrawal, and other uncollected accounts belonging to or due such area, in excess of an amount sufficient to pay all claims and accounts against the area.

In the event the service area has indebtedness evidenced by bonds and the indebtedness is outstanding and owing on the date of the withdrawal the property within any territory withdrawing from the service area shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof.

In the event the county for the benefit of the service areas has incurred indebtedness or other contractual obligation extending beyond the current fiscal year, as evidenced by a written instrument and such indebtedness or contractual obligation is for the rental, lease, purchase or other use of land, structures or other improvements, the property within any territory withdrawing from the service area shall nevertheless be liable for assessment and payment of a tax for its pro rata share of such indebtedness or contractual obligation.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The need that the provisions of the act to be effective for the 1974–75 tax year.

CHAPTER 878

An act to amend Section 2107 of the Streets and Highways Code, and to amend Section 11005 of the Revenue and Taxation Code, relating to subventions to local government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2107 of the Streets and Highways Code is amended to read:

2107. A sum equal to 72.5 percent of one cent ($0.00725) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly to the cities and cities and counties of this state from the Highway Users Tax Fund as provided in this section.

From such amount, the Controller shall allocate annually to each city which has filed a report containing the information prescribed

by subdivision (c) of Section 2152 and which had expenditures in excess of five thousand dollars ($5,000) during the preceding fiscal year for snow removal, an amount equal to one-half of the amount of its expenditures for snow removal in excess of five thousand dollars ($5,000) during such fiscal year.

The balance of such apportionments from the Highway Users Tax Fund shall be made to each city, including city and county, in the proportion that the total population of such city bears to the total population of all cities in this state. For the purpose of this section the population in each city is that determined by the last preceding federal census or a subsequent census validated by the Population Research Unit of the Department of Finance. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three or, at the election of the city, the population of annexed territory may be ascertained pursuant to Section 2107.2. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or an estimate pursuant to Section 2107.2 by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three, two years after the completion of annexation proceedings or at such earlier time as the legislative body may request.

SEC. 2. Section 11005 of the Revenue and Taxation Code, as amended by Chapter 889 of the 1973 Statutes is amended to read:

11005. After payment of refunds therefrom and after making the deductions authorized by Section 11003 and reserving such amount as is determined by the Pooled Money Investment Board to be necessary to meet the transfers ordered or proposed to be ordered pursuant to Section 16310 of the Government Code, and after transferring 2.2 percent of the remaining revenue to the Motor Vehicle Account in the Transportation Tax Fund, at least 90 percent of the balance of all motor vehicle license fees and any other money appropriated by law for expenditure pursuant to this section and deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and remaining unexpended therein at the close of business on the last day of the calendar month shall be transferred to the credit of a special account in the General Fund and allocated by the Controller by the 10th day of the following month in the following manner:

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this state in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this state, as determined by the Controller. For the purpose of this subdivision, the population of each city or city and

county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city, or the annexed territory, by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory by the use of any federal decennial or special census, or estimate prepared pursuant to Section 2107.2 of the Streets and Highways Code, by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three, two years after the completion of annexation proceedings or at such earlier time as the legislative body may request In the case of the consolidation of one city with another subsequent to the last census, the population of the consolidated city, for the purpose of this subdivision, is the aggregate population of the respective cities as determined by the last federal census.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the state in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the state, as determined by the Controller. For the purpose of this subdivision, the population of each county or city and county is that determined by the last federal census, or as determined by Section 11005.6.

(c) Money disbursed by the Controller pursuant to this section may be used for county or city purposes and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the increase in population of a city resulting from annexation of unincorporated territory thereto be determined as provided for in this act, by multiplying the number of registered voters in that territory by three, for purposes of allocating motor vehicle license fees and specified motor vehicle fuel license tax revenues, it is necessary that this act take effect immediately.

CHAPTER 879

An act to amend Section 7262 of the Government Code, relating to relocation assistance

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

0 4342 649 425 1115

The people of the State of California do enact as follows:

SECTION 1. Section 7262 of the Government Code is amended to read:

7262. (a) As a part of the cost of acquisition of real property for a public use, a public entity shall compensate a displaced person for his:

(1) Actual and reasonable expense in moving himself, family, business, or farm operation, including moving personal property.

(2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the public entity.

(3) Actual and reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person who moves from a dwelling who elects to accept payments authorized by this subdivision in lieu of the payments authorized by subdivision (a) shall receive a moving expense allowance, determined according to a schedule established by the public entity, not to exceed three hundred dollars ($300), and in addition a dislocation allowance of two hundred dollars ($200).

(c) Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this subdivision in lieu of the payment authorized by subdivision (a), shall receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than two thousand five hundred dollars ($2,500) nor more than ten thousand dollars ($10,000). In the case of a business, no payment shall be made under this subdivision, unless the public entity is satisfied that the business cannot be relocated without a substantial loss of patronage and is not a part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business. For purposes of this subdivision, the term "average annual net earnings" means one-half of any net earnings of the business, or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property being acquired, or during such other period as the public entity determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year or such other period. To be eligible for the payment authorized by this subdivision, the business or farm operation shall make available its state income tax records, and its financial statements and accounting records, for audit for confidential use to determine the payment authorized by this subdivision. In the case of an outdoor advertising display, the payment shall be limited to the

amount necessary to physically move or replace such display.

(d) Whenever the acquisition of real property used for a business or farm operation causes the person conducting the business or farm operation to move from other real property, or to move his personal property from other real property, such person shall receive payments for moving and related expenses under subdivision (a) or (b) and relocation advisory assistance under Section 7261 for moving from such other property.

(e) Whenever a public entity must pay the cost of moving a displaced person under paragraph 1 of subdivision (a), or subdivision (d) of this section:

(1) The costs of such move shall be exempt from regulation by the Public Utilities Commission.

(2) The public entity may solicit competitive bids from qualified bidders for performance of the work. Bids submitted in response to such solicitations shall be exempt from regulation by the Public Utilities Commission.

CHAPTER 880

An act to amend Section 9978 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 9978 of the Business and Professions Code is amended to read:

9978. No employment agency shall publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisements. All advertisements of an employment agency shall contain the licensed name and address of the employment agency. Every employment agency shall use, as part of its licensed name, either the designation "agency" or "personnel service." No employment agency shall give any false information or make any false promises or representations concerning an engagement or employment to any applicant who registers or applies for an engagement or employment or help.

SEC. 2. No fee shall be charged to any employment agency for requesting and obtaining a change in its name pursuant to the provisions of this act, if such request is made on or before March 31, 1975.

CHAPTER 881

An act to amend Section 976 of the Penal Code, relating to arraignment of prisoners.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 976 of the Penal Code is amended to read:

976. (a) When the accusatory pleading is filed, the defendant must be arraigned thereon before the court in which it is filed, unless the action is transferred to some other court for trial.

(b) In any county with a population exceeding 4,000,000, if the defendant is to be arraigned in municipal court and is in custody, he may also be arraigned before any municipal court within the county nearest to the place in which he is held in custody. Prior to being taken from the place where he is in custody to the place where he is to be arraigned, such defendant shall be allowed to make three completed telephone calls, at no expense to such defendant, in addition to any other telephone calls which such defendant is entitled to make pursuant to law.

CHAPTER 882

An act to amend Section 39297.8 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 39297.8 of the Health and Safety Code is amended to read:

39297.8. Notwithstanding Sections 39057 and 39296, open outdoor fires may be used to dispose of Russian thistle (Salsola kali) when authorized by a chief of a fire department or fire protection agency of a city, county, or fire protection district, the State Forester or his duly authorized representative, or a county agricultural commissioner, or an air pollution control officer.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the hazards caused by Russian thistle be eliminated as soon as possible in the most economic manner, it is necessary that

this act take effect immediately.

CHAPTER 883

An act to repeal Section 18711 of, and to add Section 18711 to, the Business and Professions Code, relating to boxing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 18711 of the Business and Professions Code is repealed.

SEC. 2. Section 18711 is added to the Business and Professions Code, to read:

18711. (a) Except as provided in Section 18713 and subdivision (b) of this section, every club licensed under this chapter shall, within 72 hours after the determination of every contest, match, or exhibition for which an admission fee is charged and received, furnish to the commission a written report duly verified by one of its officers, showing the number of tickets issued or sold for such contest, match, or exhibition, the amount of the gross receipts or value thereof, and the gross price charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of broadcasting and television rights of such contest, match, or exhibition, and without any deductions whatsoever for commissions, brokerage, distribution fees, advertising, or any other expenses, charges, and recoupments in respect thereto and such other matters as the commission may prescribe. Such club shall also, within the same time, pay to the commission a tax, exclusive of any federal taxes paid thereon, of one cent ($0.01) for each twenty cents ($0.20), or fraction thereof, of the amount paid for admission to such contest, match, or exhibition, and of the gross price as described above for the sale, lease, or other exploitation of broadcasting or television rights thereof, except that in no case shall such tax be less than twenty-five dollars ($25). Said tax shall apply uniformly at the same rate to all clubs subject to the tax. The tax on admissions applies to the amount actually paid for admission, and not to the regular established price. No tax is due in the case of a person admitted free of charge.

(b) In the case of a professional championship boxing contest, there shall be deducted from the amount required to be reported showing the gross price charged directly or indirectly and no matter by whom received for the sale, lease, or other exploitation of television rights of the professional championship boxing contest, and upon which the tax required by subdivision (a) is applied, the gross price charged directly or indirectly and no matter by whom

received, for the sale, lease, or other exploitation of television rights for viewing outside of this state, including viewing out of state by live telecasts, closed circuit telecasts, and delayed tape telecasts. This subdivision shall be operative only until August 16, 1975, and as of such date shall have no force or effect.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide for continuity in provisions excluding the gross price paid for television rights for viewing outside the state from provisions levying tax, it is necessary that this act take immediate effect.

CHAPTER 884

An act to amend Section 1 of, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 to, Chapter 687 of the Statutes of 1935, relating to tidelands and submerged lands.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 687 of the Statutes of 1935 is amended to read:

Section 1. There is hereby granted to the County of Santa Cruz and to its successors all right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all those tidelands and submerged lands in the present County of Santa Cruz, and more particularly bounded and described as follows, to wit: All tidelands and submerged lands in Monterey Bay fronting the village of Capitola in said county, situated east of a prolongation of the easterly line of Forty-ninth Avenue, produced southerly, and west of a prolongation of the westerly line of Central Avenue, produced southeasterly; to be forever held by said County of Santa Cruz in trust for the uses and purposes and upon the expressed conditions following, to wit:

(a) That said lands shall be used by said county for the establishment, improvement and conduct of the harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion of commerce, navigation and fisheries, and for the establishment and maintenance of bathhouses and bathing facilities and boathouses necessary or convenient for the inhabitants of said county, and said county shall not at any time grant, convey, give or alien said lands, or any part

thereof, to any individual, firm or corporation for any purpose whatever; provided, however, that said County of Santa Cruz may grant franchises thereon for wharves, docks, piers, slips, quays, bathhouses and bathing facilities, boathouses and any other public uses and purposes, and may lease said lands, or any part thereof, for any of said uses or purposes hereinabove enumerated, for any purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce or navigation of said harbor, to persons, firms or corporations for a period not exceeding 50 years; provided, however, that said county may have the right to renew such lease or leases for the further term not exceeding 25 years, or to terminate the same upon such terms, reservations and conditions as may be stipulated in such lease or leases.

Nothing contained in this subdivision (a) shall be deemed to affect the validity or term of any franchise previously granted by the County of Santa Cruz under Article 1 (commencing at Section 6001), Chapter 1, Division 3 of the Public Utilities Code, and any such franchise shall be effective with respect to said land when title thereto passes to said county hereunder.

Every such lease shall provide for the payment of rentals to the County of Santa Cruz, which said rentals shall be either at an agreed figure, or shall be arrived at in such manner as may be mutually agreed upon, and provided for in said lease or leases.

Said leases shall also provide that at no time during their term, shall the said County of Santa Cruz be required to make any improvements on or for the benefit of the lease lands. Every lease so executed shall reserve to the board of supervisors and to the people of the County of Santa Cruz the right and privilege by ordinance duly adopted, to terminate, change or modify such lease or leases on such terms, reservations and conditions as may be stipulated in such lease or leases.

(b) That said harbor shall be improved by said county without expense to the State of California, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said land or any part thereof for any vessel or other watercraft or railroad owned and operated by the State of California.

(c) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

(d) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(e) The lands herein described are granted subject to the express

reservation and condition that the state may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the state for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interests. If the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, has filled any tide or submerged lands and such lands are taken by the state for highway purposes, the state shall reimburse the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, for expenditures incurred in filling such lands.

(f) The provisions of this section shall not be construed to prevent the County of Santa Cruz from conveying to the City of Capitola prior to January 1, 1985, the tidelands and submerged lands referred to in this section, subject to the trusts and conditions and for the uses and purposes expressed herein; provided, that the board of supervisors has found and determined that such a conveyance would be in the public interest; and provided, that notification of such conveyance be given to, and acknowledged by, the State Lands Commission prior to the effective date of such conveyance.

SEC. 2. Section 2 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 2. The county shall establish a separate tidelands trust fund or funds in such manner as may be approved by the State Lands Commission and the county shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted lands in the county. An annual statement of financial condition and operations, to conform with such requirements as the State Lands Commission may prescribe, shall be submitted to the State Lands Commission each year by the county on or before September 30th of each year for the preceding fiscal year.

SEC. 3. Section 3 is added to Chapter 687 of the Statutes of 1935, to read·

Sec. 3. Notwithstanding any other provision of law to the contrary, the county, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted lands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities.

(c) For the establishment, improvement, and conduct of airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(d) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section.

(e) For the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(f) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of such uses, including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas, and other compatible commercial and recreational activities and uses.

(g) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the granted lands and the area, control of dredging or filling of the granted lands, or both, and prevention of pollution of the granted lands.

(h) For the promotion, by advertising and such other means as

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may be reasonable and appropriate, of maximum public use of the granted lands or to encourage private investment in development of the granted lands for the highest and best use in the public interest.

(i) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(j) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 4. Section 4 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 4. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 5. Section 5 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 5. As to the accumulation and expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the county shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the county that such capital improvement is not in the statewide interest and benefit or is not authorized by the provisions of Section 3 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the county with the notice of its determination. In the event the State Lands Commission notifies the county that such capital improvement is not authorized, the county shall not disburse any revenue for, or in connection with, such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The county is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against it.

SEC. 6. Section 6 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 6. At the end of every third fiscal year, beginning June 30, 1976, that portion of the county tideland trust revenues in excess of two hundred fifty thousand dollars ($250,000) remaining after

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current and accrued operating costs and expenditures directly related to the operation or maintenance of tideland trust activities have been made, shall be deemed excess revenues; provided, that any funds deposited in a reserve fund for future capital expenditures or any funds used to retire bond issues for the improvement or operation of the granted lands shall not be deemed excess revenue. Capital improvements of the granted lands for purposes authorized by this act may be considered as expenditures for the purpose of determining net revenues; provided, however, that, if made after January 1, 1975, they may be so considered only if made in accordance with Section 5 of this act.

The excess revenue, as determined pursuant to Section 5 of this act shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the county to be deposited in the trust fund and used for any purpose authorized by Section 3 of this act.

SEC. 7. Section 7 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 7. The State Lands Commission, at the request of the county, shall grant an extension of time, not to exceed 30 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 8. Section 8 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 8. In the event that the county fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the State Lands Commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any improvements to, or assets situated upon, the granted lands or derived therefrom. The State Lands Commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 9. Section 9 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 9. The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

SEC. 10. Section 10 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 10. The State Lands Commission shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 11. Section 11 is added to Chapter 687 of the Statutes of

1935, to read:

Sec. 11. The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or condition reported to the commission pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

SEC. 12. Section 12 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 12. The Legislature reserves the right to amend, modify, or revoke, in whole or in part, the tidelands and submerged lands granted and conveyed in trust pursuant to this act; provided, that the state shall thereupon assume and be bound by all lawful transactions and obligations related to such lands entered into or created by the county during its holding of such lands.

SEC. 13. Section 13 is added to Chapter 687 of the Statutes of 1935, to read:

Sec. 13. The Attorney General, on request by resolution of either house of the Legislature, or upon formal request of the State Lands Commission made only after a noticed public hearing at which the grantee has been given an opportunity to fully express any disagreement with the commission's findings or to describe any extenuating circumstances causing the violation, shall bring an action in the Superior Court in the County of Santa Cruz to declare that the grant under which the county holds such tidelands and submerged lands is revoked for gross and willful violation of the provisions of this act or other legislative enactment, or to compel compliance with the terms and conditions of the grant and any other provision of law including, but not limited to, this act.

SEC. 14. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of the city for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 885

An act to amend Section 1752.15 of the Welfare and Institutions Code, relating to the California Youth Authority, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1752.15 of the Welfare and Institutions Code is amended to read:

1752.15. The director may enter into contracts, with the approval of the Director of Finance, with any county of this state upon request of the board of supervisors thereof, wherein the Department of the Youth Authority agrees to furnish temporary emergency detention facilities and necessary services incident thereto, for persons under the age of 18 years who are in the custody of the county probation officer pursuant to provisions of Chapter 2 (commencing with Section 500) of Part 1 of Division 2. Facilities of the department may be used only on a temporary basis when existing county juvenile facilities are exhausted arising from an extraordinary number of arrests incident to a mass disturbance or from other incidents. They may not be used for the detention of a person described in Section 600. The county shall reimburse the state for the cost of such services, such cost to be determined by the director. The department shall present to the county, not more than once a month, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The approximately 400-bed Los Angeles County juvenile facility in Sylmar was destroyed in the February, 1971 earthquake and has not been rebuilt due to delays in obtaining federal funding under the National Disaster Act. Los Angeles County has since 1971 experienced a severe overcrowding of its juvenile facilities as a result thereof.

Relying on the present language of Section 1752.15 which was substantially enacted in 1970 and reenacted in 1973, the department and the County of Los Angeles entered into contracts for the detention of Los Angeles County juveniles in department facilities in the Los Angeles area. However, the present statutory authorization is limited to predisposition cases, while authority is also needed for postdisposition cases.

Therefore, in order to provide the necessary authority for Los Angeles County to continue to provide juvenile detention facilities and services on a temporary basis by contract for department facilities it is necessary that this act take effect immediately.

SEC. 3. This act shall be operative only until April 1, 1975 and on that date is repealed.

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CHAPTER 886

An act to add Section 20934.6 to the Education Code, relating to community college districts, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 20934.6 is added to the Education Code, to read:

20934.6. Notwithstanding Section 20934.5, any voted increase in the maximum tax rate, to be effective commencing with the 1973–74 fiscal year, which does have a termination date and whose sole purpose was the providing of construction funds shall not be subject to Section 20934.5, but shall, for each of the applicable fiscal years, be added to the maximum general purpose tax rate otherwise required to be levied.

SEC. 2. This act shall become operative on July 1, 1974.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that contractual commitments and construction projects approved by the electors may be permitted to proceed without curtailment of the funding of the regular operating budget and programs of certain community college districts, it is necessary that this act take effect by no later than July 1, 1974.

CHAPTER 887

An act to add Section 831 to the Penal Code, relating to custodial officers.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 831 is added to the Penal Code, to read:

831. (a) A custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a city having a population of over 2,000,000 who has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility used for the detention of persons usually pending arraignment or upon court order either for

their own safekeeping or for the specific purpose of serving a sentence therein.

(b) A custodial officer shall have no right to carry or possess firearms in the performance of his prescribed duties.

(c) Every person, prior to actual assignment as a custodial officer, shall have satisfactorily completed the Commission on Peace Officer Standards and Training courses specified in Section 832 of the Penal Code and the Commission on Peace Officer Standards and Training course on jail operations.

(d) At any time 20 or more custodial officers are on duty, there shall be at least one peace officer, as described in Section 830.1 of the Penal Code, on duty at the same time to supervise the performance of the custodial officers.

(e) This section shall not be construed to confer any authority upon any custodial officer except while on duty.

(f) A custodial officer may use reasonable force in establishing and maintaining custody of persons delivered to him by a law enforcement officer; to make arrests for misdemeanors and felonies within the local detention facility pursuant to a duly issued warrant; to release without further criminal process persons arrested for intoxication; and to release misdemeanants on citation to appear in lieu of or after booking.

CHAPTER 888

An act to amend Sections 2361, 2363, 2384, 2390, 2391.5, 2399.5, and 2417 of, and to add Sections 2416 and 2428.5 to, the Business and Professions Code, and to add Section 471.5 to the Penal Code, relating to healing arts.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2361 of the Business and Professions Code is amended to read:

2361. The board shall take action against any holder of a certificate, who is guilty of unprofessional conduct which has been brought to its attention, or whose certificate has been procured by fraud or misrepresentation or issued by mistake.

Unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of this chapter.

(b) Gross negligence.

(c) Incompetence.

(d) Gross immorality.

(e) The commission of any act involving moral turpitude, dishonesty, or corruption, whether the act is committed in the course of the individual's activities as a certificate holder, or otherwise, or whether the act is a felony or a misdemeanor.

(f) Any action or conduct which would have warranted the denial of the certificate.

SEC. 2. Section 2363 of the Business and Professions Code is amended to read:

2363. The suspension or revocation by another state of a license or certificate to practice medicine issued by that state to a person also holding a certificate under Chapter 5 (commencing with Section 2000) of Division 2, shall constitute grounds for suspension or revocation of such certificate in this state.

SEC. 3. Section 2384 of the Business and Professions Code is amended to read:

2384. The conviction of a charge of violating any federal statutes or rules or any statute or rule of this state, regulating narcotics, dangerous drugs or controlled substances, constitutes unprofessional conduct within the meaning of this chapter. The record of the conviction is conclusive evidence of such unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 4. Section 2390 of the Business and Professions Code is amended to read:

2390. The use or prescribing for or administering to himself, or any of the controlled substances specified in Schedule I of Section 11054, or Schedule II of Section 11055, or any narcotic drug specified in Schedule III of Section 11056, of the Health and Safety Code; or the use of any of the dangerous drugs specified in Section 4211 of this code, or of alcoholic beverages to the extent, or in such a manner as to be dangerous or injurious to a person holding a certificate under this chapter, or to any other person or to the public, or to the extent that such use impairs the ability of such person so holding such certificate to conduct with safety to the public the practice authorized by such certificate or the conviction of more than one misdemeanor or any felony involving the use, consumption or self-administration of any of the substances referred to in this section or any combination thereof, constitutes unprofessional conduct within the meaning of this chapter; the record of the conviction is

conclusive evidence of such unprofessional conduct; a plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section; the board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 5. Section 2391.5 of the Business and Professions Code is amended to read:

2391.5. A violation of any federal statute, or rule or regulation or any of the statutes or rules or regulations of this state regulating narcotics, dangerous drugs, or controlled substances, constitutes unprofessional conduct within the meaning of this chapter.

SEC. 6. Section 2399.5 of the Business and Professional Code is amended to read:

2399.5. Prescribing, dispensing or furnishing dangerous drugs as defined in Section 4211 of the Business and Professions Code without a good faith prior examination and medical indication therefor, constitutes unprofessional conduct within the meaning of this chapter.

SEC. 7. Section 2416 is added to the Business and Professions Code, to read:

2416. Whenever it appears to the board that a person holding a certificate under this chapter is mentally ill to the extent that it may affect his ability to conduct with safety to the public the practice authorized by such certificate, the board may order the certificate holder to be examined by one or more physicians specializing in psychiatry designated by the board. The report of such persons shall be made available to the certificate holder and may be received as direct evidence in a proceeding conducted pursuant to Section 2417.

SEC. 8. Section 2417 of the Business and Professions Code is amended to read:

2417. If a certificate holder becomes mentally ill to such an extent as to affect his ability to conduct with safety the practice authorized by such certificate the board may take action by any one of the following methods:

(a) Suspending judgment.

(b) Placing him upon probation.

(c) Suspending his right to practice for a period not exceeding one year.

(d) Revoking his certificate.

(e) Taking such other action in relation to the certificate as the board in its discretion deems proper.

The board shall not restore such certificate to good standing until it shall receive competent evidence of the absence or control of the

condition which caused its action and until it is satisfied that with due regard to the public interest the person's right to practice may be safely reinstated.

Before reinstating such a person, the board may require the person to pass an oral or written examination, or both, to determine his present fitness to resume his practice.

SEC. 9. Section 2428.5 is added to the Business and Professions Code, to read:

2428.5. Any person, holding a physician's and surgeon's certificate or certificate to practice podiatry under this chapter, who alters or modifies the medical record of any person, with fraudulent intent, is guilty of a misdemeanor.

Violation of this section shall constitute grounds for disciplinary action by the board, and in addition to any other disciplinary action the board may impose a civil penalty of five hundred dollars ($500).

SEC. 10. Section 471.5 is added to the Penal Code, to read:

471.5. Any person who alters or modifies the medical record of any person, with fraudulent intent, is guilty of a misdemeanor.

CHAPTER 889

An act to add Section 1319 to the Health and Safety Code, relating to health facilities.

[Approved by Governor September 18, 1974 Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1319 is added to the Health and Safety Code, to read:

1319. The rules of a health facility may include provisions that require every member of the medical staff to have professional liability insurance as a condition to being on the medical staff of the health facility.

CHAPTER 890

An act to amend Section 35541 of, and to add Section 35541.9 to, the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 35541 of the Health and Safety Code is amended to read:

35541. Except as otherwise provided in Sections 35541.5, 35541.6, 35541.7, 35541.8, and 35541.9, dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but such dwelling structures shall be demolished and shall be demolished not later than one year after the 61st day after final adjournment of the 1971 Regular Session of the Legislature.

SEC. 2. Section 35541.9 is added to the Health and Safety Code, to read:

35541.9. The housing authority of the City of Pleasanton need not demolish the temporary housing project in its jurisdiction commonly known as "Komandorski Village" until January 1, 1977.

The Legislature finds and declares that Komandorski Village, located in Pleasanton Township, Alameda County, has been maintained as reasonably safe and sanitary places in which to live.

The Legislature further finds and declares that the provisions of this section are intended to aid in relieving a critical shortage of low-rental housing in the eastern portion of Alameda County for members of low-income families and low-income military families, and that removal of Komandorski Village before said date would place an extreme hardship on these people.

This section shall not be construed to relieve any governmental agency of any existing duty under the present housing program.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

(1) Extreme hardship would be placed upon low-income military and civilian families by demolition before other low-rent housing facilities are available.

(2) The very recent termination of program reservations by the United States Department of Housing and Urban Development.

(3) Lack of low-income housing available in the Pleasanton-Dublin-San Ramon and Livermore areas.

(4) The United States Navy is relying on 85 units of housing at Komandorski Village for active duty personnel transferred to the bay area.

(5) The trend of private housing to become even more expensive, putting additional burdens on low-income families in need of safe, decent and healthy housing in the area.

(6) Increased demand for housing during this freeze has increased price of all housing in the area.

(7) Inability to relocate present tenants in the foreseeable future.

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CHAPTER 891

An act to amend Section 438.4 of the Health and Safety Code, relating to health planning, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1974. Filed with Secretary of State September 18, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 438.4 of the Health and Safety Code is amended to read:

438.4. The voluntary area health planning agency, acting upon an application originally or reviewing a recommendation of a voluntary local health planning agency or the consumer members of a voluntary area health planning agency acting as an appeals body, and the Advisory Health Council shall make one of the following decisions:

(a) Approve the application in its entirety;

(b) Deny the application in its entirety;

(c) Approve the application subject to modification by the applicant, as recommended by the body involved.

A decision shall become final when all rights to appeal have been exhausted. Approval shall terminate 12 months after the date of such approval unless:

(1) The applicant has commenced construction or conversion to a different license category and is diligently pursuing the same to completion as determined by the voluntary area health planning agency;

(2) The approval is extended by the voluntary area health planning agency for an additional period of up to 12 months upon the showing of good cause for the extension; or

(3) The voluntary area health planning agency, prior to the termination of an extension of approval granted under (2) and after consideration of recommendations and comments made by the state department, extends approval for an additional period of up to 12 months. The voluntary area health planning agency shall make a written record of its decision granting or denying an extension which shall be available to the public.

If the Advisory Health Council finds that the voluntary area health planning agency has dissolved, it may grant any extension which the voluntary health planning agency could have granted under (2) or (3), upon a showing by the applicant of good cause for the extension.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The minimum time required to secure and complete comprehensive state health planning approval, site acquisition,

zoning, plans, specifications, seismic safety approval, voter appproval where applicable, financing, and related matters necessary to commence construction of a new hospital can easily exceed 24 months. Under such circumstances, the delay engendered by the necessity of repeating the comprehensive state health planning approval process will needlessly cause substantial extra cost and expenses. In order to eliminate burdensome and unnecessary costs and expenses, and to meet the need for new hospital facilities necessary to protect the public health at the lowest possible cost to the taxpayer, it is necessary that this act take effect immediately.

CHAPTER 892

An act to add Section 7514.2 to the Business and Professions Code, relating to private patrols.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 7514.2 is added to the Business and Professions Code, to read:

7514.2. A city, county, or city and county may regulate the uniforms worn by uniformed employees of a private patrol operator and vehicles used by a private patrol operator to make the uniforms and vehicles clearly distinguishable from the uniforms worn by, and the vehicles used by, local regular law enforcement officers.

CHAPTER 893

An act to amend Sections 270, 270d, 270f, and 270g of the Penal Code, relating to support of minor children.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 270 of the Penal Code is amended to read:

270. If a parent of a minor child willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter or medical attendance, or other remedial care for his or her child, he or she is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. If a court of competent jurisdiction has made a final adjudication in either a

civil or a criminal action that a person is the parent of a minor child and the person has notice of such adjudication and he or she then willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter, medical attendance or other remedial care for his or her child, this conduct is punishable by imprisonment in the county jail not exceeding one year or in a state prison not exceeding one year and one day, or by a fine not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment. This statute shall not be construed so as to relieve such parent from the criminal liability defined herein for such omission merely because the other parent of such child is legally entitled to the custody of such child nor because the other parent of such child or any other person or organization voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child or undertakes to do so.

Proof of abandonment or desertion of a child by such parent, or the omission by such parent to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his or her child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is willful and without lawful excuse.

The court, in determining the ability of the parent to support his or her child, shall consider all income, including social insurance benefits and gifts.

The provisions of this section are applicable whether the parents of such child are or were ever married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the child. A child conceived but not yet born is to be deemed an existing person insofar as this section is concerned.

The husband of a woman who bears a child as a result of artificial insemination shall be considered the father of that child for the purpose of this section, if he consented in writing to the artificial insemination.

SEC. 2. Section 270d of the Penal Code is amended to read:

270d. In any case where there is a conviction and sentence under the provisions of either Section 270 or Section 270a, should a fine be imposed, such fine shall be directed by the court to be paid in whole or in part to the spouse of the defendant or guardian or custodian of the child or children of such defendant, except as follows:

If the children are receiving public assistance, all fines, penalties or forfeitures imposed and all funds collected from the defendant shall be paid to the county department. Money so paid shall be applied first to support for the calendar month following its receipt by the county department and any balance remaining shall be applied to future needs, or be treated as reimbursement for past support furnished from public assistance funds.

SEC. 3. Section 270f of the Penal Code is amended to read:

270f. Where, under the provisions of this chapter, a report is filed

by a parent of a child with the district attorney averring:

(1) That the other parent has failed to provide necessary support and

(2) That neither the child in need of assistance nor another on his behalf is receiving public assistance, the district attorney shall immediately investigate the verity of such report and determine the defaulting parent's location and financial ability to provide the needed support, and upon a finding that the report is true shall immediately take all steps necessary to obtain support for the child in need of assistance.

SEC. 4. Section 270g of the Penal Code is amended to read:

270g. A review of each report filed with the district attorney under Section 270f shall be made at 90-day intervals unless the support payments have been legally terminated, the parties involved are permanently located beyond county jurisdiction, or the defaulting parent is complying with the provisions of this chapter.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may be enacted that serve to cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 894

An act to amend Sections 6855, 6886, 6912, 6949.1 and 6949.2 of, and to add Section 6920.1 to, the Business and Professions Code, relating to collection agencies.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6855 of the Business and Professions Code is amended to read:

6855. "Claim" means any obligation arising out of a contract, express or implied, for the payment of money or a judgment for the payment of money.

SEC. 2. Section 6886 of the Business and Professions Code is amended to read:

6886. Except as in this chapter otherwise provided, an applicant for a qualification certificate shall:

(a) Be at least 18 years of age.

(b) Be of good moral character.

(c) Have been a registered employee under this chapter and actively engaged in the collection agency business within this state for at least one year during the five years next preceding the date on which his application is filed.

(d) Pass the examination required.

(e) Pay the required application and examination fees to the chief, except that the examination fee shall be waived if the applicant is the holder of a provisional qualification certificate.

SEC. 3. Section 6912 of the Business and Professions Code is amended to read:

6912. A licensee desiring to make any change of the business name shown in the license shall file a written application therefor with the chief.

If the chief approves the application, the license shall be forwarded to the chief, together with the duplicate license fee and a rider or endorsement to the bond reflecting the change of name of the licensee. The chief shall then enter the change in his records, retain and file the returned license, and issue to the licensee a duplicate license the form and content of which shall be determined by the director in accordance with Section 164.

The chief shall approve the application unless the change of name would be prohibited under the provisions of Section 6875.

SEC. 4. Section 6920.1 is added to the Business and Professions Code, to read:

6920.1. A licensee desiring to remove his place of business from the address on record with the bureau shall file a written application therefor with the chief. The chief shall approve the application unless the change of address requested would result in the location of two licensees using identical or substantially similar names in such proximity that confusion of the public would result.

If the chief approves the application, the licensee shall, at the time he moves his place of business, forward to the chief a rider or endorsement to the bond reflecting the change of address of the licensee.

SEC. 5. Section 6949.1 of the Business and Professions Code is amended to read:

6949.1. The lapsing or suspension of a license by operation of law or by order or decision of the director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the director of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license or to render a decision suspending or revoking such license.

As used in this section "license" includes qualification certificate and registration and "licensee" includes qualification certificate holder and registrant.

SEC. 6. Section 6949.2 of the Business and Professions Code is amended to read:

6949.2. Any person whose application has been denied pursuant

to the provisions of Section 6886.1, 6894.7, or 6906, or who is disqualified from being in charge of a licensed office or agency pursuant to the provisions of Section 6923, or whose license, qualification, certificate, provisional qualification certificate, or registration is suspended or revoked pursuant to the provisions of Section 6930, or who has been disqualified from employment with a collection agency licensee pursuant to the provisions of this chapter, may file with the director a petition for reinstatement or review setting forth the grounds upon which the petitioner claims fitness to engage in the collection agency business. No such petition may be filed for a period of two years after the effective date of a decision of denial, revocation, or disqualification. The director shall determine the fitness of the petitioner to engage in the collection agency business. He may grant the petition without a hearing or may grant or deny the petition after a hearing conducted under the Administrative Procedure Act, Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If the petition is denied, such denial shall be without prejudice and petitioner may file a new petition at any subsequent time but not sooner than one year from the date of denial. If the petition is granted, the petitioner shall, as a condition precedent to reinstatement, pay a fee in the amount of the original license fee required by this chapter.

The director shall notify the petitioner within 60 days of the receipt of the petition whether the petition will be set for hearing or granted without a hearing. If the petition will be heard it shall be filed and the hearing shall be set within 60 days of the notice.

CHAPTER 895

An act to amend Section 2985.81 of the Civil Code, relating to vehicle dealers.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2985.81 of the Civil Code is amended to read:

2985.81. No agreement in connection with the bailment or leasing of a motor vehicle which provides for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the leasing contract, or accessories therefor, or special and auxiliary equipment used in connection therewith, as security for the payment of the contract obligations, shall be enforceable. This section does not apply to a cash security deposit, advance payment of rent, or other cash prepayment. This section shall apply to such contracts executed on

or after the effective date of this section.

SEC. 2. This act is declaratory of existing law and is intended to clarify and restate existing law.

CHAPTER 896

An act to amend Sections 231 and 753.5 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 231 of the Revenue and Taxation Code, as amended by Chapter 452 of the Statutes of 1974, is amended to read:

231. (a) Property which is owned by a nonprofit corporation and leased to, and used exclusively by, government for its interest and benefit shall be exempt from taxation within the meaning of "charitable purposes" in Subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of California if:

(1) All of the provisions of Section 214 are complied with, except subdivision (6). For purposes of subdivision (6) of Section 214, irrevocable dedication to charitable purpose shall be deemed to exist if the lease provides that the property shall be transferred in fee to the entity of government leasing the same upon the sooner of either the liquidation, dissolution or abandonment of the owner or at the time the last rental payment is made under the provisions of the lease.

(2) All of the provisions of Section 254.5 relating to owners are complied with, commencing during calendar year 1969.

(3) All of the provisions of Section 214.01 are complied with by March 15, 1970.

(b) As used in this section "property" means:

(1) Any building or structure of a kind or nature which is uniquely of a governmental character and includes, but is not limited to, the following:

(A) City halls.

(B) Courthouses.

(C) Administration buildings.

(D) Police stations, jails or detention facilities.

(E) Fire stations.

(F) Parks or playgrounds.

(G) Hospitals.

(2) Any other property required for the use and occupation of the buildings and leased to government.

(3) Any possessory interest of the nonprofit corporation in property and in the land upon which the property was constructed

and so much of the surrounding land that is required for the use and occupation of the property.

(4) Any building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building when such building and equipment is being constructed for the sole purpose of being leased to government to lessen its burden.

"Uniquely of a governmental character" means the property, except hospitals, is not intended to produce income or revenue in the form of rents or admission, user or service fees, or charges.

(c) As used in this section "property" does not include any possessory interest of any person or organization not exempt from taxation.

(d) As used in this section "nonprofit corporation" means a community chest, fund, foundation or corporation, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual and such nonprofit corporation is organized and operated for the sole purpose of leasing property to government and to lessen the burden of government and, in fact, only leases property to government. Such nonprofit corporation shall qualify as an exempt organization under Section 23701 (f) of this code or Section 501 (c) (4) of the Internal Revenue Code of 1954. This subdivision is not intended to enlarge the "welfare exemption" to apply to organizations qualified under Section 501 (c) (4) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under this section. Nonprofit corporations meeting the tests of this subdivision are deemed to be organized and operated for charitable purposes.

(e) As used in this section "government" means the State of California, a city, city and county, county, and a hospital district.

(f) The exemption provided for in this section shall be deemed to be within the "welfare exemption" for purposes of Section 251.

(g) For leases first entered into by and between government and nonprofit corporation on or after January 1, 1969, all requirements of this section shall be met for the property and the nonprofit corporation to qualify for the exemption provided by this section.

(h) For leases first entered into by and between government and nonprofit corporation on or before December 31, 1968, all requirements of this section shall be met except that the last unnumbered paragraph of subdivision (b) shall not apply and for the purposes of subdivision (b) (1) the list of real property qualifying for this exemption includes community recreation buildings or facilities, golf courses, airports, water, sewer and drainage facilities, music centers and their related facilities, and public parking incidental to and in connection with one of the buildings or structures set forth in this section.

(i) Property exempt under this section shall be located within the boundaries of the entity of government leasing the same.

(j) Where the construction has commenced on or after January 1, 1969, improvements shall be advertised and put to competitive bid to qualify for the exemption provided by this section.

SEC. 2. Section 753.5 of the Revenue and Taxation Code, as amended by Chapter 312 of the Statutes of 1974, is amended to read:

753.5. The board shall, upon or prior to completion of the roll, inform every assessee of the total assessed value of his unitary property and shall annually, on July 31, transmit preliminary notices of allocated assessed values to each assessee. "Unitary property" means property valued as a unit.

If the board roll has been transmitted to the local auditors, the board shall, at least 30 days prior to transmitting a statement of assessment of escaped property or roll correction, inform each assessee whose property's full value has increased as a result of an escape assessment or roll correction of the assessed value of that property as it shall appear on the corrected roll.

The information given to the assessee pursuant to this section shall also include a notification of hearings by the board, including the period during which petitions for reassessment will be accepted, and the place where they may be filed.

Neither the failure of the assessee to receive this information nor the failure of the board to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 3. This act shall become operative only if Assembly Constitutional Amendment No. 32 of the 1973–74 Regular Session of the Legislature is adopted by the electorate.

CHAPTER 897

An act to amend Section 27650 of, and to add Section 27203 to, the Public Resources Code, relating to the coastal zone.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 27203 is added to the Public Resources Code, to read:

27203. A member of a regional commission who is also a supervisor from a county or city and county with a population greater than 650,000 may, subject to confirmation by his appointing power, appoint an alternate member to represent him at any regional commission meeting. The alternate member shall serve at the pleasure of the member who appointed him. The alternate member shall have the same qualifications as a public member pursuant to Section 27220. An alternate member shall have all of the

powers and duties as a member of the regional commission, except that the alternate member shall only participate and vote in meetings in the absence of the member who appointed him.

An alternate member shall be entitled to a payment and reimbursement for the necessary expenses, pursuant to Section 27223, incurred in participating in regional commission meetings. Either the member of the regional commission or his alternate member shall receive such payment and reimbursement for the necessary expenses pursuant to this division. If both the member of the regional commission and his alternate member attend and participate in any portion of a regional commission meeting, only the alternate member shall be entitled to such a payment and reimbursement for attending that particular meeting.

An alternate member shall not be eligible for appointment to the commission.

SEC. 2. Section 27650 of the Public Resources Code is amended to read:

27650. This division shall remain in effect until January 1, 1977, and as of that date is repealed.

CHAPTER 898

An act to add Chapter 8 (commencing with Section 1750) to Division 2 of the Fish and Game Code, relating to fish and game.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 1750) is added to Division 2 of the Fish and Game Code, to read:

CHAPTER 8. NATIVE SPECIES CONSERVATION AND ENHANCEMENT

Article 1. Short Title

1750. This chapter shall be known and may be cited as the Native Species Conservation and Enhancement Act.

Article 2. Findings and Declarations

1755. The Legislature finds and declares all of the following:

(a) That it is the policy of this state:

(1) To maintain sufficient populations of all species of wildlife and the habitat necessary to insure their continued existence at the highest levels possible to insure the policies stated in paragraphs (2),

(3), and (4).

(2) To provide for the beneficial use and enjoyment of wildlife by all citizens of the state.

(3) To perpetuate all species of wildlife for their intrinsic and ecological values, as well as for their direct benefits to man.

(4) To provide for aesthetic, educational, and nonappropriative uses of the various wildlife species.

(b) That the conservation and enhancement of wildlife species which are not the object of hunting is in the general public interest and it is appropriate that the cost of programs to achieve such conservation and enhancement, including the biological research necessary thereto, and the diffusion of the information resulting therefrom to the public, be borne to the extent necessary by general public funds.

1756. The policy set forth in this chapter is in the public interest regardless of the economic value or lack of such value of wildlife.

Article 3. Native Species Conservation and Enhancement Account

1760. The department shall maintain within the Fish and Game Preservation Fund a Native Species Conservation and Enhancement Account, which is hereby created, to permit separate accountability for the receipt and expenditure of moneys derived through donation from persons or organizations for the support of nongame species conservation and enhancement programs.

1761. Whenever the department receives funds from persons or organizations for the support of nongame species conservation and enhancement programs, such funds shall be deposited in the Fish and Game Preservation Fund and credited to the Native Species Conservation and Enhancement Account.

1762. The department shall provide each person or organization making a contribution of five dollars ($5) or more for the support of nongame species conservation and enhancement programs a suitably prepared certificate, decal, medallion, or other object of public appreciation signifying the interest of such person or organization in the conservation and enhancement of native wildlife species. The commission shall approve the form, nature, and content of any certificate, decal, medallion or other object proposed for use by the department pursuant to this section.

1763. The department may take all appropriate measures to encourage donations by individuals, organizations, and public agencies to the Native Species Conservation and Enhancement Account, including, but not limited to, public information concerning the status of native wildlife species threatened by the activities of man. The cost to the department to carry out the provisions of this section may be charged to the Native Species Conservation and Enhancement Account.

SEC. 2. It is the intent of the Legislature that:

(a) Appropriations from the Native Species Conservation and Enhancement Account for nongame species conservation and enhancement programs shall be in addition to other appropriations from the Fish and Game Preservation Fund for the same purposes.

(b) Other appropriations from the Fish and Game Preservation Fund for nongame species conservation and enhancement programs shall not be hereafter reduced as a result of the appropriation of Native Species Conservation and Enhancement Account moneys for the same purposes.

CHAPTER 899

An act to amend Section 4107 of the Government Code, relating to subcontractors.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 4107 of the Government Code is amended to read:

4107. No prime contractor whose bid is accepted shall:

(a) Substitute any person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority, or its duly authorized officer, may, except as otherwise provided in Section 4107.5, consent to the substitution of another person as a subcontractor:

(1) When the subcontractor listed in the bid after having had a reasonable opportunity to do so fails or refuses to execute a written contract, when such written contract, based upon the general terms, conditions, plans and specifications for the project involved or the terms of such subcontractor's written bid, is presented to him by the prime contractor,

(2) When the listed subcontractor becomes bankrupt or insolvent, or,

(3) When the listed subcontractor fails or refuses to perform his subcontract, or

(4) When the listed subcontractor fails or refuses to meet the bond requirements of the prime contractor as set forth in Section 4108, or

(5) When the prime contractor demonstrates to the awarding authority, or its duly authorized officer,, subject to the further provisions set forth in Section 4107.5, that the name of the subcontractor was listed as the result of an inadvertent clerical error, or

(6) When the listed subcontractor is not licensed pursuant to the Contractors License Law, or

(7) When the awarding authority, or its duly authorized officer, determines that the work performed by the listed subcontractor is substantially unsatisfactory and not in substantial accordance with the plans and specifications, or that the subcontractor is substantially delaying or disrupting the progress of the work.

Prior to approval of the prime contractor's request for such substitution the awarding authority, or its duly authorized officer, shall give notice in writing to the listed subcontractor of the prime contractor's request to substitute and of the reasons for such request. Such notice shall be served by certified or registered mail to the last known address of such subcontractor. The listed subcontractor who has been so notified shall have five working days within which to submit written objections to the substitution to the awarding authority. Failure to file such written objections shall constitute the listed subcontractor's consent to the substitution.

If written objections are filed, the awarding authority shall give notice in writing of at least five working days to the listed subcontractor of a hearing by the awarding authority on the prime contractor's request for substitution.

(b) Permit any such subcontract to be voluntarily assigned or transferred or allow it to be performed by anyone other than the original subcontractor listed in the original bid, without the consent of the awarding authority, or its duly authorized officer,.

(c) Other than in the performance of "change orders" causing changes or deviations from the original contract, sublet or subcontract any portion of the work in excess of one-half of 1 percent of the prime contractor's total bid as to which his original bid did not designate a subcontractor.

CHAPTER 900

An act to amend Section 11702, and to repeal and add Section 11904, of the Food and Agricultural Code, relating to pest control.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11702 of the Food and Agricultural Code is amended to read:

11702. Applicants for an agricultural pest control business license shall do all of the following:

(a) Submit such information to the director covering the applicant's business and personal qualifications as the director shall require.

(b) Designate in the application the natural person or persons who shall be responsible for the conduct of the principal office of the

applicant and of each branch location.

(c) Pass an examination to demonstrate to the director his ability to conduct pest control operations and his knowledge of the nature and effect of materials which are used in pest control.

(d) Satisfy the director of the responsibility of the applicant as to any of the following:

(1) Equipment and facilities.

(2) Financial ability to perform the work authorized by the license and to respond in damages for any illness, injury, or damage resulting from such work, which ability may be satisfied by insurance in a form satisfactory to the director insuring against liability for personal injury and property damage in an amount prescribed by regulation of the director. Such amount shall be related to the volume and type of pest control operations for which the applicant is licensed to perform.

(3) Personal responsibility to conduct the business.

The director shall establish by regulation the general classes of pest control operations in which the applicant may be qualified.

Licensing by the director shall not derogate from the authority of commissioners stated in Sections 11731 to 11741, inclusive.

SEC. 2. Section 11904 of the Food and Agricultural Code is repealed.

SEC 3 Section 11904 is added to the Food and Agricultural Code, to read:

11904. The director shall establish by regulation the general classes of pest control operations in which the applicant may be qualified.

CHAPTER 901

An act to amend Sections 12002, 12031, and 12034 of, to add Section 11711 to, and to repeal Section 12032 of, the Food and Agricultural Code, relating to agricultural pest control.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11711 is added to the Food and Agricultural Code, to read:

11711. Unless workmen's compensation insurance is not required, no license may be issued or renewed under this chapter to any person who is an employer, as defined in Section 3300 of the Labor Code, unless the application is accompanied by identification and the number and expiration date of the workmen's compensation insurance policy of the applicant or the applicant is a qualified self-insurer.

SEC. 2. Section 12002 of the Food and Agricultural Code is amended to read:

12002. No person shall act, or offer to act, as an agricultural pest control adviser in any county wherein he makes any recommendation for agricultural use without first registering with the county agricultural commissioner.

SEC. 3. Section 12031 of the Food and Agricultural Code is amended to read:

12031. Each agricultural pest control adviser shall register in person with the agricultural commissioner in the county of occupational choice or with the director if the county does not have an agricultural commissioner. Registration in any additional county may be made by mail on prescribed forms which may be obtained and processed in the county where personal registration is made.

SEC. 4. Section 12032 of the Food and Agricultural Code is repealed.

SEC. 5. Section 12034 of the Food and Agricultural Code is amended to read:

12034. County boards of supervisors may set fees for registration to cover the cost of registering pest control advisers, but in no case shall such fee total more than ten dollars ($10) per year for a pest control adviser to register in person. No charges may be made by other counties for registering as a pest control adviser if the pest control adviser mails a properly executed registration form to the county.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 902

An act to add Chapter 6 (commencing with Section 775) to Division 3 of the Harbors and Navigation Code, relating to vessels, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 775) is added to Division 3 of the Harbors and Navigation Code, to read:

CHAPTER 6. MARINE SANITATION

775. The Legislature hereby finds and declares that the regulation of sewage discharges from vessels requires the adoption of uniform standards and procedures by the state.

It is the intent of the Legislature that prior to federal preemption under the Federal Water Pollution Control Act, political subdivisions shall retain the right to prohibit the discharge of sewage into waters within their jurisdiction.

The Legislature also finds that California vessel owners should not be subject to any local or state restrictions as to the type of marine sanitation devices installed on their vessels.

The Legislature also finds and declares that for proper utilization of retention-type marine sanitation devices installed in conformance with the Federal Water Pollution Control Act, adequate onshore pumpout facilities are essential.

775.5. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Department" means the Department of Navigation and Ocean Development.

(b) "Marine terminal" means any private or public shoreside installation, including marinas and ocean terminals, providing mooring, docking, berthing, and other facilities for the use of vessels, including vessels engaged in interstate and foreign commerce, except that, for the purposes of this chapter, "marine terminal" does not include boat launching ramps or facilities for the temporary mooring of vessels for less than one day or dockage adjacent to and serving private residences in areas where pumpout facilities are available or such other facilities as may be designated by the State Water Resources Control Board with the advice and consent of the Department of Navigation and Ocean Development.

(c) "Marine sanitation device" means any equipment on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

(d) "Promulgation date" means the date upon which the initial standards and regulations for marine sanitation devices are promulgated by an appropriate federal agency in accordance with the provisions of Section 312 of the Federal Water Pollution Control Act, as amended (33 U.S.C., 1251 et seq.).

(e) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

(f) "Vessel" means every watercraft or other contrivance used or capable of being used as a means of transportation on the waters of the state, excepting foreign and domestic vessels engaged in interstate or foreign commerce upon the waters of the state.

(g) "State board" means the State Water Resources Control Board.

(h) "Regional board" means a California regional water quality

control board.

(i) "Waters of this state" shall mean all waters of the state except waters beyond three nautical miles of any shore of the state.

776. By three years after the promulgation date the owner or whoever is lawfully vested with the possession, management, or control of a marine terminal shall, as required by the state board for the protection of water quality, provide adequate sewage retention device pumpout capability at locations which are convenient and accessible to vessel users.

777. Marine pumpout facilities for the transfer and disposal of sewage from vessel sewage retention devices and onshore toilets shall be operated and maintained in a manner that will prevent the discharge of any such sewage to the waters of the state.

778. The state board shall adopt standards for construction, operation, and maintenance of pumpout facilities for the removal of sewage from retention devices.

779. Every peace officer of the state and of any city, county, city and county, or other political subdivision of the state, all state and local public health officers, and all boating law enforcement officers shall enforce the provisions of this chapter and any regulations adopted pursuant to this chapter.

780. Any person who disconnects, bypasses, or operates a marine sanitation device so as to illegally discharge sewage into the waters of this state or who violates Section 776 or 777 is guilty of a misdemeanor.

781. The Attorney General, at the request of the department, the state board, or any regional board, shall petition the superior court for injunctive relief, as may be appropriate, requiring any person who is violating any of the provisions of this chapter to comply with such provisions.

782. Excepting laws regulating the discharge of sewage into or upon the navigable waters of any lake, reservoir, or fresh water impoundment of this state, and notwithstanding the provisions of Section 660 of the Harbors and Navigation Code, no vessel, as defined in subdivision (f) of Section 775.5 shall, from the effective date of this chapter be subject to any other state or local government law, ordinance, or regulation with respect to the design, manufacture, installation, or use within any vessel of any marine sanitation device. Notwithstanding the provisions of this chapter or any other provision of law, nothing in this chapter shall be construed to in any way preclude or restrict a city, city and county, county, or other regional or local governmental agency, from enacting local rules and regulations, by ordinance or otherwise, with respect to the discharge of sewage from vessels.

783. Nothing in this chapter precludes the regulation of houseboats, as defined in Section 13901 of the Water Code, under other provisions of law by the state board, any regional board, or any local agency.

784. Nothing in this chapter is intended to affect the operation of

the provisions of Section 4425 of the Health and Safety Code. The state board and any regional board may also regulate nonsewage discharges excepting vessel washdown water, liquid galley, shower, or bath waste, or water discharges necessary for the propulsion or stability of a vessel.

785. Nothing in this chapter shall prevent the state board from taking any action pursuant to subdivision (f) of Section 312 of the Federal Water Pollution Control Act.

786. If an appropriate federal agency does not issue initial standards and regulations for marine sanitation devices by January 30, 1975, this chapter shall become inoperative.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The adoption of uniform standards and procedures for the regulation of waste discharges from vessels as would be provided by this act is urgently needed. In order, therefore, to provide such uniform standards and procedures at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 903

An act to amend Section 26909 of the Government Code, relating to county auditors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 26909 of the Government Code is amended to read:

26909. (a) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every special purpose district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided. In each case the minimum requirements of the audit shall be prescribed by the State Controller and shall conform to generally accepted auditing standards.

(b) Where an audit of a district's accounts and records is made by a certified public accountant or public accountant, the minimum

requirements of the audit shall be prescribed by the State Controller and shall conform to generally accepted auditing standards, and a report thereof shall be filed with the county auditor of the county in which the district is located. Such report shall be filed within 12 months of the end of the fiscal year under examination.

(c) Any costs incurred by the county auditor, including contracts with, or employment of, certified public accountants or public accountants, in making an audit of every special purpose district pursuant to this section shall be borne by the district and shall be a charge against any unencumbered funds of the district available for the purpose.

(d) For joint districts lying within two or more counties, the above provisions shall apply to the auditor of the county in which the treasury is located.

(e) The county controller, or ex officio county controller, shall effect the provisions of this section in those counties having such officer.

All special districts, whose annual budget does not exceed one thousand dollars ($1,000), may, by unanimous request of the governing board thereof, with unanimous approval of the board of supervisors, replace the annual special audit with an audit covering a five-year period.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that savings of audit costs provided for in the act are effected in the 1974–75 fiscal year, it is necessary that the act take effect immediately.

CHAPTER 904

An act to amend Section 19700.80 of, and to add Sections 894.05 and 19683.55 to, the Education Code, relating to public education.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 894.05 is added to the Education Code, to read:

894.05. A county superintendent of schools, with the approval of the county board of education, and any school district within his jurisdiction may enter into an agreement for the acquisition and utilization of mobile classrooms for the education of physically handicapped pupils enrolled in integrated programs, as set forth in Section 6802.1, and the education and therapy of

speech-handicapped pupils, as set forth in Section 6802.

Such agreement may provide for the acquisition of mobile classrooms by a district and the rental, lease, or transfer of mobile classrooms to the county superintendent of schools.

Mobile classrooms may be used to provide services in any school district served by the county superintendent of schools, or as contracted for to any public or private agency authorized to provide and contract for such services.

SEC. 2. Section 19683.55 is added to the Education Code, to read:

19683.55. Notwithstanding any other provisions of this article to the contrary, apportionments for the purchase of mobile classrooms for the education of physically handicapped pupils enrolled in integrated programs, as set forth in Section 6802.1, and for the education and therapy of speech-handicapped pupils may, subject to the approval of the Department of Education, be made to any school district not otherwise eligible to receive apportionments under Article 1 (commencing with Section 19551) and Article 2 (commencing with Section 19651) of this chapter for such purpose.

The Department of Education may approve applications in those situations where mobile classrooms will be used by a county superintendent of schools required to educate physically handicapped minors pursuant to Sections 894 and 6802. Such mobile classrooms shall be used pursuant to an agreement authorized by Section 894.05.

Except as otherwise provided in this section, not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: 50 percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and at such interest rate over such period as the State Allocation Board may determine, not to exceed 20 years from the date the apportionment became final. In any school year in which 50 percent or more of the pupils in average daily attendance, as determined by the county superintendent of schools, and served by such facilities are not pupils from districts other than the applicant district, the repayment for the succeeding fiscal year shall be an amount which would have been payable if such district had been required to repay 100 percent of the apportionment over such period.

The county board of supervisors of the county whose superintendent of schools uses such mobile classrooms during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the purchase of such mobile classrooms, an amount equal to 100 percent of the amount the district is required to repay in such fiscal year with respect to the apportionment described above.

The county board of supervisors shall raise the amount required

through a general tax levy on the property within the participating districts, or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility including the district having the obligation to repay, or through a combination of these.

The county superintendent of schools shall notify the county board of supervisors of his intention to approve a school district's application for an allocation under this article before he approves the application.

The Department of Education shall prepare specifications or regulations for the construction of mobile classrooms to provide for a useful life of no less than 20 years.

The use of mobile classrooms shall meet specifications described by the Department of Education as they relate to the needs of the physically handicapped pupils being served, as set forth in Section 6802.

SEC. 3. Section 19700.80 of the Education Code is amended to read:

19700.80. Not to exceed two million dollars ($2,000,000) of the amount of the proceeds of bonds issued under the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 may be expended pursuant to this article. The funds shall be allocated by the State Allocation Board to the Santa Cruz County Career Education Center Joint Power Board, hereafter referred to as the entity, for the establishment and construction of a permanent campus for a regional occupational center, or regional occupational program, to be located in Santa Cruz County, such facility to be operated and maintained by the County Superintendent of Schools of Santa Cruz County and the Cabrillo Community College District. The said funds shall be available for allocation to such entity for a period of not more than three years from the effective date of this article and during such period the entity shall apply for such funds as are necessary to accomplish the purposes of this article. No funds shall be made available for allocation until the voters of the territory to be affected have approved of the repayment of such funds pursuant to Section 19700.85.

Only Sections 19551 through 19555, inclusive, and Sections 19559, 19562, 19563, 19565, 19611, 19618, 19619, 19623, 19623.1, 19626, and 19628 of this chapter shall be applicable to the administration of this article except to the extent that the context of this article, as determined by the State Allocation Board, requires otherwise.

CHAPTER 905

An act to amend Section 8001 of the Education Code, relating to school districts.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 8001 of the Education Code is amended to read:

8001. The governing board of every school district shall prepare and shall keep on file for public inspection the courses of study prescribed for the schools under its jurisdiction.

CHAPTER 906

An act to add Section 58846.5 to the Food and Agricultural Code, relating to marketing orders.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 58846.5 is added to the Food and Agricultural Code, to read:

58846.5. Each advisory board shall, annually, report to the members of the industry who are subject to its marketing order on the activities and program, including, but not limited to, the income and expenses, the fund balance, and a report of progress in achieving program goals, of such a marketing order, as prescribed by the director.

CHAPTER 907

An act to add Section 2504.5 to the Elections Code, to amend Sections 751 and 2287 of, and to repeal Sections 7202 and 7203 of, the Revenue and Taxation Code, to amend Section 34 of Chapter 1406 of the Statutes of 1972, and to amend Sections 6 and 7 of Chapter 196 of the Statutes of 1973, relating to support of government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2504.5 is added to the Elections Code, to read:

2504.5. Section 2504 shall not apply to a tax rate elections held by a special district under the mailed ballot procedure authorized in Section 2287 of the Revenue and Taxation Code.

SEC. 1.5. Section 751 of the Revenue and Taxation Code is amended to read:

751. The board shall value and assess all state-assessed property as of 12:01 a.m. on the first day of March and shall assess state-assessed property that is subject to general property taxation at 25 percent of its full cash value.

SEC. 2. Section 2287 of the Revenue and Taxation Code is amended to read:

2287. A maximum property tax rate election shall be held according to the law otherwise applicable to elections held by such a local agency; provided that the governing body of the special district may authorize the use of mailed ballots whenever the special district makes a determination that the use of mailed ballots is less costly or in any manner more feasible than other election procedures.

SEC. 2.3. Section 2287 of the Revenue and Taxation Code is amended to read:

2287. A maximum property tax rate election shall be held according to the law otherwise applicable to elections held by such a local agency; provided that the governing body of the special district may authorize the use of mailed ballots whenever the special district makes a determination that the use of mailed ballots to be less costly or in any manner more feasible than other election procedures. When a mailed ballot is used, the election shall not be subject to the limitations contained within Section 2504 of the Elections Code.

SEC. 2.5. Section 7202 of the Revenue and Taxation Code, as added by Section 22.15 of Chapter 1406 of the Statutes of 1972, is repealed.

SEC. 3. Section 7203 of the Revenue and Taxation Code, as added by Section 22.25 of Chapter 1406 of the Statutes of 1972, is repealed.

SEC. 4. Section 6 of Chapter 196 of the Statutes of 1973 is amended to read:

Sec. 6. Sections 2 and 3 of this act amending Sections 7202 and 7203 of the Revenue and Taxation Code, as added by Sections 22.1 and 22.2 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature shall become operative at the same time and in the same manner as is provided for the operative date of Sections 22.1 and 22.2 by subdivision (j) of Section 34 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature.

SEC. 5. Section 7 of Chapter 196 of the Statutes of 1973 is amended to read:

Sec. 7. Sections 7261 and 7262 of the Revenue and Taxation Code, as amended by Sections 4 and 5 of this act, shall become

operative on January 1 of the year following the year in which the State Board of Equalization adopts an assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code.

SEC. 6. Section 34 of Chapter 1406 of the Statutes of 1972 is amended to read:

Sec. 34. Except as provided in Section 33 of this act, the operative effect of the provisions of this act shall be as follows:

(a) Sections 4, 5, 6, 9.7, 10, and 14.7 shall take effect January 1, 1973.

(b) Sections 21.9 and 22.05 shall become operative on June 1, 1973.

(c) Sections 12.5 and 13 of this act shall become operative on the lien date in 1973.

(d) Sections 14, 14.5 and 14.6 shall become operative on the lien date in 1973.

(e) Sections 14.9 and 15, of this act shall apply to county tax bills for 1973–1974 fiscal year and Sections 14.9 and 15 shall also apply to fiscal years thereafter.

(f) Sections 6.9, 7, 9, and 9.4 shall take effect July 1, 1973.

(g) Section 17053.5 of the Revenue and Taxation Code, as added by Section 25 of this act, shall be operative in the computation of taxes for taxable years beginning after December 31, 1972.

(h) The provisions of this act relating to the increase in the rate of tax under the Bank and Corporation Tax Law shall be applied in the computation of taxes on or measured by net income of income years ending after June 30, 1973. Taxpayers whose income years began prior to July 1, 1973, shall compute their tax in accordance with the method prescribed in Section 24251 of the Revenue and Taxation Code, and shall compute the amount of estimated taxes due and payable after July 1, 1973, in accordance with regulations promulgated by the Franchise Tax Board.

(i) Sections 31.3, 31.5, and 31.7 of this act shall become operative on June 1, 1973.

(j) Sections 7202 and 7203 of the Revenue and Taxation Code, as affected by Sections 22.07, 22.1, 22.19 and 22.2 of this act shall become operative on January 1st of the year following the year in which the State Board of Equalization adopts an assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code.

(k) Sections 1.5 through 2.74, inclusive, shall be effective commencing with the 1973–74 fiscal year and fiscal years thereafter.

SEC. 7. The Legislature finds that in the year 1973 the State Board of Equalization adopted a 25 percent assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, and that it is the intention of the Legislature that the assessment ratios to be used for all property subject to local property taxation must remain identical. There is therefore no occasion for

which to provide for future changes in Sections 7202 and 7203 of the Revenue and Taxation Code that are conditioned solely upon the use of a higher assessment ratio for state-assessed property.

SEC. 8. It is the intent of the Legislature, if this bill and Assembly Bill No. 3563 are both chaptered and become effective January 1, 1974, both bills amend Section 2287 of the Revenue and Taxation Code and this bill is chaptered after Assembly Bill No. 3563, that the amendments to Section 2287 proposed by both bills be given effect and incorporated in Section 2287 in the form set forth in Section 2.3 of this act. Therefore, Section 2.3 of this act shall become operative only if this bill and Assembly Bill No. 3563 are both chaptered and become effective January 1, 1974, both amend Section 2287, and this bill is chaptered after Assembly Bill No. 3563, in which case Section 2 of this act shall not become operative.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions of this act may be applicable to state assessment and equalization proceedings for the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 908

An act to amend and renumber Sections 2914, 2915, 2916, 2917, 2917.5, 2918, 2919, 2920, and 2921 of, to add Section 3006 to, to add an article heading immediately preceding Section 2901 of, and to add Article 2 (commencing with Section 2951) to Chapter 4 of Part 5 of Division 1 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. An article heading is added immediately preceding Section 2901 of the Revenue and Taxation Code, to read:

Article 1. General Provisions

SEC. 2. Section 2914 of the Revenue and Taxation Code is amended and renumbered to read:

2951. Taxes due on unsecured property may be collected by seizure and sale of any of the following property belonging or assessed to the assessee:

(a) Personal property.

(b) Improvements.

(c) Possessory interests.

SEC. 3. Section 2915 of the Revenue and Taxation Code is amended and renumbered to read:

2952. A record shall be kept of the property seized and sold.

SEC. 4. Section 2916 of the Revenue and Taxation Code is amended and renumbered to read:

2957. Notice of the time and place of sale shall be given at least one week before the sale by publication in a newspaper in the county, or by posting in three public places. In the event that it is necessary to continue the sale to a later date, notice shall be given as provided above.

SEC. 5. Section 2917 of the Revenue and Taxation Code is amended and renumbered to read:

2958. The sale shall be at public auction. A sufficient amount of the property shall be sold to pay the taxes, penalties, and costs.

Costs include but are not limited to:

(a) The costs of advertising.

(b) The same mileage and keeper's fees as allowed by law to the sheriff for seizing and keeping property under attachment.

(c) A fee of not exceeding three dollars ($3) for each seizure and sale, which may be charged by the official making the seizure and sale.

Whenever any of the foregoing costs have been incurred by the county any payment of taxes made thereafter shall include the amount of such costs.

SEC. 6. Section 2917.5 of the Revenue and Taxation Code is amended and renumbered to read:

2959. Property seized may be redeemed by the owner thereof by the payment of taxes, penalties and costs at any time before such property is sold. Prior to the time the property is sold such payment may be made at the office of the tax collector or to the auctioneer at the place of sale as designated in the notice of sale. For purposes of this section, property is sold when the bid is accepted by the auctioneer.

SEC. 7. Section 2918 of the Revenue and Taxation Code is amended and renumbered to read:

2960. On payment of the price bid for property sold, the delivery of the property with a bill of sale vests title in the purchaser.

SEC. 8. Section 2919 of the Revenue and Taxation Code is amended and renumbered to read:

2961. Any excess in the proceeds of the sale over the taxes, penalties, and costs shall be returned to the owner of the property. Until claimed the excess shall be deposited in the county treasury, subject to the order of the owner or his successor in interest. Any excess in the proceeds of any sale heretofore or hereafter made becomes the property of the county if not claimed within three years after the date of sale.

SEC. 9. Section 2920 of the Revenue and Taxation Code is amended and renumbered to read:

2962. The unsold portion of any property may be left at the place of sale at the risk of the owner.

SEC. 10. Section 2921 of the Revenue and Taxation Code is amended and renumbered to read:

2963. Property shall not be seized and sold for taxes on the unsecured roll after three assessment years succeeding the date upon which the taxes became a lien.

SEC. 11. Article 2 (commencing with Section 2951) is added to Chapter 4 of Part 5 of Division 1 of the Revenue and Taxation Code, to read:

Article 2. Seizure and Sale

2953. Property shall not be seized or sold in satisfaction of taxes on unsecured property until after the date such taxes become delinquent, unless the tax collector first determines that seizure prior to that date is necessary because there is a great probability that the taxes will not be collectible after the delinquency date due to the financial condition of the taxpayer or other suitable reason, and prior to the seizure files a written declaration under penalty of perjury with the clerk of the board of supervisors setting forth the grounds and necessity for such seizure.

The tax collector shall deliver a copy of the declaration to the assessee at the time of seizure.

2953.1. Notwithstanding the provisions of Section 2953, any property which is assessed on the unsecured roll and is advertised for sale pursuant to Sections 6101 to 6107, inclusive, of the Uniform Commercial Code, or which is advertised to be sold at public auction, or which has been seized for prior year's delinquent taxes may be seized by the tax collector prior to delinquency without filing a declaration with the clerk of the board of supervisors.

2954. (a) An assessee may challenge a seizure of property made pursuant to Section 2953 by petitioning for a writ of prohibition or writ of mandate in the superior court alleging:

(1) That there are no grounds for the seizure;

(2) That the declaration of the tax collector is untrue or inaccurate; and

(3) That there are and will be sufficient funds to pay the taxes prior to the date such taxes become delinquent.

(b) As a condition of maintaining the special proceedings for a writ, the assessee shall file with the tax collector a bond sufficient to pay the taxes and all fees and charges actually incurred by the tax collector as a result of the seizure, or deposit cash in lieu of the bond, and shall furnish proof of said bond or cash deposit with the court. Upon the filing of the bond or cash deposit, the tax collector shall release the property to the assessee.

2955. If the assessee prevails in the special proceeding for a writ under Section 2954, he shall be entitled to recover from the county all costs, including attorney's fees, incurred by virtue of the seizure

and subsequent actions, and the tax collector shall bear the costs of seizure and any fees and expenses of keeping the seized property. In addition, the assessee shall have his bond exonerated or his cash deposit returned. If, however, subsequent to the date the taxes in question become delinquent, the taxes are not paid in full and it becomes necessary for the tax collector to seize property of the assessee in payment of such taxes or to commence an action against the assessee for recovery of such taxes, in addition to all taxes and delinquent penalties, the assessee shall reimburse the county for all costs incurred at the time of the original seizure and all other costs charged to the tax collector or the county as a result of the original seizure and any subsequent actions.

2956. In all special proceedings for a writ brought under this article, all courts in which such proceedings are pending shall, upon the request of any party thereto, give such proceedings precedence over all other civil actions and proceedings, except actions and proceedings to which special precedence is otherwise given by law, in the matter of the setting of them for hearing or trial and in their hearing or trial, to the end that all such proceedings shall be quickly heard and determined.

SEC. 12. Section 3006 is added to the Revenue and Taxation Code, to read:

3006. (a) The tax collector may commence an action for recovery of taxes on property on the unsecured roll prior to the date such taxes become delinquent if, in his opinion, it is necessary to do so in order to insure payment of such taxes because of the financial condition of the assessee or for other appropriate reasons. The tax collector shall file a declaration under penalty of perjury, as part of the complaint, setting forth the grounds and necessity for such action prior to the delinquency date. The tax collector shall also be entitled, upon application, to an ex parte writ of attachment of so much of the assessee's property as is necessary to satisfy the taxes on the basis of his declaration.

(b) An assessee named in an action under subdivision (a) may file with the court a bond or cash in lieu thereof sufficient to pay the taxes alleged due in the complaint and petition the court to release the attached property.

(c) If the court determines that the action and writ of attachment prior to the delinquency date are unnecessary, the court shall require the county to pay all costs of suit, including attorney's fees, incurred by the assessee, and the assessee shall be entitled to have his bond exonerated or his cash deposit returned. The court may, in its discretion, require payment of the taxes in question as a condition of exonerating the bond or releasing the cash deposit. In that case, however, the assessee shall be entitled to interest from the county at the rate of 7 percent per annum from the date the taxes are paid until the date such taxes would have become delinquent.

(d) In any case where an action by the tax collector under this section is dismissed and the assessee is not required by the court to

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pay the taxes as a condition of such dismissal and subsequent to the delinquency date such taxes remain unpaid, the county shall be entitled to recover, in addition to the taxes and all penalties and costs accruing thereon, all costs ordered by the court to be paid by the county to the assessee in the first action and all costs incurred by the county in any subsequent actions of the county in collecting the taxes.

(e) In all actions and proceedings brought under this section, all courts in which such actions and proceedings are pending shall, upon the request of any party thereto, give such actions and proceedings precedence over all other civil actions and proceedings, except actions and proceedings to which special precedence is otherwise given by law, in the matter of setting them for hearing or trial, and in their hearing or trial, to the end that all such actions and proceedings shall be quickly heard and determined.

CHAPTER 909

An act to add Sections 6935 and 6936 to the Education Code, relating to rehabilitation services.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6935 is added to the Education Code, to read:

6935. The governing board of a high school district, unified school district, or community college district, the administration in charge of a regional occupational center or regional occupational program, or a county superintendent of schools, hereinafter referred to as the "agency" may establish and operate a sheltered workshop or new rehabilitation service. Prior to commencing such a sheltered workshop or new rehabilitation service, however, an agency shall publish, not less than 30 days before the commencement of such a workshop or rehabilitation service, its intention to operate a sheltered workshop or new rehabilitation service in a newspaper of general circulation within the area in which such sheltered workshop or new rehabilitation service will be commenced, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the county in which such sheltered workshop or new rehabilitation service will commence. In addition, a copy of such publication, along with the pertinent details of the sheltered workshop or new rehabilitation service, shall be sent to the Chancellor, California Community Colleges, Department of Education and the State Department of Rehabilitation. Said departments may comment on the advisability of commencing such a sheltered workshop or new rehabilitation service, or any other

aspect of such sheltered workshop or new rehabilitation service deemed advisable, to the agency planning to commence such a sheltered workshop or new rehabilitation center and if commented upon, shall make their comments available to the public.

SEC. 2. Section 6936 is added to the Education Code, to read:

6936. As used in this chapter, "rehabilitation facility" is defined to mean an organization and physical facility, publicly, privately, or cooperatively sponsored, in which a program of integrated and coordinated services is offered. These services are provided for emotional, developmental, social and vocational restoration or personal adjustment of adults and minors with handicaps and disabilities. The range of services may include, but not be limited to, evaluation, education, training, sheltered or extended employment and placement. A rehabilitation facility shall include, but not be limited to, a sheltered workshop, activity center, semisheltered workshop, and facilities which provide work skills development programs.

CHAPTER 910

An act to amend Section 484b of the Penal Code, relating to theft.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 484b of the Penal Code is amended to read:

484b. Any person who receives money for the purpose of obtaining or paying for services, labor, materials or equipment and willfully fails to apply such money for such purpose by either willfully failing to complete the improvements for which funds were provided or willfully failing to pay for services, labor, materials or equipment provided incident to such construction, and wrongfully diverts the funds to a use other than that for which the funds were received, shall be guilty of a public offense and shall be punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by both such fine and such imprisonment if the amount diverted is in excess of five thousand dollars ($5,000). If the amount diverted is less than five thousand dollars ($5,000), the person shall be guilty of a misdemeanor.

CHAPTER 911

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district distribution districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community college districts.
Community facilities districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.
County sanitation district improvement districts.
County service area improvement areas.
County service areas.
County sewage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.

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County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal facilities districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Project areas of redevelopment agencies.

Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
Resource conservation districts.
River port districts.
Road districts.
Sanitary agencies.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.
Zones of county waterworks districts.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body.

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All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government

Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Third Validating Act of 1974.

CHAPTER 912

An act to amend Section 3363.5 of, and to add Section 3363.6 to, the Labor Code, relating to workmen's compensation insurance.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3363.5 of the Labor Code is amended to read:

3363.5. Notwithstanding Sections 3351 and 3352, a person who performs voluntary service without pay for a public agency, as designated and authorized by the governing body of the agency or its designee, shall, upon adoption of a resolution by the governing body of the agency so declaring, be deemed to be an employee of the agency for purposes of this division while performing such service.

SEC. 2. Section 3363.6 is added to the Labor Code, to read:

3363.6. Notwithstanding Sections 3351 and 3352, a person who performs voluntary service without pay for a private, nonprofit organization which is exempt from federal income tax under subsection (c) of Section 501 of the Internal Revenue Code, as designated and authorized by the board of directors of the organization, shall, when the board of directors of the organization, in its sole discretion, so declares, be deemed an employee of the organization for purposes of this division while performing such service.

CHAPTER 913

An act to amend Section 2725 of the Business and Professions Code, relating to registered nurses.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2725 of the Business and Professions Code is amended to read:

2725. In amending this section at the 1973–74 session, the Legislature recognizes that nursing is a dynamic field, the practice of which is continually evolving to include more sophisticated patient care activities. It is the intent of the Legislature in amending this section at the 1973–74 session to provide clear legal authority for functions and procedures which have common acceptance and usage. It is the legislative intent also to recognize the existence of overlapping functions between physicians and registered nurses and to permit additional sharing of functions within organized health care systems which provide for collaboration between physicians and registered nurses. Such organized health care systems include, but are not limited to, health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, clinics, home health agencies, physicians' offices, and public or community health services.

The practice of nursing within the meaning of this chapter means those functions helping people cope with difficulties in daily living which are associated with their actual or potential health or illness problems or the treatment thereof which require a substantial amount of scientific knowledge or technical skill, and includes all of the following:

(a) Direct and indirect patient care services that insure the safety, comfort, personal hygiene, and protection of patients; and the performance of disease prevention and restorative measures.

(b) Direct and indirect patient care services, including, but not limited to, the administration of medications and therapeutic agents, necessary to implement a treatment, disease prevention, or rehabilitative regimen prescribed by a physician, dentist, or podiatrist.

(c) The performance, according to standardized procedures, of basic health care, testing, and prevention procedures, including, but not limited to, skin tests, immunization techniques, and the withdrawal of human blood from veins and arteries.

(d) Observation of signs and symptoms of illness, reactions to treatment, general behavior, or general physical condition, and (1) determination of whether such signs, symptoms, reactions, behavior, or general appearance exhibit abnormal characteristics; and (2) implementation, based on observed abnormalities, of appropriate reporting, or referral, or standardized procedures, or changes in treatment regimen in accordance with standardized procedures, or the initiation of emergency procedures.

"Standardized procedures", as used in this section, means either of the following:

(1) Policies and protocols developed by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code through collaboration among administrators and health professionals including physicians and

nurses;

(2) Policies and protocols developed through collaboration among administrators and health professionals, including physicians and nurses, by an organized health care system which is not a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code. Such policies and protocols shall be subject to any guidelines for standardized procedures which the Board of Medical Examiners and the Board of Nursing Education and Nurse Registration may jointly promulgate; and if promulgated shall be administered by the Board of Nursing Education and Nurse Registration.

Nothing in this section shall be construed to require approval of standardized procedures by the Board of Medical Examiners or the Board of Nursing Education and Nurse Registration.

CHAPTER 914

An act to amend Section 9501 of the Corporations Code, relating to services rendered to nonprofit corporations.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 9501 of the Corporations Code is amended to read:

9501. Every nonprofit corporation may:

(a) Sue and be sued.

(b) Make contracts.

(c) Receive property by devise or bequest, subject to the laws regulating the transfer of property by will, and otherwise acquire and hold all property, real or personal, including shares of stock, bonds, and securities of other corporations.

(d) Act as trustee under any trust incidental to the principal objects of the corporation, and receive, hold, administer, and expend funds and property subject to such trust.

(e) Convey, exchange, lease, mortgage, encumber, transfer upon trust, or otherwise dispose of all property, real or personal.

(f) Borrow money, contract debts, and issue bonds, notes, and debentures, and secure the payment or performance of its obligations.

(g) Pay the reasonable value of services rendered in this state to the nonprofit corporation before January 1, 1975, and not previously paid, by any person who performed such services on a full-time basis under the direction of a religious organization in connection with the religious tenets of the organization. Such person shall have relied solely on the religious organization for his or her financial support for

a minimum of five years. A payment shall not be made if such person or religious organization waives the payment or receipt of compensation for such services in writing. Payment may be made to such religious organization to reimburse it for maintenance of any person who rendered such services and to assist it in providing future support and maintenance; however, payment shall not be made from any funds or assets acquired with funds donated by or traceable to gifts made to the nonprofit corporation by any person, organization or governmental agency other than the members, immediate families of members and affiliated religious organizations of the religious organization under whose direction the services were performed.

(h) Do all other acts necessary or expedient for the administration of the affairs and attainment of the purposes of the corporation.

CHAPTER 915

An act to add Section 35106.5 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 35106.5 is added to the Vehicle Code, to read:

35106.5. (a) Aircraft hi-lift catering or cabin cleaning trucks may have a maximum outside width not exceeding 100 inches.

(b) As used in subdivision (a), an "aircraft hi-lift catering or cabin cleaning truck" is a vehicle designed and intended by the manufacturer to transport either cleaning supplies, equipment, and personnel, or food and associated food handling equipment, between aircraft parked at terminal buildings, hangars or alternate or diversion airports, and supply rooms, commissary stores, flight kitchens or caterers located on or off the airport, or located both on and off the airport. Such vehicle consists of a van body mounted on a truck chassis with a cab. The van body may be mounted on a lift mechanism.

(c) This section shall be applicable within a distance of 50 miles from the boundaries of any airport in California, except that this section shall not be applicable to any highway when it would operate to prevent the state from receiving federal funds for highway purposes.

CHAPTER 916

An act to add Section 4684.5 to the Public Resources Code, relating to state nurseries.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 4684.5 is added to the Public Resources Code, to read:

4684.5. Notwithstanding Section 4684, the State Forester may give such forest seedlings or native plants for the purposes of reforestation or soil erosion control at the end of each season's sales as are, in his determination, surplus, to private persons or nonprofit organizations for planting on state, federal, or other public property. Any person or nonprofit organization requesting such surplus forest seedlings or native plants shall provide such information as the State Forester determines is necessary to insure that the forest seedlings or native plants will be planted on public property and that they are sufficiently compatible with the proposed planting area to have a reasonable chance for survival.

CHAPTER 917

An act relating to the state park system.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature that, from the lands acquired for Prairie Creek Redwood State Park pursuant to the provisions of Assembly Bill No. 3401 of the 1973–74 Regular Session, an appropriate portion possessing old-growth redwood trees shall be reserved and forever preserved as a tribute to the late Assemblyman Frank P. Belotti as an expression of gratitude by the people of this state for his long and dedicated service to them, which portion and trees shall be known as the "Frank P. Belotti Memorial Grove."

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CHAPTER 918

An act to amend Section 11105 of, and to add Section 11102.1 to, the Vehicle Code, relating to occupational licensing, and making an appropriation therefor.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11102.1 is added to the Vehicle Code, to read:

11102.1. The director may order a refund of a cash deposit or release an assignment of an investment certificate, share account, bank deposit, or bearer bonds posted or filed with the department pursuant to Section 11102 at the expiration of three years from the date a driving school licensee has ceased to do business, or three years from the date a licensee has ceased to be licensed, if the director is satisfied that there are no outstanding claims against the funds so deposited or assigned. A judge of a municipal or superior court may order the return of a cash deposit or release of assignment of such investment certificate, share account, or bank deposit posted or filed with the department prior to the expiration of three years upon evidence satisfactory to him that there are no outstanding claims against the security so deposited by the applicant or licensee.

If either the director, department, or state is a defendant in any action instituted to recover all or any part of such deposited cash, investment certificates, share accounts, or bank deposits, or any action is instituted by the director, department, or state to determine those entitled to any part of such funds, the director, department, or state shall be paid reasonable attorney fees and costs from such funds. Costs shall include those administrative costs incurred in processing claims against the security posted in lieu of bond pursuant to Section 11102.

SEC. 2. Section 11105 of the Vehicle Code is amended to read:

11105. (a) The department shall issue a license certificate to each driving school licensee, to each driving school operator and to each driving school instructor when it is satisfied that he has met the qualifications required under this chapter. The license shall be for a period of one year from the date of issue unless canceled, suspended, or revoked by the department.

(b) The license shall be renewed annually. The department shall require all of the following for the renewal of the license:

(1) Compliance with the provisions of Section 11102.

(2) Payment of an annual application fee, in the amounts specified in Sections 11102.5 and 11104, respectively.

(3) Satisfactory completion of an examination at least once during each succeeding four-year period after the initial issuance of a license certificate.

In lieu of any examination for renewal of the license, the

department may require submission by the licensee of evidence of continuing professional education. Professional education, as used in this subdivision, means satisfactory completion of courses related to traffic safety, teaching techniques, or the teaching of driver instruction acceptable to the department or participation in professional seminars approved by the department.

(c) The department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(d) Upon notification of death of a driving school licensee the department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of a validly outstanding certificate to conduct a driving school, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to conduct the driving school for a period of one year from and after the date of death, and necessary one-year renewals thereafter pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving widow or heir for a license certificate to conduct a driving school under the provisions of this division. The department may restrict or condition the certificate and attach to the exercise of the privilege thereunder such terms and conditions as in its judgment the protection of the public requires.

CHAPTER 919

An act to amend Section 481 of the Insurance Code, relating to insurance premiums.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 481 of the Insurance Code is amended to read:

481. (a) Unless the insurance contract otherwise provides, a person insured is entitled to a return of premium if the policy is canceled or rescinded, as follows:

(1) To the whole premium, if no part of his interest in the thing insured is exposed to any of the perils insured against.

(2) Where the insurance is made for a definite period of time and the insured surrenders his policy, to such proportion of the premium as corresponds with the unexpired time, after deducting from the whole premium any claim for loss or damage under the policy which has previously accrued. The provisions of Section 482 apply only to the expired time.

(b) No contract for individual motor vehicle liability or homeowners' multiple peril insurance may contain a provision which mandates that the premium for such policy shall be fully earned upon the happening of any contingency except the expiration of the policy itself.

CHAPTER 920

An act to amend Section 18679 of the Business and Professions Code, relating to boxing and wrestling.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 18679 of the Business and Professions Code is amended to read:

18679. (a) Any application for a license to conduct, or give a professional boxing contest, a sparring or wrestling match, or a wrestling exhibition shall be accompanied by an annual fee, which shall be:

(1) Fifty dollars ($50) in cities of not more than 5,000 inhabitants.

(2) Eighty dollars ($80) in cities of not more than 50,000 inhabitants.

(3) One hundred dollars ($100) in cities of not more than 75,000 inhabitants.

(4) One hundred fifty dollars ($150) in cities of not more than 150,000 inhabitants.

(5) Two hundred dollars ($200) in cities having a population of more than 150,000 inhabitants.

(b) The fee for club licenses for amateur boxing contests shall be twenty-five dollars ($25).

The total annual fee shall be paid for any license issued between January 1st and March 31st, both dates inclusive; three-fourths of the annual fee shall be paid for any license issued between April 1st and June 30th, both dates inclusive; one-half the total annual fee shall be paid for any license issued between July 1st and September 30th, both dates inclusive; one-fourth of the total annual fee shall be paid for any license issued between October 1st and December 31st, both

dates inclusive. Every license shall expire at midnight on December 31st of the year in which such license is issued.

CHAPTER 921

An act to amend Sections 22521, 22606, and 22651 of, to add Sections 22500.2 and 22550 to, to add Chapter 4.5 (commencing with Section 23521) to Division 16.5 of, and to repeal Sections 22550, 22551, and 22552 of, the Education Code, relating to postsecondary education.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 22500.2 is added to the Education Code, to read:

22500.2. It is hereby declared to be the intent of the Legislature that the fixed master plan approach in the development of public postsecondary education be replaced by a continuous planning process which includes:

(a) A legislative study of California postsecondary education at 10-year intervals to reevaluate the planning process and provide guidelines regarding goals, societal needs and general missions of public higher education and its components.

(b) Continuous planning by a state commission including a five-year plan which is to be updated annually.

SEC. 2. Section 22521 of the Education Code is amended to read:

22521. It is the intent of the Legislature that each resident of California who has the capacity and motivation to benefit from higher education should have the opportunity to enroll in an institution of higher education. Once enrolled he should have the opportunity to continue as long and as far as his capacity and motivation, as indicated by his academic performance and commitment to educational advancement, will lead him to meet academic standards and institutional requirements.

The Legislature hereby reaffirms the commitment of the State of California to provide an appropriate place in California public higher education for every student who is willing and able to benefit from attendance.

SEC. 3. Section 22550 of the Education Code is repealed.

SEC. 4. Section 22550 is added to the Education Code, to read:

22550. The University of California may provide instruction in the liberal arts and sciences and in the professions, including the teaching professions. It shall have exclusive jurisdiction in public higher education over instruction in the profession of law and over graduate instruction in the professions of medicine, dentistry, and

veterinary medicine. It has the sole authority in public higher education to award the doctoral degree in all fields of learning, except that it may agree with the California State University and Colleges to award joint doctoral degrees in selected fields. It shall be the primary state-supported academic agency for research.

SEC. 5. Section 22551 of the Education Code is repealed.

SEC. 6. Section 22552 of the Education Code is repealed.

SEC. 7. Section 22606 of the Education Code is amended to read:

22606. The California State University and Colleges shall have as its primary function the provision of undergraduate instruction and graduate instruction through the master's degree. Presently established two-year programs in agriculture are authorized, but other two-year programs shall be permitted only when mutually agreed upon by the Trustees of the California State University and Colleges and the Board of Governors of the California Community Colleges. The doctoral degree may be awarded jointly with the University of California, as provided in Section 22550, or jointly with a private institution of postsecondary education accredited by the Western Association of Schools and Colleges and provided the proposed doctoral program is approved by the California Postsecondary Education Commission. Faculty research is authorized to the extent that it is consistent with the primary function of the California State University and Colleges.

SEC. 8. Section 22651 of the Education Code is amended to read:

22651. Public community colleges shall offer instruction through but not beyond the second year of college. These institutions may grant the associate in arts and the associate in science degree. Their program may include but shall not be limited to: standard collegiate courses for transfer to other institutions; vocational and technical fields leading to employment; general or liberal arts courses; and community services.

SEC. 9. Chapter 4.5 (commencing with Section 23521) is added to Division 16.5 of the Education Code, to read:

CHAPTER 4.5. INTERSEGMENTAL COOPERATION

23521. Within such differentiation of segmental function in public postsecondary education the institutions shall undertake intersegmental cooperation when it can:

(a) Enhance the achievement of the institutional missions shared by the segments.

(b) Enable public and private postsecondary education to more effectively meet the educational needs of a geographic region.

(c) Provide more effective planning of postsecondary education on a statewide basis.

CHAPTER 922

An act to amend Section 10783 of the Revenue and Taxation Code, and to amend Section 9105 of the Vehicle Code, relating to vehicle licensing fees.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 10783 of the Revenue and Taxation Code is amended to read:

10783. The license fee imposed by this part does not apply to any of the following vehicles, which are not used for transportation for hire, compensation, or profit, when owned by any veteran who has lost, or has lost the use of, two or more limbs, or one eye and any limb, or who has suffered permanent blindness as defined in Section 19153 of the Welfare and Institutions Code, as a result of injury or disease suffered while on active service with the armed forces of the United States:

(a) Any passenger motor vehicle;

(b) Any motorcycle;

(c) Any commercial motor vehicle of less than 6,001 pounds unladen weight.

The exemption granted by this section shall extend to not more than one vehicle owned by any such veteran.

SEC. 2. Section 9105 of the Vehicle Code is amended to read:

9105. The fees specified in this code except fees for duplicate plates, certificates, or cards need not be paid for any of the following vehicles, which are of a type subject to registration under this code, and which are not used for transportation for hire, compensation, or profit, when owned by any veteran who has lost, or has lost use of, two or more limbs, or one eye and any limb, or who has suffered permanent blindness as defined in Section 19153 of the Welfare and Institutions Code, as a result of injury or disease suffered while on active service with the armed forces of the United States:

(a) Any passenger motor vehicle.

(b) Any motorcycle.

(c) Any commercial motor vehicle of less than 6,001 pounds unladen weight.

The exemption granted by this section shall not extend to more than one vehicle owned by any such veteran.

CHAPTER 923

An act to amend Sections 2811 and 2892.5 of, to add Section 2811.5 to, and to repeal Chapter 1.5 (commencing with Section 900) of Division 2 of, the Business and Professions Code, relating to healing arts.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 900) of Division 2 of the Business and Professions Code is repealed.

SEC. 2. Section 2811 of the Business and Professions Code is amended to read:

2811. Each person holding a regular renewable license under this chapter shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, beginning with the second birthday following the date on which the license was issued, whereupon the board shall renew the license.

Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

SEC. 3. Section 2811.5 is added to the Business and Professions Code, to read:

2811.5. (a) Each person renewing his license under the provisions of Section 2811 shall be entitled to a standard form of recognition which the board shall confer, provided that such person has submitted proof satisfactory to the board that, during the preceding two-year period, he has informed himself of developments in the registered nurse field occurring since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by pursuing a course or courses of continuing education in the registered nurse field approved by the board or by other means deemed equivalent by the board. In lieu of submitting such proof, the license holder, if he so desires, may take and successfully complete an examination given by the board designed to test his knowledge of developments occurring in the registered

nurse field since the issuance of his license, or the last renewal thereof, whichever last occurred.

(b) The board shall require, as the initial standards for continuing education established pursuant to subdivision (a), the continuing education standards developed prior to the effective date of this section by the Council on Continuing Education for Health Occupations for registered nurses, except that the board may delete or amend whatever parts of such standards it finds to be unreasonable with respect to performance as a registered nurse.

(c) This section shall not apply to licensees during the first two years immediately following their graduation from nursing school.

This section shall have no force or effect after June 30, 1978.

SEC. 4. Section 2811.5 is added to the Business and Professions Code, to read:

2811.5. (a) Each person renewing his license under the provisions of Section 2811 shall submit proof satisfactory to the board that, during the preceding two-year period, he has informed himself of developments in the registered nurse field or in any special area of practice engaged in by such licensee, occurring since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by pursuing a course or courses of continuing education in the registered nurse field or relevant to the practice of such licensee, and approved by the board; or by other means deemed equivalent by the board. In lieu of submitting such proof, the license holder, if he so desires, may take and successfully complete an examination given by the board designed to test his knowledge of development occurring in the registered nurse field since the issuance of his license, or the last renewal thereof, whichever last occurred.

(b) For purposes of this section, the board shall, by regulation, establish standards for continuing education. The standards shall be established in a manner to assure that a variety of alternative forms of continuing education are available to licensees including, but not limited to, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension studies, and home study programs. The standards shall take cognizance of specialized areas of practice. The continuing education standards established by the board shall not exceed 30 hours of direct participation in a course or courses approved by the board, or its equivalent in the units of measure adopted by the board.

(c) This section shall not apply to licensees during the first two years immediately following their graduation from nursing school.

This section shall become operative on July 1, 1978.

SEC. 5. Section 2892.5 of the Business and Professions Code is amended to read:

2892.5. (a) Each person renewing his license under the provisions of this chapter shall be entitled to a standard form of recognition which the board shall confer, provided that such person has submitted proof satisfactory to the board that, during the

preceding two-year period, he has informed himself of developments in the vocational nurse field occurring since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by pursuing a course or courses of continuing education approved by the board in the vocational nurse field or by other means deemed equivalent by the board. In lieu of submitting such proof, the license holder, if he so desires, may take and successfully complete an examination given by the board, designed to test his knowledge of developments occurring in the vocational nurse field since the issuance of his license, or the last renewal thereof, whichever last occurred.

(b) The board shall require, as the initial standards for continuing education established pursuant to subdivision (a), the continuing education standards developed prior to the effective date of the amendments made to this section at the 1973–74 Regular Session by the Council on Continuing Education for Health Occupations for vocational nurses, except that the board may delete or amend whatever parts of such standards it finds to be unreasonable with respect to performance as a vocational nurse.

(c) This section shall not apply to licensees during the first two years immediately following their graduation from vocational nursing school.

This section shall have no force or effect after June 30, 1978.

SEC. 6. Section 2892.5 of the Business and Professions Code is amended to read:

2892.5. (a) Each person renewing his license under the provisions of this chapter shall submit proof satisfactory to the board that, during the preceding two-year period, he has informed himself of developments in the vocational nurse field or in any special area of vocational nurse practice, occurring since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by pursuing a course or courses of continuing education approved by the board in the vocational nurse field or relevant to the practice of such licensee, and approved by the board; or by other means deemed equivalent by the board. In lieu of submitting such proof, the license holder, if he so desires, may take and successfully complete an examination given by the board, designed to test his knowledge of developments occurring in the vocational nurse field since the issuance of his license, or the last renewal thereof, whichever last occurred.

(b) For purposes of this section, the board shall, by regulation, establish standards for continuing education. The standards shall be established in a manner to assure that a variety of alternative forms of continuing education are available to licensees including, but not limited to, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension studies, and home study programs. The standards shall take cognizance of specialized areas of practice. The continuing education standards established by the board shall not exceed 30 hours of direct

participation in a course or courses approved by the board, or its equivalent in the units of measure adopted by the board.

(c) This section shall not apply to licensees during the first two years immediately following their graduation from vocational nursing school.

This section shall become operative on July 1, 1978.

CHAPTER 924

An act to repeal Section 1425 of, and to add Section 1425 to, the Penal Code, and to repeal Section 2 of Chapter 809 of the Statutes of 1972, relating to jurisdiction of justice courts.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1425 of the Penal Code is repealed.

SEC. 2. Section 1425 is added to the Penal Code, to read:

1425. Justice courts shall have jurisdiction in all criminal cases amounting to misdemeanor only, punishable by fine not exceeding one thousand dollars ($1,000), or imprisonment not exceeding one year, or by both such fine and imprisonment, where the offense charged was committed within the county in which the court is established except those of which other courts are given exclusive jurisdiction. Each justice court shall have exclusive jurisdiction in all cases involving the violation of ordinances of cities or towns situated within the district in which such court is established.

SEC. 3. Section 2 of Chapter 809 of the Statutes of 1972 is repealed.

CHAPTER 925

An act to amend Section 31005 of, and to add Sections 31013.5 and 31013.6 to, the Corporations Code, relating to retail gasoline stations.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 31005 of the Corporations Code is amended to read:

31005. "Franchise" means a contract or agreement, either expressed or implied, whether oral or written, between two or more

persons by which:

(a) A franchisee is granted the right to engage in the business of offering, selling or distributing goods or services under a marketing plan or system prescribed in substantial part by a franchisor; and

(b) The operation of the franchisee's business pursuant to such plan or system is substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertising or other commercial symbol designating the franchisor or its affiliate; and

(c) The franchisee is required to pay, directly or indirectly, a franchise fee.

For the purposes of this division, the term "franchise" also includes any contractual agreement between a petroleum corporation or distributor and a gasoline dealer, or between a petroleum corporation and distributor, under which the petroleum distributor or the gasoline dealer is granted the right to use a trademark, trade name, service mark, or other identifying symbol or name owned by the other party to the agreement, or any agreement between a petroleum corporation or distributor and a gasoline dealer, or between a petroleum corporation and distributor, under which the petroleum distributor or the gasoline dealer is granted the right to occupy premises owned, leased, or controlled by the other party to the agreement, for the purposes of engaging in the retail sale of petroleum and other products of the other party to the agreement, and all provisions of this division shall be read in a manner necessary to give effect to this paragraph.

SEC. 2. Section 31013.5 is added to the Corporations Code, to read:

31013.5. "Petroleum corporation" means any corporation or person owning, managing or controlling the exploration, production, processing, transportation or sale of crude or refined petroleum or any petroleum product.

SEC. 3. Section 31013.6 is added to the Corporations Code, to read:

31013.6. "Petroleum distributor" means any corporation or person, other than a refiner or processor, which sells crude or refined petroleum or any petroleum product.

CHAPTER 926

An act to add Section 11382.5 to the Health and Safety Code, relating to controlled substances.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11382.5 is added to the Health and Safety Code, to read:

11382.5. All controlled substances in Schedules I, II, III, IV, and V, in solid or capsule form, except for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist on January 1, 1975, shall not be sold, furnished, or distributed in this state unless they have on the controlled substance if in solid form, or on the capsule if in capsule form, an identifying device, insignia, or mark of the manufacturer of such controlled substance. However, the exception for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist shall not be available to any wholesaler, retailer, or pharmacist under the control or jurisdiction of a manufacturer of controlled substances.

This section shall not apply to a pharmacist who, in accordance with applicable state law, compounds such controlled substance in the course of his practice as a pharmacist for direct dispensing by him upon a prescription of any person licensed to prescribe such controlled substances.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that in any session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local agencies which, in the aggregate, do not result in identifiable cost changes.

CHAPTER 927

An act to amend Section 21107.8 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 21107.8 of the Vehicle Code is amended to read:

21107.8. (a) Any city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained off-street parking facilities as described in such ordinance or resolution within the city or county that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by a city or county of such an ordinance or resolution, Sections 22350, 23103, and 23109 shall apply to any such privately owned and maintained off-street parking facilities, except as provided in

subdivision (b).

(b) Notwithstanding the provisions of subdivision (a), no ordinance or resolution enacted thereunder shall apply to any off-street parking facility described therein unless the owner or operator has caused to be posted in a conspicuous place at each entrance to such off-street parking facility a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that such off-street parking facility is subject to public traffic regulations and control.

(c) No ordinance or resolution shall be enacted under subdivision (a) without a public hearing thereon and 10 days prior written notice to the owner and operator of the privately owned and maintained off-street parking facility involved.

(d) The department shall not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained off-street parking facility subjected to the provisions of this code under this section except those provisions applicable to private property other than by action under this section.

CHAPTER 928

An act to add Section 26227 to the Government Code, relating to boards of supervisors.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 26227 is added to the Government Code, to read:

26227. The board of supervisors of any county may appropriate and expend money from the general fund of the county to establish programs deemed by the board to be necessary to meet the social needs of the population of the county, including but not limited to, the areas of health, law enforcement, public safety, rehabilitation, welfare, education and legal services, and the needs of physically, mentally and financially handicapped persons and aged persons. The board of supervisors may contract with other public agencies or private agencies or individuals to operate such programs.

CHAPTER 929

An act to amend Section 131 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 131 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 131. (a) A district may provide, sell, and deliver water and water service to the United States of America or to any board, department or agency thereof or to the State of California for any use or purpose pursuant to contract therefor. Such contract may be for permanent service, but shall provide for the furnishing of such water or water service upon terms and conditions and at rates which will apportion an equitable share of the capital cost and operating expense of the district's works to the contractee. Every such contract shall provide that at the end of five years from the date of its execution and every three years thereafter there shall be such readjustment of the contract, upon the demand of either party thereto, either upward or downward as to rates, as the board of directors of the district may find to be just and reasonable in order to effectuate such equitable apportionment of such capital costs and operating expense.

(b) A district may provide, sell, and deliver water and water service, by a contract not to exceed 50 years, to any private corporation or public agency, or combination thereof, for use in connection with, or ancillary to, the generation of electric power at plants which are located outside of the district but which generate power the major portion of which is used directly, or indirectly through exchange, within the district, or for pumping, producing, treating, or reclaiming water for use within the district. Such contracts shall not aggregate more than 100,000 acre-feet of water from the Colorado River and more than 60,000 acre-feet of water from the State Water Resources Development System in any one year during such period. Every such contract shall provide that agricultural waste water, brackish ground water, or other water not suitable for domestic, municipal, or agricultural purposes shall be utilized for powerplant cooling to the extent practicable, and if not immediately available, such waste or brackish water, as it becomes available and to the extent practicable, shall replace the fresh water then being used for such purpose. Such water and water service is to be furnished by the district at charges not less than such corporations or agencies would pay in general taxes to the district and the water rate of the district applicable to the classification of water delivered to such plants if such plants were located within the

district, and in the case of a public agency within the district, if such plants were located within such agency. No contract shall be entered into pursuant to this subdivision to provide, sell, and deliver water and water service for use within the service area of any agency which has a contract with the State of California for a water supply under the State Water Resources Development System without the prior written consent of such agency and the Director of Water Resources of the State of California.

(c) All water contracted for under this section shall be deemed not to be surplus water available for sale pursuant to Section 132. For purposes of this section the term "public agency" shall mean a county, city, district, local agency, public authority or public corporation.

SEC. 2. It is the intent of the Legislature, recognizing the need to maintain, preserve, conserve and otherwise continue in existence open-space lands outside the boundaries of the Metropolitan Water District of Southern California for the production of food and fiber, that in the enactment of this act, the district shall not be empowered, in the exercise of the authority granted by this act, to modify, alter, or affect any priority to water for agricultural purposes outside the district's boundaries, or cause an increase in the district's entitlement to water in excess of that to which the district would be entitled in the absence of such authority.

It is also the intent of the Legislature that nothing in this act either affects existing water rights in the state or gives the Metropolitan Water District of Southern California any additional powers or duties other than the authority to provide, by contract, water outside its boundaries for use in connection with the generation of electric power.

CHAPTER 930

An act to amend Section 10921 of the Education Code, relating to pupils.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 10921 of the Education Code is amended to read:

10921. At the beginning of the first semester or quarter of the regular school term the governing board of each school district shall notify the parent or guardian of its minor pupils regarding the right of the parent or guardian under Sections 1086, 8506, 8701, 11704, 11753.1, 11822, and 11853.

CHAPTER 931

An act to amend Section 6751 of, and to add Section 6767 to, the Business and Professions Code, relating to professional engineers.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6751 of the Business and Professions Code is amended to read:

6751. (a) The applicant for registration as a professional engineer shall:

(1) Be of good moral character;

(2) Except as provided in Section 6767, furnish evidence of six years or more of experience in engineering work satisfactory to the board evidencing that applicant is competent to practice the character of engineering in the branch for which he is applying for registration, and successfully passing an examination.

(b) The applicant for certification as an engineer-in-training shall:

(1) Be of good moral character;

(2) Successfully pass an examination.

Graduation from an engineering school or college where the curriculum has been approved by the board shall count as four years of experience and each year of study completed without graduation in an engineering school or college where the curriculum has been approved by the board shall count as one-half year of experience, except that applicants for registration in any branch of professional engineering shall not receive credit for more than four years of experience because of undergraduate educational qualifications. The board, may in its discretion consider graduation in a nonaccredited engineering curriculum, as equivalent to not more than two years experience.

SEC. 2. Section 6767 is added to the Business and Professions Code, to read:

6767. (a) The board may register an applicant without examination in any engineering discipline which the board has established pursuant to Section 6700 if the applicant, in the opinion of the board, has all the qualifications for such registration, and if the applicant complies with all the following:

(1) Furnishes evidence of nine years or more of experience in engineering work satisfactory to the board evidencing that the applicant is competent to practice the character of engineering in the branch for which he is applying for registration.

(2) Files his application prior to a final filing date to be established by the board.

(b) The final filing date shall be set no later than three years following the adoption of regulations by the board establishing each such discipline.

(c) The board may adopt such regulations under provisions of the Administrative Procedure Act as are necessary to implement this section.

CHAPTER 932

An act to add Section 13580.5 to the Education Code, relating to school classified employees.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 13580.5 is added to the Education Code, to read:

13580.5. For the purposes of this section every classified employee shall be deemed to be employed for 12 months during each school year regardless of the number of months in which he is normally in paid status. Any school district which, in any school year, maintains school sessions at times other than during the regular September–June academic year shall assign for service during such times regular classified employees of the district. When it is necessary to assign classified employees not regularly so assigned to serve between the end of one academic year and the commencement of another, such assignment shall be made on the basis of qualifications for employment in each classification of service which is required. No classified employee whose regular yearly assignment for service excludes all, or any part of, the period between the end of the academic year in June to the beginning of the next academic year in September, shall be required to perform services during such period. A classified employee shall, for services performed as herein provided, receive, on a pro rata basis, not less than the compensation and benefits which are applicable to that classification during the regular academic year.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 933

An act to amend Section 17507.7 of the Education Code, relating to experimental kindergarten programs.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 17507.7 of the Education Code is amended to read:

17507.7. The provisions of Section 13599.2, of subdivision (a) of Section 13599.7, and of Sections 17507.5 and 17507.6 are not applicable to an experimental kindergarten program conducted by one school district in three schools which has been approved by the Superintendent of Public Instruction, provided that the schools and school district have conducted an experimental kindergarten program during the summer session of 1968 and the spring and fall semesters of 1969. The governing board of the school district conducting such program shall submit an evaluation of program results to the Superintendent of Public Instruction no later than December 1st of each year. The Superintendent of Public Instruction shall submit a yearly report to the Legislature evaluating the results of such program no later than the fifth calendar day of each regular session.

This section shall remain in effect until January 1, 1976, and shall have no force or effect after that date.

CHAPTER 934

An act to amend Section 25254 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25254 of the Vehicle Code is amended to read:

25254. In any county with a population of 250,000 or more persons, publicly owned vehicles operated by peace officer personnel of a marshal's department, when actually being used in the enforcement of the orders of any court, including, but not limited to, the transportation of prisoners, may display flashing amber warning lights to the rear when such vehicles are necessarily parked upon a roadway and such parking constitutes a hazard to other motorists.

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CHAPTER 935

An act to amend Sections 8498 and 8843 of the Fish and Game Code, relating to trawl nets.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 8498 of the Fish and Game Code is amended to read:

8498. This article shall remain in effect only until January 5, 1978, and as of that date is repealed. The department shall submit to the Legislature not later than July 5, 1977, a written report evaluating the provisions of this article.

SEC. 2. Section 8843 of the Fish and Game Code is amended to read:

8843. It is unlawful to use any trawl net with cod-end mesh less than 7½ inches in length and with a cod end less than 29 meshes long and a circumference of not less than 47 meshes in waters less than 25 fathoms deep, adjacent to the mainland shore between a line running due west (270° true) from Point Arguello and a line running due south (180° true) from Point Mugu except that smaller mesh sizes may be authorized pursuant to the provisions of Section 8606.

CHAPTER 936

An act to add Sections 12537.1, 12537.2, and 12537.3 to the Government Code, and to amend Section 10291.5 of, to add Section 790.025 to, and to add Chapter 7 (commencing with Section 10600) to Part 2 of Division 2 of, the Insurance Code, relating to health insurance disclosures.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares that the general health and welfare of the people of this state is significantly improved when they are protected against the sudden and unforeseen financial burdens increasingly associated with illness and disability. The Legislature further finds that since government-sponsored programs for financing illness and disability cover only a minority among the population, the majority must rely on private health insurance companies and health plans for this protection. The Legislature also finds that consumers seeking fair and adequate health care insurance for themselves and their

families, at a price they can afford, are faced with considerable difficulty in making an optimum choice among the great number of health care insurance policies and health plans available. Confusing claims, obscure language, and inconspicuous policy details often result in uninformed and inappropriate choices by the consumer, a situation which is detrimental to the health and well-being of the consumer and his family.

In recognition that it is in the best interests of consumers individually and the public welfare generally that potential purchasers of health care insurance be thoroughly informed as to the benefits, limitations, exclusions, and full costs associated with health insurance policies and health plans, the Legislature hereby declares that the availability of this information on a standard, readily comparable form would facilitate the best choice of such policies and plans commensurate with the respective incomes of citizens and their families.

SEC. 2. Section 12537.1 is added to the Government Code, to read:

12537.1. (a) As used in Sections 12537.1 to 12537.5, inclusive:

(1) "Benefits and coverage" means the health care services available under a health care service plan.

(2) "Exception" means any provision in a health care service plan contract whereby coverage for a specified hazard or condition is entirely eliminated.

(3) "Reduction" means any provision in a health care service plan contract which reduces the amount of a plan benefit to some amount or period less than would be otherwise payable for medically authorized expenses or services had such a reduction not been used.

(4) "Limitation" means any provision other than an exception or a reduction which restricts coverage under the plan.

(5) "Presenting for examination or sale" means either (a) publication and dissemination of any brochure, mailer, advertisement, or form which constitutes a presentation of the provisions of the plan and which provides a plan enrollment or application form, or (b) consultations or discussions between prospective plan members or their contract agents and employees or agents of health care service plans, when such consultations or discussions include presentation of formal, organized information about the plan which is intended to influence or inform the prospective member or contract holder, such as brochures, summaries, charts, slides, or other modes of information.

(6) "Disclosure form" means the standard supplemental disclosure form required pursuant to Section 12537.2.

(b) For the purposes of Sections 12537.2 to 12537.4, inclusive, where the definition of the term "hospital" in the plan omits care in any "health facility" defined pursuant to subdivision (a) or (b) of Section 1250 of the Health and Safety Code, the omitted coverage shall constitute a limitation. Further, where the definition of the term "nursing home" in the plan omits care in any "health facility"

defined pursuant to subdivision (c) or (d) of Section 1250 of the Health and Safety Code the omitted coverage shall constitute a limitation.

SEC. 3. *Section 12537.2 is added to the Government Code, to read:*

12537.2. (a) On or before April 1, 1975, the Attorney General shall promulgate for use by all health care service plans a standard supplemental disclosure form upon which each health care service plan shall provide, in easily understood language and in a uniform, clearly organized manner, as required by the Attorney General, such summary information about each such plan as the Attorney General finds is necessary to provide for full and fair disclosure of the provisions of the plan.

The disclosure form shall provide for at least the following information, in concise and specific terms, relative to the health plan, together with such additional information as may be required by the Attorney General:

(1) The principal benefits and coverage of the health plan.

(2) The exceptions, reductions, and limitations that apply to such plan.

(3) The full premium cost of such plan.

(4) Any copayment, coinsurance, or deductible requirements that may be incurred by the member or his family in obtaining coverage under the plan.

(5) The terms under which the plan may be renewed by the plan member, including any reservation by the plan of any right to change premiums.

(6) A statement that the disclosure form is a summary only, and that the plan contract itself should be consulted to determine governing contractual provisions.

(b) Effective January 1, 1976, all health care service plans and their employees or agents shall, when presenting any health care service plan for examination or sale to an individual prospective plan member, provide such individual with a properly completed disclosure form, as prescribed by the Attorney General pursuant to this section, for each plan so examined or sold.

(c) In the case of group health plan contracts, the completed disclosure form shall be presented to the contract holder upon delivery of the completed health care service plan agreement.

(d) Group health care service plan contract holders shall disseminate copies of the completed disclosure form to all persons eligible under the group contract at the time such persons are offered the plan. Where the individual group members are offered a choice of plans, separate disclosure forms shall be supplied for each plan available.

SEC. 4. Section 12537.3 is added to the Government Code, to read:

12537.3. Effective January 1, 1976, where the Attorney General finds it necessary in the interest of full and fair disclosure, all

advertising and other consumer information disseminated by a health care service plan for the purpose of influencing persons to become members of the plan shall contain such supplemental disclosure information as the Attorney General may require.

SEC. 5. Chapter 7 (commencing with Section 10600) is added to Part 2 of Division 2 of the Insurance Code, to read:

CHAPTER 7. DISABILITY INSURANCE DISCLOSURE

10600. This part shall be known and may be referred to as the "Health Insurance Disclosure Act of 1974."

10601. As used in this chapter:

(a) "Benefits and coverage" means the accident, sickness or disability indemnity available under a policy of disability insurance.

(b) "Exception" means any provision in a policy whereby coverage for a specified hazard or condition is entirely eliminated.

(c) "Reduction" means any provision in a policy which reduces the amount of a policy benefit to some amount or period less than would be otherwise payable for medically authorized expenses or services had such a reduction not been used.

(d) "Limitation" means any provision other than an exception or a reduction which restricts coverage under the policy.

(e) "Presenting for examination or sale" means either (1) publication and dissemination of any brochure, mailer, advertisement, or form which constitutes a presentation of the provisions of the policy and which provides a policy enrollment or application form, or (2) consultations or discussions between prospective beneficiaries or their contract agents and employees or agents of disability insurers, when such consultations or discussions include presentation of formal, organized information about the policy which is intended to influence or inform the prospective insured or beneficiary, such as brochures, summaries, charts, slides, or other modes of information in lieu of or in addition to the policy itself.

(f) "Disability insurance" means every policy of disability insurance, self-insured employee welfare benefit plan, and nonprofit hospital service plan issued, delivered, or entered into pursuant to or described in Chapter 1 (commencing with Section 10110), Chapter 4 (commencing with Section 10270), or Chapter 11A (commencing with Section 11491) of this part.

(g) "Insurer" means every insurer transacting disability insurance, every self-insured employee welfare plan, and every nonprofit hospital service plan specified in subdivision (e).

(h) "Disclosure form" means the standard supplemental disclosure form required pursuant to Section 10603.

10602. For the purposes of this chapter, where the definition of the term "hospital" in the policy omits care in any "health facility" defined pursuant to subdivision (a) or (b) of Section 1250 of the Health and Safety Code, the omitted coverage shall constitute a

limitation. Further, where the definition of the term "nursing home" in the policy omits care in any "health facility" defined pursuant to subdivision (c) or (d) of Section 1250 of the Health and Safety Code, the omitted coverage shall constitute a limitation.

10602.1. Nothing in this chapter shall prevent an insurer which makes contracts with hospitals from distinguishing between contracting hospitals and noncontracting hospitals.

10603. On or before April 1, 1975, the commissioner shall promulgate a standard supplemental disclosure form for all disability insurance policies. Upon the appropriate disclosure form as prescribed by the commissioner, each insurer shall provide, in easily understood language and in a uniform, clearly organized manner, as prescribed and required by the commissioner, such summary information about each such policy offered by such insurer as the commissioner finds is necessary to provide for full and fair disclosure of the provisions of their policies.

10604. The disclosure form shall include the following information, in concise and specific terms, relative to the disability insurance policy:

(a) The applicable category or categories of coverage provided by the policy, from among the following:

(1) Basic hospital expense coverage.

(2) Basic medical-surgical expense coverage.

(3) Hospital confinement indemnity coverage.

(4) Major medical expense coverage.

(5) Disability income protection coverage.

(6) Accident only coverage.

(7) Specified disease or specified accident coverage.

(8) Such other categories as the commissioner may prescribe.

(b) The principal benefits and coverage of the disability insurance policy.

(c) The exceptions, reductions, and limitations that apply to such policy.

(d) The full premium cost of such policy.

(e) Any copayment, coinsurance, or deductible requirements that may be incurred by the insured or his family in obtaining coverage under the policy.

(f) The terms under which the policy may be renewed by the insured, including any reservation by the insurer of any right to change premiums.

(g) A statement that the disclosure form is a summary only, and that the policy itself should be consulted to determine governing contractual provisions.

10605. (a) Effective January 1, 1976, all insurers, and their employees and agents, shall, when presenting any disability insurance policy for examination or sale to an individual prospective insured or individual prospective subscriber, provide such individual with a properly completed disclosure form, as prescribed by the commissioner pursuant to Sections 10603 and 10604, for each

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disability insurance policy so examined or sold.

(b) In the case of group disability insurance contracts, the completed disclosure form shall be presented to the contract holder upon delivery of the group policy or contract.

(c) Group insurance contract holders shall disseminate copies of the completed disclosure form to all persons or family units eligible under the group contract. Where the individual members of the group are offered a choice of policies, separate disclosure forms shall be supplied for each policy available.

10606. Effective January 1, 1976, where the commissioner finds it necessary in the interest of full and fair disclosure, all advertising and other consumer information, including brochures, disseminated by insurers for the purpose of influencing persons to purchase health insurance shall contain such supplemental disclosure information as the commissioner may require.

10608. The commissioner shall, from time to time as conditions warrant, after notice and public hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary to administer this chapter.

SEC. 6. Section 790.025 is added to the Insurance Code, to read:

790.025. Beginning on or before January 1, 1976, each insurer shall file with the commissioner copies of all printed advertising which the insurer proposes to disseminate in the state.

SEC. 7. Section 10291.5 of the Insurance Code is amended to read:

10291.5. (a) The purpose of this section is both (1) to prevent, in respect to disability insurance, fraud, unfair trade practices, and insurance economically unsound to the insured, and (2) to assure that the language of all insurance policies can be readily understood and interpreted.

(b) The commissioner shall not approve any disability policy for issuance or delivery in this state:

(1) If he finds that it contains any provision, or has any label, description of its contents, title, heading, backing, or other indication of its provisions which is unintelligible, uncertain, ambiguous, or abstruse, or likely to mislead a person to whom the policy is offered, delivered, or issued.

(2) If it contains any provision for payment at a rate, or in an amount (other than the product of rate times the periods for which payments are promised) for loss caused by particular event or events (as distinguished from character of physical injury or illness of the insured) more than triple the lowest rate, or amount, promised in the policy for the same loss caused by any other event or events (loss caused by sickness, loss caused by accident, and different degrees of disability each being considered, for the purpose of this paragraph, a different loss); or if it contains any provision for payment for any confining loss of time at a rate more than six times the least rate payable for any partial loss of time or more than twice the least rate payable for any nonconfining total loss of time; or if it contains any

provision for payment for any nonconfining total loss of time at a rate more than three times the least rate payable for any partial loss of time.

(3) If it contains any provision for payment for disability caused by particular event or events (as distinguished from character of physical injury or illness of the insured) payable for a term more than twice the least term of payment provided by the policy for the same degree of disability caused by any other event or events; or if it contains any benefit for total nonconfining disability payable for lifetime or for more than 12 months and any benefit for partial disability, unless such benefit for partial disability is payable for at least three months; or if it contains any benefit for total confining disability payable for lifetime or for more than 12 months, unless it also contains benefit for total nonconfining disability caused by the same event or events payable for at least three months, and, if it also contains any benefit for partial disability, unless such benefit for partial disability is payable for at least three months. The provisions of this paragraph shall apply separately to accident benefits and to sickness benefits.

(4) If it contains provision or provisions which would have the effect, upon any termination of the policy, of reducing or ending such liability as the insurer would have, but for such termination, for loss of time resulting from accident occurring while the policy is in force or for loss of time commencing while the policy is in force and resulting from sickness contracted while the policy is in force or for other losses resulting from accident occurring or sickness contracted while the policy is in force, and also contains provision or provisions reserving to the insurer the right to cancel or refuse to renew the policy, unless it also contains other provision or provisions the effect of which is that termination of the policy as the result of the exercise by the insurer of any such right shall not reduce or end such liability in respect to the hereinafter specified losses as the insurer would have had under the policy, including its other limitations, conditions, reductions and restrictions, had the policy not been so terminated.

The specified losses referred to in the preceding paragraph are:

(i) Loss of time which commences while the policy is in force and results from sickness contracted while the policy is in force,

(ii) Loss of time which commences within 20 days following and results from accident occurring while the policy is in force,

(iii) Losses which result from accident occurring or sickness contracted while the policy is in force and arise out of the care or treatment of illness or injury and which occur within 90 days from such termination of the policy or during a period of continuous compensable loss or losses which period commences prior to the end of such 90 days, and

(iv) Losses other than those specified in clause (i), (ii), or (iii) of this paragraph which result from accident occurring or sickness contracted while the policy is in force and which losses occur within 90 days following such accident or the contraction of such sickness.

(5) If by any caption, label, title or description of contents the policy states, implies, or infers without reasonable qualification that it provides loss of time indemnity for lifetime, or for any period of more than two years, if such loss of time indemnity is made payable only when house confined or only under special contingencies not applicable to other total loss of time indemnity.

(6) If it contains any benefit for total confining disability payable only upon condition that the confinement be of an abnormally restricted nature unless the caption of the part containing any such benefit is accurately descriptive of the nature of the confinement required and unless, if the policy has a description of contents, label, or title, at least one of them contain reference to such nature of the confinement required.

(7) If, irrespective of the premium charged therefor, any benefit of the policy is, or the benefits of the policy as a whole are, not sufficient to be of real economic value to the insured.

In determining whether benefits are of real economic value to the insured, the commissioner shall not differentiate between insureds of the same or similar economic or occupational classes and shall give due consideration to the following:

(i) The right of insurers to exercise sound underwriting judgment in the selection and amounts of risks.

(ii) Amount of benefit, length of time of benefit, nature or extent of benefit, or any combination of such factors.

(iii) The relative value in purchasing power of the benefit or benefits.

(iv) Differences in insurance issued on an industrial or other special basis.

To be of real economic value, it shall not be necessary that any benefit or benefits cover the full amount of any loss which might be suffered by reason of the occurrence of any hazard or event insured against.

(8) If it substitutes a specified indemnity upon the occurrence of accidental death for any benefit of the policy, other than a specified indemnity for dismemberment, which would accrue prior to the time of such death or if it contains provision which has the effect other than at the election of the insured exercisable within not less than twenty (20) days in the case of benefits specifically limited to the loss by removal of one or more fingers or one or more toes or within not less than 90 days in all other cases:

(i) Of substituting, upon the occurrence of the loss of both hands, both feet, one hand and one foot, the sight of both eyes or the sight of one eye and the loss of one hand or one foot, some specified indemnity for any or all benefits under the policy unless the indemnity so specified is equal to or greater than the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue within four years from the date of such dismemberment under all other provisions of the policy applicable

to the particular event or events (as distinguished from character of physical injury or illness) causing the dismemberment; or

(ii) Of substituting, upon the occurrence of any other dismemberment some specified indemnity for any or all benefits under the policy unless the indemnity so specified is equal to or greater than one-fourth of the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue within four years from the date of such dismemberment under all other provisions of the policy applicable to the particular event or events (as distinguished from character of physical injury or illness) causing the dismemberment; or

(iii) Of substituting a specified indemnity upon the occurrence of any dismemberment for any benefit of the policy which would accrue prior to the time of dismemberment.

As used in this section, loss of a hand shall be severance at or above the wrist joint, loss of a foot shall be severance at or above the ankle joint, loss of an eye shall be the irrecoverable loss of the entire sight thereof, loss of a finger shall mean at least one entire phalanx thereof and loss of a toe the entire toe.

(9) If it contains provision, other than as provided in Section 10370, reducing any original benefit more than 50 percent on account of age of the insured.

(10) If the insuring clause or clauses contain no reference to the exceptions, limitations and reductions (if any) or no specific reference to, or brief statement of, each abnormally restrictive exception, limitation or reduction.

(11) If it contains benefit or benefits for loss or losses from specified diseases only unless:

(i) All of the diseases so specified in each provision granting such benefits fall within some general classification based upon:

(A) The part or system of the human body principally subject to all such diseases,

(B) The similarity in nature or cause of such diseases,

(C) In case of diseases of an unusually serious nature and protracted course of treatment, the common characteristics of all such diseases with respect to severity of affliction and cost of treatment, and

(ii) The policy is entitled and each provision granting such benefits is separately captioned in clearly understandable words so as to accurately describe the classification of diseases covered and expressly point out, when such is the case, that not all diseases of such classification are covered.

(12) If it does not contain provision for a grace period of at least the number of days specified below for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force; provided, that the grace period to be included in the policy shall be not less than seven days for policies providing for weekly payment of premium, not less than

10 days for policies providing for monthly payment of premium and not less than 31 days for all other policies.

(13) If it fails to conform in any respect with any law of this state.

(c) The commissioner may, from time to time as conditions warrant, after notice and hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary or convenient, to establish, in advance of the submission of policies, the standard or standards conforming to the provisions of subdivision (b) of this section, by which he shall disapprove or withdraw approval of any disability policy.

In promulgating any such rule or regulation the commissioner shall give consideration to the criteria herein established and to the desirability of approving for use in policies in this state uniform provisions, nationwide or otherwise, and is hereby granted the authority to consult with insurance authorities of any other state and their representatives individually or by way of convention or committee, to seek agreement upon such provisions.

Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) The commissioner may withdraw approval of filing of any policy or other document or matter required to be approved by him, or filed with him, by the provisions of this chapter when he would be authorized to disapprove or refuse filing of the same if originally submitted at the time of such action of withdrawal.

Any such withdrawal shall be in writing and shall specify reasons. An insurer adversely affected by any such withdrawal may, within a period of 30 days following mailing or delivery of the writing containing such withdrawal, by written request secure a hearing to determine whether such withdrawal should be annulled, modified or confirmed. Unless, at any time, it be mutually agreed to the contrary, hearing shall be granted and commenced within a period of 30 days following filing of the request and shall proceed with reasonable dispatch to determination. Unless the commissioner in writing in such withdrawal, or subsequent thereto, grants an extension, any such withdrawal shall, in the absence of any such request, be effective, prospectively and not retroactively, on the 91st day following the mailing or delivery of such withdrawal, and, if request for such hearing be filed, on the 91st day following mailing or delivery of written notice of the commissioner's determination.

(e) No proceeding under this section shall be subject to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(f) Except as provided in subdivision (i) of this section, any action taken by the commissioner under this section shall be subject to review by the courts of this state and proceedings on review shall be in accordance with the provisions of the Code of Civil Procedure.

Notwithstanding any other provision of law to the contrary,

petition for any such review may be filed at any time before the effective date of the action taken by the commissioner. No action of the commissioner shall become effective before the expiration of 20 days after written notice and a copy thereof are mailed or delivered to the person adversely affected, and any action so submitted for review shall not become effective for a further period of 15 days after the filing of the petition in court. The court may stay the effectiveness thereof for a longer period.

(g) This section shall be liberally construed to effectuate the purpose and intentions herein stated; but shall not be construed to grant the commissioner power to fix or regulate rates for disability insurance or prescribe a standard form of disability policy, except that the commissioner shall prescribe a standard supplementary disclosure form for presentation with all disability insurance policies, pursuant to Section 10603.

(h) This section shall be effective on and after July 1, 1950, as to all policies thereafter submitted and on and after January 1, 1951, the commissioner may withdraw approval pursuant to subdivision (d) of any policy thereafter issued or delivered in this state irrespective of when its form may have been submitted or approved, and prior to such dates the provisions of law in effect on January 1, 1949, shall apply to such policies.

(i) Any such policy issued by an insurer to an insured on a form approved by the commissioner, and in accordance with the conditions, if any, contained in the approval, at a time when such approval is outstanding shall, as between the insurer and the insured, or any person claiming under the policy, be conclusively presumed to comply with and conform to the provisions of this section.

(j) The provisions of this section do not apply to accident policies including those providing hospitalization benefits on account of sickness, which are issued through newspapers or other publications of general circulation to their subscribers, readers, carrier boys, newspaper vendors or district men.

CHAPTER 937

An act to amend Section 20767 of the Business and Professions Code, relating to motor vehicle fuel dispensing pumps.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 20767 of the Business and Professions Code is amended to read:

20767. (a) Application for a motor fuel pump license shall be filed with the department by the owner or operator of each such

pump, container used as a dispensing device, or other dispensing device on a form prescribed and furnished by the department. The application shall be accompanied by a license fee of three dollars and fifty cents ($3.50) for each pump, container used as a dispensing device, or other dispensing device. Applications for the renewal of a motor fuel pump license for each fiscal year beginning July 1st shall be made on or before the last day of June next preceding.

(b) After compliance by the owner or operator with the provisions of Section 20766 and 20767, the department shall grant and issue to each applicant a license for each separate place of business within the state. The license shall be valid only for the location for which it is issued and for the transaction of business at the place and the number of dispensing devices designated on the license and is not assignable or transferable to any other location. The license shall at all times be conspicuously and prominently displayed at the location for which the license is issued.

CHAPTER 938

An act to amend Section 19200 of the Welfare and Institutions Code, relating to deaf students.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 19200 of the Welfare and Institutions Code is amended to read:

19200. The department is authorized to pay for training and support services for deaf students in a public or private college or university approved by the department.

CHAPTER 939

An act to amend Sections 4004, 4005, 4006, 4007, 4008, 4011, 4152, and 4180 of, and to add Section 4009.5 to, the Fish and Game Code, relating to trapping, and making an appropriation therefor.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 4004 of the Fish and Game Code is amended to read:

4004. It is unlawful to do any of the following:

(a) Use a trap with saw-toothed or spiked jaws.

(b) Use or sell leg-hold steel-jawed traps with a spread of 5½ inches or larger without offset jaws.

(c) Use steel-jawed traps with a spread larger than 4¾ inches for taking muskrat.

(d) Set or maintain traps, for commercial taking of fur-bearing mammals or nongame mammals, which do not bear a number registered to the department.

(e) Fail to visit and remove all animals from traps once daily. This subdivision shall not apply to trapping done under Section 4152 or 4180.

(f) Use a steel leg-hold trap with a spread exceeding 7½ inches or killer-type trap of the conibear type that is larger than 10 inches by 10 inches.

(g) Set or maintain steel leg-hold traps within 30 feet of bait placed in such a manner or position that it may be seen by any soaring bird. As used in this subdivision "bait" includes any bait composed of mammal, bird or fish flesh, fur, hide, entrails or feathers.

(h) Set or maintain steel leg-hold traps with a spread of 5½ inches or larger without a tension device.

SEC. 2. Section 4005 of the Fish and Game Code is amended to read:

4005. Every person who takes or sells raw furs of fur-bearing mammals or nongame mammals for profit shall procure a trapping license.

SEC. 3. Section 4006 of the Fish and Game Code is amended to read:

4006. A trapping license shall be issued as follows:

(a) To any resident of this state over the age of 16 years upon payment of ten dollars ($10).

(b) To any resident of this state under the age of 16 years upon payment of five dollars ($5).

(c) To any person not a resident of this state upon payment of twenty-five dollars ($25).

A license shall not be issued to a nonresident if the state in which he resides does not provide for issuance of a nonresident trapping license.

SEC. 4. Section 4007 of the Fish and Game Code is amended to read:

4007. A trapping license authorizes the person to whom it is issued to take, during the open season, fur-bearing mammals and nongame mammals for profit for a term of one year from July 1st, or if issued after the beginning of such term, for the remainder thereof.

SEC. 5. Section 4008 of the Fish and Game Code is amended to read:

4008. No trapping license shall be issued to any applicant within one year following the expiration of any trapping license previously issued to such applicant unless he has submitted to the department a sworn statement showing the number of each kind of fur-bearing mammals and nongame mammals taken under the previous license

and the names and addresses of the persons to whom they were shipped or sold.

SEC. 6. Section 4009.5 is added to the Fish and Game Code, to read:

4009.5. The commission may adopt such regulations as it determines to be necessary to regulate the taking and sale of fur-bearing mammals or nongame mammals taken under a trapping license.

SEC. 7. Section 4011 of the Fish and Game Code is amended to read:

4011. Fur-bearing mammals, game mammals, and nongame mammals, when involved in dangerous disease outbreaks, may be taken by duly constituted federal officers of the United States Departments of Agriculture, Interior, and Public Health and state officers of the California Departments of Food and Agriculture, Health, and Fish and Game.

SEC. 8. Section 4152 of the Fish and Game Code is amended to read:

4152. Nongame mammals and black-tailed jackrabbits, muskrats, and red fox squirrels which are found to be injuring growing crops or other property may be taken at any time or in any manner by the owner or tenant of the premises or employees thereof, except that if leg-hold steel-jawed traps are used to take such mammals, the traps and the use thereof shall be in accordance with the provisions of subdivisions (a) and (b) of Section 4004. They may also be taken by officers or employees of the California Department of Food and Agriculture or by federal, or county officers or employees when acting in their official capacities pursuant to the provisions of the Food and Agricultural Code pertaining to pests, or pursuant to the provisions of Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking mammals in accordance with this section are exempt from the requirements of Section 3007.

SEC. 9. Section 4180 of the Fish and Game Code is amended to read:

4180. Fur-bearing mammals which are injuring property may be taken at any time and in any manner, except that if leg-hold steel-jawed traps are used to take such mammals, the traps and the use thereof shall be in accordance with the provisions of subdivisions (a) and (b) of Section 4004.

SEC. 10. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act for such purpose because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 940

An act to add and to repeal Section 11475.1 of the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11475.1 is added to the Education Code, to read:

11475.1. For the purposes of this section a short-term class, exclusive of Sections 11251 and 11484, is any class scheduled for less than a full quarter, semester, or other sessions as approved by the Chancellor of the California Community Colleges to meet the requirements of Section 17551.

Notwithstanding Section 11475, units of average daily attendance of students, including adults as defined in Section 5756, enrolled in credit and noncredit short-term classes qualifying for a state apportionment in the 1974–75 and 1975–76 school years shall be computed by dividing actual class hours of attendance by 525. The attendance of adults as defined in Section 5756 shall be kept separately from all other attendance.

This section shall remain in effect only until July 1, 1976, and is repealed as of that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that attendance for school apportionment purposes may be calculated in the manner provided for in Section 1 of this act with respect to short-term classes conducted by community colleges during the 1974–75 school year, it is necessary that this act take effect immediately.

CHAPTER 941

An act to amend and repeal Section 13712.2 of the Education Code, relating to school classified employees.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13712.2 of the Education Code is amended to read:

13712.2. In addition to the exemptions authorized in Section 13712, there shall be exempt from the classified service positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days in a fiscal year, provided that:

(1) The authorized duties are not those normally assigned to a class of positions in the classified service,

(2) The authorized duties are approved by the personnel commission in advance of employment, and

(3) A regular classified employee of the school district shall not receive a concurrent appointment to such a position.

This section shall remain in effect until January 1, 1976, and on that date is repealed.

CHAPTER 942

An act to amend Sections 1100, 1101, 1105, and 1215.4 of the Insurance Code, relating to investments and assets of insurers.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1100 of the Insurance Code is amended to read:

1100. In this state, all investments and deposits of the assets of an insurer, all purchases on behalf of an insurer, and all sales made of the property and effects of an insurer shall be made in its own name, or in that of a corporation authorized to act as a trustee under the laws of this state, or in the name of a nominee of such a corporation in accordance with any law of this state permitting such a trustee to make use of nominees, or in the name of a nominee approved by the commissioner.

SEC. 2. Section 1101 of the Insurance Code is amended to read:

1101. (a) An admitted insurer's officers, directors, trustees and any persons who have authority in the management of the insurer's funds, shall not, unless otherwise provided in this code:

(1) Receive any money or valuable thing for negotiating, procuring, recommending or aiding in, any purchase by or sale to such insurer of any property, or any loan from such insurer.

(2) Be pecuniarily interested as principal, coprincipal, agent, attorney or beneficiary, in any such purchase, sale or loan.

(3) Directly or indirectly purchase, or be interested in the purchase of, any of the assets of the insurer.

(b) This section shall not apply to:

(1) The purchase or exchange of stock of an admitted insurer by an admitted insurer or between admitted insurers nor to any merger, consolidation or corporate reorganization of such insurers, and shall not apply as to such purchase, merger, exchange, consolidation or reorganization, nor to the officers, directors, trustees or any persons having authority in the management of such insurers funds in respect to any such transaction and no such transaction shall be either void or voidable, if:

(i) The transaction is just and reasonable as to the insurers involved at the time it is authorized or approved and if no such officer, director, trustee or other person having authority in the management of such insurers funds receives any money or other valuable thing, other than his usual compensation for his regular duties, for negotiating, procuring, recommending or aiding in such transaction, and, either

(ii) Any interest in such transaction on the part of any officers, directors, trustees, or persons who have authority in the management of any such insurer's funds is disclosed or known to its board of directors or committee, authorizing, approving or ratifying the transaction, and noted in the minutes thereof, and the board or committee authorizes, approves or ratifies the transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of any interested officers, directors, trustees, or persons who have authority in the management of the funds of any such insurer, or

(iii) The fact of such interest is disclosed or known to the shareholders in the case of a stock insurance company, or in the case of a mutual insurer to the policyholders, and they approve or ratify the transaction in good faith by a vote or written consent of a majority of the shares or policyholders, as the case may be, entitled to vote, unless the consent or vote of more than a majority is otherwise required, in which event the vote or written consent shall be that so otherwise required.

Any such officer, director, trustee, or other person who has such interest may be counted in determining the presence of a quorum at any meeting which authorizes, approves or ratifies such transaction.

(2) Any transaction relating to an insurer if the transaction meets the other requirements of subdivision (b) and such officers, directors, and trustees of the insurer do not in the aggregate own more than 5 percent of the stock of any corporation with which the insurer is entering into a transaction.

(3) Any transaction if prior to its consummation the insurer has applied for and obtained from the commissioner a certificate of exemption in respect to the specific transaction therein described and such transaction is consummated in conformity with such certificate and the representations and disclosures made in or in connection with the application therefor.

(i) To obtain the certificate of exemption the insurer shall file

with the commissioner a written application, accompanied by a filing fee of two hundred fifty dollars ($250). Such application shall be verified as provided in Section 834, be in such form as the commissioner shall require and shall contain all of the following:

(A) A specific description of the particular transaction for which the certificate is sought.

(B) Copies of all contracts and other legal documents involved or to be involved in the transaction.

(C) A description of all assets involved in the transaction.

(D) The names, titles, capacities and business relationships of all persons in any way involved in the transaction who are connected with the insurer or any of its affiliates, officers, directors, managers, or controlling persons or entities in any of the capacities described in this section.

(E) A description of any and all considerations on either or any side of the transaction.

(F) Evidence that its governing board has specifically authorized the filing of the application.

(G) Such other information, opinions, or matters as the commissioner may require.

The commissioner may issue such certificate of exemption if he finds, with or without a hearing, that the transaction is fair, just and equitable and not hazardous to policyholders, stockholders or creditors. The commissioner may impose such conditions, including but not limited to disclosure of the circumstances and terms of the transaction either before or after its consummation either publicly or to such persons and entities as he may designate and the approval of the transaction by such persons or entities as he may designate. He may also require that a report of the transaction be filed with him subsequent to its consummation in such form and containing such information as he may prescribe.

The certificate of exemption issued pursuant to paragraph (3) of subdivision (b) shall only exempt the transaction from the prohibitions of this section and shall not affect the rights or remedies of any persons under any other law.

The amendment made to this section at the 1955 General Session shall not apply to contracts, sales, transfers or other transactions entered into prior to the effective date hereof.

The commissioner shall not issue a certificate of exemption under paragraph (3) of subdivision (b) in respect to any transaction consummated prior to the effective date of the amendment made to this section at the 1967 Regular Session.

(c) Whenever it appears to the commissioner that any insurer, or any director, officer, employee, or agent thereof, has committed or is about to commit a violation of this section, the commissioner may apply to the superior court for the county in which the principal office of the insurer is located, or if such insurer has no such office in this state, then to the Superior Court for the County of Los Angeles, or for the City and County of San Francisco, for an order

enjoining such insurer, or such director, officer, employee, or agent thereof, from violating or continuing to violate this section, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors, and shareholders or the public may require.

SEC. 3. Section 1105 of the Insurance Code is amended to read:

1105. This article shall not prevent:

(a) The purchase by any person of any asset which the commissioner requires to be sold, at a price approved by the commissioner.

(b) The borrowing in accordance with its terms by any person upon a policy of life insurance upon his own life.

(c) The payment of a fee to any attorney for legal services rendered to any such insurer.

(d) The receipt of advances under agency contracts by agents of life insurers.

(e) Any admitted insurer's officers, directors, trustees or other persons who have authority in the management of the funds of such insurer from entering into any transaction with such insurer if:

(1) Such transaction is pursuant to a permit issued by the Insurance Commissioner under authority granted to him by other provisions of this code or is such as requires his approval prior to its consummation under other provisions of this code;

(2) The application for any such permit or the request for any such approval sets forth under oath the complete details concerning all such transactions with any such officers, directors, trustees or other persons; and

(3) Where the commissioner in his permit or approval specifically finds that the consummation of such transaction will not be unfair, unjust or inequitable to such insurer or to any of its stockholders or policyholders.

(f) Any transaction between an insurer and a person having authority in the management of the insurer's funds (except officers, directors, and trustees), if such insurer is subject to registration and reporting under the Insurance Holding Company System Regulatory Act (Article 4.7 (commencing with Section 1215) of Chapter 2 of this part), or subject to substantially similar registration and reporting requirements under the laws of its domicile.

SEC. 4. Section 1215.4 of the Insurance Code is amended to read:

1215.4. (a) Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section. Such exemption from registration for such foreign insurers shall not apply to any commercially domiciled insurer within this state, as provided in Section 1215.13. Any insurer which is subject to registration under this section shall register within 60 days after the effective date of this

article or 15 days after it becomes subject to registration, whichever is later, unless the commissioner for good cause shown extends the time for registration, and then within such extended time. The commissioner may require a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

(b) Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about the following:

(1) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling such insurer;

(2) The following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

(i) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchanges of assets;

(iii) Transactions not in the ordinary course of business;

(iv) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) All management and service contracts and all cost-sharing arrangements, other than cost-allocation arrangements based upon generally accepted accounting principles;

(vi) Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

(3) Other matters as may be included in registration forms adopted by the National Association of Insurance Commissioners, to the extent required by the commissioner.

(c) No information need be disclosed on the registration statement filed pursuant to subdivision (b) of this section if such information is not material for the purposes of this article.

(1) Unless the commissioner by rule, regulation, or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments made within the immediately preceding 12 months involving, in the net aggregate, one-half of 1 percent or less of an insurer's admitted assets, or 5 percent or less of an insurer's surplus as to policyholders, determined by whichever is greater, as of the 31st day of December next preceding, shall not be deemed material for purposes of this section.

(2) Unless the commissioner by rule, regulation, or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments made within the immediately preceding 12 months involving in the net aggregate more than either 5 percent of the

insurer's admitted assets or 25 percent of the insurer's surplus as to policyholders, determined by whichever is the lesser, as of the 31st day of December next preceding shall be deemed material transactions of an extraordinary type.

(d) Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within 15 days after the end of the month in which it learns of each such change or addition. However, subject to this subdivision, each registered insurer shall so report all dividends and other distributions to shareholders promptly upon the declaration thereof. Material transactions which are of the extraordinary type, as defined in paragraph (2) of subdivision (c), shall not be consummated without prior approval of the commissioner.

(e) The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

(f) The commissioner may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

(g) The commissioner may allow any insurer which is authorized to do business in this state and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subdivision (a) of this section and to file all information and material required to be filed under this article.

(h) The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section as not comprehended within the purposes of this section.

(i) Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer, as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

(j) The failure to file a registration statement or any amendment thereto required by this section within the time specified for such filing shall be a violation of this article.

CHAPTER 943

An act to amend Sections 12804 and 12805 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive, except that the department may waive the driving test part of the examination of an applicant who holds a valid license issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. The report shall be on a form approved by the department or by the Federal Highway Administration of the United States Department of Transportation. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration of the United States Department of Transportation. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck," any single vehicle

with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3.

(3) Class 3. A three-axle housecar, any two-axle vehicle, and any such housecar or vehicle towing another vehicle weighing less than 6,000 pounds gross, except a bus, two-wheel motorcycle, or "farm labor truck."

(4) Class 4. Any two-wheel motorcycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination.

(c) Class 1 and class 2 drivers' licenses shall be valid for operating class 1 or class 2 vehicles only when a medical certificate approved by the department or the Federal Highway Administration of the United States Department of Transportation is in the licensee's immediate possession which has been issued within two years of the date of the operation of such vehicle, otherwise the license shall be valid only for operating class 3 vehicles and class 4 vehicles if so endorsed. A person holding a valid class 1 or class 2 driver's license on May 3, 1972, may operate class 1 or class 2 vehicles without a medical certificate until such time as the license expires.

(d) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

(e) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the other examination requirements for the license for which he is applying.

SEC. 2. Section 12805 of the Vehicle Code is amended to read:

12805. The department shall not issue or renew a driver's license to any person:

(a) Who is not of legal age to receive such license.

(b) Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a motor vehicle, or who is addicted to the use of, or is an habitual user of, any drug to a degree that the person is rendered incapable of safely operating a motor vehicle.

(c) Who is insane or feebleminded or an idiot or an imbecile.

(d) Who has a disorder characterized by lapses of consciousness.

(e) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.

(f) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill.

(g) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this state and valid on September 11, 1957.

(h) Who holds a valid driver's license issued by a foreign jurisdiction unless he surrenders that license to the department.

(i) Who has ever held, or is the holder of a license to drive issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been suspended by reason, in whole or in part, of a conviction of a traffic violation until the suspension period has terminated, except as provided in subdivision (b) of Section 12806.

(j) Who has ever held, or is the holder of a license to drive issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been revoked by reason, in whole or in part, of a conviction of a traffic violation until the revocation has been terminated or after the expiration of one year from the date the license was revoked, whichever occurs first, except as provided in subdivision (b) of Section 12806.

CHAPTER 944

An act to amend Section 4456 of, to add Section 4456.1 to, and to repeal Section 4456.5 of, the Vehicle Code, relating to vehicle dealers, and making an appropriation therefor.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 4456 of the Vehicle Code is amended to read:

4456. (a) The department may authorize dealers licensed under Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 to use numbered copies of the report of sale form and corresponding temporary identification devices upon vehicles they sell.

(b) Such copies and identification devices shall be used pursuant to rules and regulations prescribed by the department and upon the terms and conditions set forth in this section.

(c) New and used vehicles not licensed in this state may be operated without license plates or registration cards and used

vehicles licensed in this state may be operated without registration cards not to exceed 20 days from the date sold by a dealer or until the license plates or cards are received from the department when a copy of the report of sale form and the temporary identification device are used and displayed in accordance with the rules and regulations of the department, provided that the dealer meets the following terms and conditions:

(1) The copy of the report of sale and its corresponding temporary identification device shall be affixed to the appropriate vehicle upon delivery to a purchaser.

(2) All fees and any penalties which may be due the department to register or transfer registration of the vehicle are paid over to the department by the selling dealer within 20 days of the sale.

(3) The sale of the vehicle shall be reported to the department as required by Section 5901.

(4) An application in proper form to register the vehicle or to effect transfer of ownership, together with the required supporting documents shall be submitted to the department on behalf of the purchaser. If, however, such documents do not include the regularly required evidence of ownership, the dealer shall also submit a motor vehicle bond or undertaking as provided for in Section 4157, or an affidavit or other information as provided for in Section 5911, or both.

(d) The use by any dealer of a report of sale copy as provided herein shall obligate the dealer to pay the fees and penalties determined by the department to be due on the vehicle under Division 3 (commencing with Section 4000) of the Vehicle Code and Part 5 (commencing with Section 10701) Division 2 of the Revenue and Taxation Code and which have been advanced to the dealer by the customer either by cash, trade-in or under the provisions of a contract, and those penalties which have accrued because of failure of the dealer to make timely or proper application for his customer.

SEC. 2. Section 4456.1 is added to the Vehicle Code, to read:

4456.1. (a) Any vehicle dealer who fails to comply with the provisions of paragraph (2) or (3) of subdivision (c) of Section 4456 shall pay to the department an administrative service fee of five dollars ($5) for each such failure.

(b) Each failure to comply with any of the requirements of paragraph (1), (2), or (3) of subdivision (c) of Section 4456 shall constitute, in addition to any obligation to pay an administrative service fee, a separate cause for discipline pursuant to Section 11705.

(c) Any vehicle dealer who fails to comply with the provisions of paragraph (4) of subdivision (c) of Section 4456 within 20 days, inclusive, from the date of sale shall pay to the department an administrative service fee to be assessed as follows:

(1) For compliance after 20 days but within 30 days, inclusive, from the date of sale—five dollars ($5).

(2) For compliance after 30 days but within 40 days, inclusive, from the date of sale—ten dollars ($10).

(3) For noncompliance for more than 40 days from the date of

sale—fifteen dollars ($15).

(d) Each failure to comply with the requirements of paragraph (4) of subdivision (c) of Section 4456 within 40 days, inclusive, from the date of sale shall constitute, in addition to any obligation to pay an administrative service fee, a separate cause for discipline pursuant to Section 11705. If, however, the vehicle dealer complies with the requirements of paragraph (4) of subdivision (c) of Section 4456 within 40 days, inclusive, of the date of sale, and pays the administrative fee due, there shall be no such separate cause for discipline pursuant to Section 11705.

(e) Each failure to pay within 30 days, inclusive, after written demand from the department any administrative service fee due pursuant to the provisions of this section shall constitute a separate cause for discipline pursuant to Section 11705.

SEC. 3. Section 4456.5 of the Vehicle Code is repealed.

CHAPTER 945

An act to add Section 14621.3 to the Elections Code, relating to absent voter ballots, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14621.3 is added to the Elections Code, to read:

14621.3. The county clerk shall include with the sample ballot an application for an absent voter ballot.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act to apply to the general election in November 1974 it is essential that this act take immediate effect.

CHAPTER 946

An act to amend Section 31304 of the Water Code, and to amend Sections 6.1 and 6.2 of, and to add Section 23.1 to, the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to water districts.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 31304 of the Water Code is amended to read:

31304. The district, or the district on behalf of an improvement district thereof, may issue negotiable promissory notes which shall be payable from general taxes, revenues, and other available funds of the district or the improvement district, as the case may be, other than taxes levied for the payment of principal and interest on any bonded indebtedness of the district or an improvement district therein. The notes shall bear interest at a rate not exceeding 7 percent per annum and shall mature and be payable not later than five years from the date of issue. The balance of such notes unpaid shall not at any one time exceed 2 percent of the assessed valuation of the taxable property in the district or the improvement district, as the case may be, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district, or the improvement district, as evidenced by his certificate; provided, however, that a district which has been formed for less than 18 months may borrow an amount not exceeding twenty-five thousand dollars ($25,000), or an amount not exceeding 2 percent of the assessed valuation or estimated valuation of the taxable property in the district, whichever is greater.

No district shall borrow, pursuant to this section, for purposes other than flood control, in excess of one million dollars ($1,000,000); provided, however, that any district with an assessed valuation in excess of one hundred million dollars ($100,000,000) may borrow, pursuant to this section, for purposes other than flood control, an amount not exceeding 1 percent of the assessed valuation of all taxable property within the district.

SEC. 3. Section 6.1 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944 (Second Extraordinary Session)) is amended to read:

Sec. 6.1. The board of supervisors is authorized and empowered at any time and from time to time to create within any of the zones, described in Sections 3 to 6, inclusive, of this act, special zones for the purpose of acquiring, engineering, designing, constructing, reconstructing, maintaining, or operating any project authorized by this act or any flood control or storm drainage facilities within such special zones which in the opinion of the board will be of special benefit to the area within the special zones. Before creating any

special zone under the provisions of this section, the board of supervisors shall hold a public hearing on the proposal. Notice of the hearing shall be published in a newspaper of general circulation within the proposed special zone, if there be one, otherwise notice of the meeting shall be posted in at least seven places within the proposed special zone. Said notice shall describe the boundaries of the proposed special zone and contain a general statement of the nature of work proposed to be done. At the hearing, any interested person may appear and protest the creation of the special zone or the performance of any proposed work therein. Before final action is taken to form any special zone the exterior boundaries of which will include any land lying within the limits of any incorporated city, the board of supervisors shall have the concurrence of such city to the formation of such special zone, such concurrence to be evidenced by a resolution or ordinance adopted by a majority of the members of the governing body of such city or by a vote of a majority of the qualified electors residing in such city or portion thereof to be included in such special zone. Said election shall in all particulars be held as provided by law for holding municipal elections in said city and the cost thereof shall be a city charge.

SEC. 4. Section 6.2 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944 (Second Extraordinary Session)) is amended to read:

Sec. 6.2. All of the provisions of this act relating to zones are applicable to special zones formed under Section 6.1 of this act and all of the powers and duties conferred or imposed by this act with respect to zones, including the powers and duties to levy and collect taxes or assessments and to incur indebtedness and to issue and sell bonds, shall apply with like respect to special zones, provided that, whenever an indebtedness or bonded indebtedness is incurred in any special zone, the interest on and the principal of such indebtedness or bonded indebtedness may be paid for out of zone wide funds or taxes or assessments derived from within the area of such special zone, to the extent available. It is hereby declared that for the purposes of any tax or assessment levied under subdivision 2 of Section 12 of this act in any special zone, the property so taxed or assessed is equally benefited.

SEC. 5. Section 23.1 is added to the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), to read:

Sec. 23.1. Emergency work, found by the board of supervisors, by unanimous vote of those present, not less than a quorum being present, to be necessary in order to protect life and property from immediately impending flood damage, may also be done by negotiated contract without advertising for bids therefor. The purchasing agent of Ventura County, unless otherwise ordered by the board of supervisors, may purchase for the district all materials, supplies, equipment and other personal property necessary to carry out the purposes of this section and shall make all such purchases and

contracts upon proper requisition therefor, signed by the engineer-manager of the district, or in his absence by his designee.

CHAPTER 947

An act to amend Sections 38025, 38087, 38115, 38120, 38122, 38125, 38246, and 38265 of the Vehicle Code, relating to off-highway vehicles.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 38025 of the Vehicle Code is amended to read:

38025. Notwithstanding the provisions of Section 4000, motor vehicles issued a plate or device pursuant to Section 38160 may be operated or driven upon a highway but only as follows:

(a) On a two-lane highway, only to cross such highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where a quick and safe crossing may be made, or only when the roadway is not maintained by snow removal equipment and is closed to motor vehicles which are subject to registration pursuant to Division 3 (commencing with Section 4000), or only to cross a highway in the manner specified in subdivision (b).

(b) With respect to the crossing of a highway having more than two lanes, or a highway having limited access, such motor vehicles may cross such highways but only at a place designated by the Department of Transportation or local authorities with respect to highways under their respective jurisdictions as a place where such motor vehicles, or specified types of such motor vehicles, may cross the highways, and such vehicles shall cross such highways only at such designated places and only in a quick and safe manner.

(c) The Department of Transportation and local authorities with respect to highways under their respective jurisdictions may designate, by the erection of appropriate signs of a type approved by the Department of Transportation, places where such motor vehicles, or specified types of such motor vehicles, may cross any highway having more than two lanes or having limited access.

(d) Motor vehicles identified pursuant to Section 38010 may be towed upon a highway, but not driven, if such vehicles display a plate or device issued pursuant to Section 38160.

(e) Motorcycles identified pursuant to Section 38010 may be pushed upon a highway, but not ridden, if such motorcycles have displayed upon them a plate or device issued pursuant to Section 38160.

SEC. 2. Section 38087 of the Vehicle Code is amended to read:

38087. (a) Upon payment of the fees specified in Section 38231, the department may issue to manufacturers, dealers, or distributors, a special permit to operate or use for the purpose of delivery, demonstration, or display, off-highway motor vehicles otherwise required to be identified under this division.

(b) Special permits issued pursuant to this section shall expire at midnight on the 30th day of June in the second calendar year following the year of issuance of such permit.

SEC. 3. Section 38115 of the Vehicle Code is amended to read:

38115. (a) Every motor vehicle identification and identification certificate issued pursuant to this division shall expire at midnight on the 30th day of June in the second calendar year following the year of issuance of such certificate. The department may upon payment of the proper fees renew such identification.

(b) The expiration of and time for renewal of every identification plate and identification card issued on or after January 1, 1972, and before the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature, shall be governed by the provisions of subdivision (a) and Section 38120. The provisions of subdivision (b) of Section 38265 shall not apply to payment of renewal fees for snowmobiles until the expiration of the renewal period indicated on such identification card.

SEC. 4. Section 38120 of the Vehicle Code is amended to read:

38120. (a) Application for renewal of identification of off-highway motor vehicles subject to identification shall be made by the owner not later than midnight of the 30th day of June of the expiration year.

(b) Whenever any application for identification or transfer of ownership of an off-highway motor vehicle subject to identification is filed with the department between June 1 and June 30 of the year of expiration, the application shall be accompanied by the full renewal fees in addition to any other fees then due and payable.

SEC. 5. Section 38122 of the Vehicle Code is amended to read:

38122. When the identification of an off-highway vehicle has expired at midnight on the 30th day of June and the vehicle is not thereafter operated or used on public property or private property in such a manner as to subject the vehicle to identification, then any application made subsequent to the expiration date of the identification shall be accompanied by a certificate of nonoperation to avoid payment of penalties otherwise due.

SEC. 6. Section 38125 of the Vehicle Code is amended to read:

38125. Whenever by reason of the theft or embezzlement of an off-highway motor vehicle subject to identification the owner or legal owner is not in possession of the vehicle at the time penalties accrue for failure to obtain identification, or renewal thereof, the owner or legal owner may secure the identification or renewal of the identification of the vehicle within 20 days after its recovery upon filing an affidavit setting forth the circumstances of the theft or embezzlement if the theft or embezzlement of the vehicle has been

reported pursuant to provisions of this code, without penalty for delinquent payment of fees imposed under this division.

SEC. 7. Section 38246 of the Vehicle Code is amended to read:

38246. (a) A penalty shall be added upon any application for renewal of identification made on or after the day following the expiration date except as provided in Section 38122.

(b) If the fee specified in Section 38225 is not paid within 10 days after such fee becomes delinquent, a penalty shall be added thereto.

(c) When renewal fee penalties have not accrued and the ownership of the vehicle is transferred, the transferee shall have a period of 20 days from the date of such transfer to pay any identification fees which become due without payment of any penalties that would otherwise be required as provided in subdivision (a).

(d) Except as otherwise provided in this section, if any fee is not paid within 20 days after such fee becomes delinquent a penalty shall be added thereto.

SEC. 8. Section 38265 of the Vehicle Code is amended to read:

38265. (a) The penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer.

(b) The penalty for delinquency in respect to the fees imposed by Sections 38225 and 38230 shall be equal to one-half the fee after the same has been computed.

SEC. 9. Sections 4, 5, 6, 7, and 8 of this act shall become operative on March 10, 1975.

CHAPTER 948

An act to amend Sections 13105, 13136, 13141, 13170, and 13171.1 of, and to add Section 13134.5 to, the Education Code, relating to teacher preparation and licensing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 13105 of the Education Code is amended to read:

13105. The Superintendent of Public Instruction, the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, and the California Postsecondary Education Commission shall each appoint a representative to serve as member ex officio without vote.

SEC. 2. Section 13134.5 is added to the Education Code, to read:

13134.5. Notwithstanding any other provision of law, a person

holding a credential issued under the laws and regulations in effect on or before December 31, 1971, authorizing teaching in grades 7 to 12, inclusive, in the secondary schools may be assigned, with his consent, to teach grade 6 in a school composed of grades 6, 7, and 8.

SEC. 3. Section 13136 of the Education Code is amended to read:

13136. The minimum requirements for the services credential with a specialization in pupil personnel services are either both (a) and (b), or (c) and (d):

(a) A baccalaureate degree or higher degree, except in professional education, from an approved institution; a fifth year of study to be completed within five years of the first employment of the certified employee; and such specialized and professional preparation as the commission may require, including completion of a commission-approved program of supervised field experience which includes direct classroom contact, jointly sponsored by a school district and a college or university.

(b) Passage of an examination selected and interpreted by the commission, or its approved waiver, as set forth in Sections 13150.5 and 13158.5.

(c) Possession of a valid license, certificate, or registration, appropriate to the service to be rendered issued by the California agency authorized by law to license, certificate, or register persons to practice that service in California.

(d) One year's experience in a commission-approved program of supervised fieldwork. This requirement may be waived if the commission finds that previous fieldwork is of such a nature as to adequately prepare the applicant for service in the schools.

Preparation programs that result in concurrent issuance of a services credential with a specialization in pupil personnel services and a teaching credential may be approved by the commission.

The services credential with a specialization in pupil personnel services shall authorize the holder to perform, at all grade levels, the pupil personnel service approved by the commission as designated on the credential, which may include, but need not be limited to, counseling, psychological, child welfare and attendance services, and school social work.

SEC. 4. Section 13141 of the Education Code is amended to read:

13141. The minimum requirements for the services credential with a specialization in administrative services are all of the following:

(a) The possession of a valid teaching credential issued under the law and rules and regulations in effect on or before December 31, 1971, requiring the possession of a baccalaureate degree, or as specified in Section 13130, or a services credential with a specialization in pupil personnel services as specified in Section 13136.

(b) A minimum of three years of successful, full-time classroom teaching experience in the public schools, or in private schools of equivalent status or three years of experience in the field of pupil

personnel services.

(c) The passage of an examination selected and interpreted by the commission or its approved waiver as set forth in Sections 13150 and 13158.

(d) A program of specialized and professional preparation in administrative services approved by the commission or one year internship in a commission-approved program of supervised in-service training in administrative services or an examination in administrative services.

The services credential with a specialization in administrative services shall authorize the holder to serve as a superintendent, associate superintendent, deputy superintendent, principal, assistant principal, supervisor, consultant, coordinator, or in an equivalent or intermediate level administration position.

Any person who administers a pupil personnel program shall hold a services credential with a pupil personnel or administrative specialization.

SEC. 5. Section 13170 of the Education Code is amended to read:

13170. Teachers, principals, supervisors, school librarians, superintendents and assistant superintendents, and other certified personnel who are presently employed in public schools in California shall not be adversely affected by this chapter. However, presently employed personnel and those in preparation shall be permitted to seek initial or renewal certification under the terms of this chapter.

SEC. 6. Section 13171.1 of the Education Code is amended to read:

13171.1. (a) The commission shall issue the appropriate credentials authorized by the law operative, and the rules and regulations of the commission in effect on December 31, 1971, to any person who completed the requirements for such credential prior to September 15, 1974.

(b) A person may be issued a credential under this section after September 15, 1974, if that person, between December 31, 1971, and September 15, 1974:

(1) Was engaged in teaching in a foreign country, after such person had completed the requirements of such credential.

(2) Holds a credential issued under partial fulfillment and was working towards meeting the requirements of that credential and was enrolled in a teacher training institution.

(3) Was working towards meeting the requirements of such credential and was prevented from completing those requirements because of active military service, illness, or other causes determined by the commission.

(4) Was accepted into and enrolled in a teacher education curriculum at any institution and would be required to take more than 15 semester-hour units or the equivalent quarter-hour units after September 15, 1974, beyond the requirements necessary to receive such credential, in order to meet the requirements of credentials issued under this chapter.

(5) Was enrolled in a student-declared degree program at an accredited institution leading to such credential with at least a junior standing as determined by the institution and would be required to take more than 15 semester-hour units or the equivalent quarter-hour units after September 15, 1974, beyond the requirements necessary to receive such credential, in order to meet the requirements of credentials issued under this chapter.

(c) No credential authorized under this law and rules and regulations in effect on December 31, 1971, shall be issued to any person pursuant to the exceptions specified in paragraphs (1) to (5), inclusive, of subdivision (b) after September 15, 1976.

(d) For the purposes of this section, "teacher education curriculum" means any professional education course or sequence of professional education courses required for a credential authorized by the law operative, and the rules and regulations of the commission in effect on December 31, 1971.

(e) For the purposes of this section, "student-declared degree program" means any student-elected degree objective at an approved institution selected for the purpose of obtaining a credential authorized by the law operative, and the rules and regulations of the commission in effect on December 31, 1971.

SEC. 7. The Legislature finds that the Commission for Teacher Preparation and Licensing established a procedure for listing the names of persons who were enrolled in standard credential programs and who could reasonably be expected to complete such programs by September 15, 1974, for the purpose of issuing credentials authorized by the laws operative, and the rules and regulations in effect on December 31, 1971, to such persons who, for reasons beyond their control, could not complete the requirements for such credential until after September 15, 1974. Such persons whose names appear on such list shall be deemed to meet the conditions prescribed for the issuance of credentials by paragraphs (1) to (5), inclusive, of subdivision (b) of Section 13171.1 of the Education Code.

SEC. 8. It is the intent of the Legislature that the Commission on Teacher Preparation and Licensing shall liberally construe subdivision (b) of Section 13171.1 of the Education Code to assist qualified persons to obtain appropriate credentials and to permit approved institutions to use course equivalents to assist qualified persons to obtain appropriate credentials to the end that no person shall be adversely affected by the provisions of Chapter 2 (commencing with Section 13101) of Division 10 of the Education Code.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to clarify the statutes relating to the issuance of credentials under the Ryan Act at the earliest possible time, and so

facilitate the orderly administration of that act, it is necessary that this act take effect immediately.

CHAPTER 949

An act to amend Sections 13581.2 and 13581.5 of, and to repeal Section 13581.5 of, the Education Code, relating to school district employees.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 13581.2 of the Education Code is amended to read:

13581.2. (a) Positions not requiring certification qualifications created by a governing board of a school district under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, or Section 11300 or Section 13650 of the Welfare and Institutions Code, any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall, nevertheless, be a part of the classified service as established by Section 13581 or Section 13712 of the Education Code.

Persons employed in such positions shall be classified employees and shall enjoy all of the rights, burdens and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as that of persons selected for positions a part of the regular school program.

(b) Notwithstanding the provisions of subdivision (a) if specially funded positions are restricted to employment of persons in low-income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions a part of the regular school program, except that persons employed in such restricted positions as defined in Section 13599.3 shall not be subject to examination procedures as prescribed in Section 13723.05. Persons employed in positions properly classified as "restricted" shall be classified employees for all purposes except:

(1) They shall not be accorded employment permanency under Section 13583 or Section 13739 of the Education Code, whichever is applicable.

(2) They shall not acquire seniority credits for the purposes of

Sections 13737 and 13746 of the Education Code or, in a district not having the merit (civil service) system, for the purposes of layoff for lack of work or lack of funds as may be established by rule of the governing board.

(3) The provisions of Sections 13727 and 13728 shall not apply to "restricted" employees.

(4) They shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c).

(c) At any time, after completion of six months of satisfactory service, a person serving in a "restricted" position shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular classified service. If such person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His service in the regular classified service shall be counted from the original date of employment in the "restricted" position and shall continue even though he continues to serve in a "restricted" position.

(d) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

(e) It is the intent of the Legislature in enacting this section to clearly set forth that positions normally a part of the classified service are included therein regardless of the source of income to sustain such positions and to effectively implement specially funded programs intended to provide job opportunities for untrained and impoverished persons but to do so in a manner that will not be disruptive nor detrimental to the normal employment procedures relating to classified school service.

SEC. 2. Section 13581.5 of the Education Code is amended to read:

13581.5. If the governing board of any school district establishes positions in the categories described below and restricts initial appointments of new employees to persons in low-income groups or residing in specifically designated areas of the community, then such positions shall, in addition to the regular class title, be classified as "restricted." The positions shall be part of the classified service and persons so employed shall be classified employees for all purposes except that they shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c) of Section 13581.2.

The categories of positions for which the governing board may establish restrictions under this section are:

(a) The position of instructional aide, as defined in Section 13599.3.

(b) Any other position involving personal contacts with pupils or parents, that is established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library, or health; or the correction or prevention of behavioral problems.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

This section shall remain in effect only until January 31, 1979, and as of that date is repealed.

CHAPTER 950

An act to amend Sections 8961, 8961.2, 8961.6, 8963, and 8963.8 of, to add Sections 8893 and 8894 to, and to repeal and add Section 8961.1 of, the Health and Safety Code, relating to cemetery districts.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 8893 is added to the Health and Safety Code, to read:

8893. "Nonresident," as used in this part, means any person who was not a resident or taxpayer of the district at the time of the person's death.

SEC. 2. Section 8894 is added to the Health and Safety Code, to read:

8894. "Nonresident fee," as used in this part, means a fee established by the trustees which meets the following criteria:

(a) The fee shall be established at an amount which will permit that portion of the cemetery in which the grave is located to be maintained on a self-supporting basis and shall be such as will at least reimburse the district for the cost of the grave and the cost of services.

(b) The fee shall include a surcharge of at least 15 percent of the amount required by subdivision (a).

(c) The fee shall include a minimum deposit to the endowment care fund, if one exists, in the amount set forth in Section 8738 or any amendments thereto.

SEC. 3. Section 8961 of the Health and Safety Code is amended to read:

8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents or taxpayers of the district or former residents or taxpayers of the district who purchased burial rights in lots or plots while residents or taxpayers of the district or members of their families. Families shall be limited to a spouse,

03353 251595 128

parents, grandparents, children and brothers and sisters and their families. Adopted children, stepchildren, stepfathers and stepmothers shall also be considered family members.

SEC. 4. Section 8961.1 of the Health and Safety Code is repealed.

SEC. 5. Section 8961.1 is added to the Health and Safety Code, to read:

8961.1. Notwithstanding the provisions of Section 8961, any cemetery maintained by a district may be used for the burial within the ground of any deceased nonresident of the district if the decedent is a member of the family, as defined in Section 8961, of a resident or taxpayer of the district or of a decedent already buried in a cemetery maintained by the district or a member of the family of a former resident or taxpayer who purchased burial rights while he was a resident or taxpayer of the district and if the district requires the payment of a nonresident fee established pursuant to Section 8894.

A district may also bury any other deceased nonresident if all of the following five conditions are met:

(a) The trustees determine that the cemetery has adequate space for the foreseeable future.

(b) The deceased nonresident had been a resident or taxpayer of the district for at least a continuous five-year period, a portion of which must have occurred within the 10-year period immediately prior to his death.

(c) The district has established an endowment care fund which requires at least the minimum deposit set forth in Section 8738.

(d) The district requires the payment of a nonresident fee established pursuant to Section 8894.

(e) A written request is submitted by a resident or taxpayer of the district, other than a trustee or employee of the district and other than a funeral director or his employee.

SEC. 6. Section 8961.2 of the Health and Safety Code is amended to read:

8961.2. Where private facilities are not available within a radius of 15 miles of decedent's residence, a decedent not otherwise eligible for burial within a cemetery of the district may be interred therein and the district shall charge a nonresident fee established pursuant to Section 8894. The foregoing requirement as to charges shall not be applicable to the burial of indigents at public expense who may be interred at such rates as may be fixed by the trustees of the cemetery district.

SEC. 7. Section 8961.6 of the Health and Safety Code is amended to read:

8961.6. Notwithstanding the provisions of Sections 8961 to 8961.4, inclusive, a district may contract with the county in which the district is located to bury any nonresident indigents for the county if the trustees determine that there is more space available in the cemetery of the district than is necessary to meet the foreseeable needs of the district.

The contract shall require the county with which it is made to pay all costs incident to the burial of any such indigent in the cemetery of the district and to pay a deposit in the endowment care fund, if one exists, in the amount established by the district and at least the minimum set forth in Section 8738 or any amendments thereto or to pay any future costs incurred by the district in maintaining the grave of the indigent.

SEC. 8. Section 8963 of the Health and Safety Code is amended to read:

8963. The district may do all acts necessary or proper for the carrying out of the purposes of this part, including the selling of burial rights in cemetery lots.

The trustees shall prepare or cause to be prepared and shall maintain an up-to-date map of the cemetery showing by section and lot number the lots in which burial rights have been sold and which burial rights are still available for sale.

SEC. 9. Section 8963.8 of the Health and Safety Code is amended to read:

8963.8. The supervisors shall hold the hearing at the time and place fixed in the resolution, and the board of supervisors may at the hearing, or at any meeting of the board of supervisors held within 60 days thereafter, unless a protest is entered as provided in Section 8963.9, adopt a resolution by a four-fifths vote of all its members concurring in the conveyance of the cemetery to a cemetery authority.

CHAPTER 951

An act to add Article 6 (commencing with Section 19650) to Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code, relating to business enterprises for the blind.

[Approved by Governor September 19, 1974. Filed with Secretary of State September 19, 1974]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 19650) is added to Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code, to read:

Article 6. Blind Vending Operators Annuity Fund

19650. It is the intent of the Legislature in enacting this article to further carry out the purposes of this chapter by relieving blind vending stand operators from the distress of poverty brought about by illness or old age.

19651. From commissions collected in those facilities in which

there are no blind vending stand operators licensed by the Department of Rehabilitation, the Department of Rehabilitation may contribute to an annuity plan for blind vending stand operators licensed by the Department of Rehabilitation pursuant to Section 19630 of this chapter or pursuant to Section 107a of Title 20 of the United States Codes.

19652. (a) The Department of Rehabilitation may:

(1) Cooperate with or arrange through private carriers for the administration of such a plan.

(2) In accomplishing the provisions of this subdivision the department shall establish and consult with an advisory plan committee of five licensed blind vending stand operators appointed by the department.

(b) The blind vending operators shall be deemed a group within the definition of Section 10200.5 of the Insurance Code who may be enrolled in a franchise or wholesale life insurance plan.

CHAPTER 952

An act to amend Sections 238 and 1007 of the Public Utilities Code, relating to vessels, and making an appropriation therefor.

[Approved by Governor September 19, 1974 Filed with Secretary of State September 19, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 238 of the Public Utilities Code is amended to read:

238. (a) "Vessel" includes every species of watercraft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property, except rowboats, sailing boats, and barges under 20 tons dead weight carrying capacity.

(b) Nothing in this code except those provisions relating to the regulation of rates shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities. This subsection shall apply only in the case of commodities, in bulk which are loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel.

(c) Nothing in this code except those provisions relating to the regulation of rates shall apply to the transportation by water of liquid cargoes in bulk in tank vessels designed for use exclusively in such service.

SEC. 2. Section 1007 of the Public Utilities Code is amended to read:

1007. (a) No corporation or person shall begin to operate or cause to be operated any vessel for the transportation of persons or property, for compensation, between points in this state, without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required as to termini between which any such corporation or person is lawfully operating vessels in good faith under this part as it existed prior to August 17, 1923, under tariffs and schedules of such corporations or persons, lawfully on file with the commission. Every applicant for such a certificate shall file in the office of the commission application and evidence in the form required by the commission. The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, or issue it for operation between certain points only, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require.

(b) Any corporation or person which owns or controls, and any corporation or person which operates, any watercraft propelled by steam, gas, fluid naphtha, electricity, or other motive power under the burden of five tons net register for the transportation of persons or property for compensation between points in this state on January 1, 1975, may, on or before April 1, 1975, file with the commission an application for a certificate of public convenience and necessity for the type of service performed by the vessel. The commission shall issue such certificate authorizing such service without further proceedings.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 953

An act to amend Sections 54309 and 54310 of, and to add Section 54307.2 to, the Government Code, relating to energy conservation and development.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 54307.2 is added to the Government Code, to read:

54307.2. "Local agency" also means any joint powers agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 for the generating, producing, or transmitting of electric energy for lighting, heating, and power for public or private uses. In lieu of holding an election within the joint powers agency, upon the adoption by the joint powers agency of the resolution referred to in Article 3 (commencing with Section 54380) of this chapter, each member public agency of the joint powers agency whose revenues are to be pledged to secure the bonds shall implement such resolution by conducting the election within its boundaries in accordance with the provisions of this chapter. The proposition authorizing the bonds shall be deemed adopted if it receives the affirmative vote of a majority of all the voters voting on the proposition within each of such public agencies.

SEC. 2. Section 54309 of the Government Code is amended to read:

54309. "Enterprise" means a revenue-producing improvement, building, system, plant, works, facilities, or undertaking used for or useful for any of the following purposes:

(a) The obtaining, conserving, treating and supplying of water for domestic use, irrigation, sanitation, industrial use, fire protection, recreation, or any other public or private uses.

(b) The collection, treatment or disposal of garbage or refuse matter.

(c) The collection, treatment or disposal of sewage, waste or storm water, including drainage.

(d) The providing of public parking lots, garages, or other automotive or vehicular parking facilities, including any and all public offstreet vehicular parking facilities.

(e) The providing of public transportation by means of a ferry or ferry system.

(f) The providing of public airports and facilities appurtenant thereto.

(g) The providing of harbors, including without limitation public small boat harbors, and facilities and improvements in connection therewith.

(h) The providing of hospitals and facilities appurtenant thereto.

(i) The providing of public golf courses, and facilities and improvements in connection therewith.

(j) The generation, production, or transmission of electric energy for lighting, heating, and power for public or private uses.

SEC. 3. Section 54310 of the Government Code is amended to read:

54310. "Enterprise" does not include, and this chapter does not authorize a local agency to borrow money and issue bonds for, systems, plants, works, or undertakings for:

(a) The distribution of electric energy for lighting, heating, and power for public or private uses.

(b) The generation, production, transmission, and distribution of gas for public or private uses.

CHAPTER 954

An act to add Sections 22004 and 22808 to the Elections Code, relating to elections.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 22004 is added to the Elections Code, to read:

22004. A county may by ordinance or resolution limit campaign expenditures or contributions in elections to county offices.

SEC. 2. Section 22808 is added to the Elections Code, to read:

22808. A city may by ordinance or resolution limit campaign expenditures or contributions in municipal elections.

CHAPTER 955

An act to amend Sections 9364 and 9365 of the Public Resources Code, relating to resource conservation district assessments.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 9364 of the Public Resources Code is amended to read:

9364. The regular assessment in any one year shall not exceed two cents ($0.02) on each one hundred dollars ($100) of assessed valuation of the land, exclusive of improvements, trees, and mineral rights, within the district. The valuation shall be determined according to the last assessment roll, reduced proportionately when mineral rights, standing trees, or timber are involved.

The cost to the assessor, if any, of recomputing assessed valuations in accordance with this section shall be paid by the district requesting an assessment levy pursuant to this article.

SEC. 2. Section 9365 of the Public Resources Code is amended to read:

9365. The board of supervisors of each county in which there lies any portion of the district shall, annually, at the time of levying county taxes, levy an assessment on the land exclusive of improvements, trees, and mineral rights, within the county and within the district to be known as the "_____ (name of district) Resource Conservation District assessment," sufficient to raise the amount reported to them in the estimate of the directors; provided, however, that no single assessment levied hereunder against any single municipal or public utility landowner shall be in excess of ten dollars ($10) in any year.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there by any appropriation made by this act for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 956

An act to add Title 4 (commencing with Section 264) to Part 3 of Division 1 of the Civil Code, relating to minors.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Title 4 (commencing with Section 264) is added to Part 3 of Division 1 of the Civil Code, to read:

TITLE 4. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

264. The Interstate Compact on Placement of Children as set forth in Section 265 is hereby adopted and entered into with all other jurisdictions joining therein.

265. The provisions of the interstate compact referred to in Section 264 are as follows:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Article 1. Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum

opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis on which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

Article 2. Definitions

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

Article 3. Conditions for Placement

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

Article 4. Penalty for Illegal Placement

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

Article 5. Retention of Jurisdiction

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the

placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

Article 6. Institutional Care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction, and

2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

Article 7. Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

Article 8. Limitations

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state

are party, or to any other agreement between said states which has the force of law.

Article 9. Enactment and Withdrawal

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

Article 10. Construction and Severability

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

266. Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article 5 thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of other state laws also may be invoked.

267. The "appropriate public authorities" as used in Article 3 of the Interstate Compact on the Placement of Children shall, with reference to this state, mean the State Department of Health and such department shall receive and act with reference to notices required by said Article 3.

268. As used in paragraph (a) of Article 5 of the Interstate Compact on the Placement of Children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the State Department of Health.

269. The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article 5 of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the Controller in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

270. Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under the law of this state shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) of Article 5 of the Interstate Compact on the Placement of Children.

271. No provision of law restricting out-of-state placement of children for adoption shall apply to placements made pursuant to the Interstate Compact on the Placement of Children.

272. Any court having jurisdiction to place delinquent children may place such a child in an institution in another state pursuant to Article 6 of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article 5 thereof.

273. As used in Article 7 of the Interstate Compact on the Placement of Children, the term "executive head" means the Governor. The Governor shall appoint a compact administrator in accordance with the terms of said Article 7.

274. Approval of an interstate placement of a child for adoption shall not be granted by the compact administrator if the placement is in violation of either Section 224q of this code or Section 273 of the Penal Code.

CHAPTER 957

An act to add Section 437.10 to the Health and Safety Code, relating to health.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 437.10 is added to the Health and Safety Code, to read:

437.10. Notwithstanding any other provision of law, no proposal for the remodeling of any existing hospital or related health facility or for the construction of any new hospital or related health facility

to replace in whole or in part any existing hospital or related health facility shall be required to be approved as provided in this part, for any purpose, if such proposal does not involve an increase in bed capacity or a conversion of one type of facility to a different category of licensure and if such proposal provides that such hospital or related health facility remains on the same site or adjacent thereto. The voluntary area health planning agency or local area health planning agency may review proposals subject to the provisions of this section and make recommendations with respect to such proposals, but for all purposes, including those specified in Section 14105.5 of the Welfare and Institutions Code and in Sections 1265.5 and 1265.7 of this code, the proposal shall be deemed approved by the voluntary area health planning agency.

CHAPTER 958

An act to add Section 12531.5 to the Government Code, to amend Section 10176 of, and to add Sections 10177 and 11512.8 to, the Insurance Code, relating to psychological services.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 12531.5 is added to the Government Code, to read:

12531.5. A health care service plan may provide for coverage of, or for payment for, professional mental health services, or for the exclusion of such services. No plan shall prohibit the member from selecting any psychologist who is the holder of a certificate issued under Section 2948 of the Business and Professions Code to perform the particular services covered under the terms of the plan, such certificate holder being expressly authorized by law to perform such services. Nothing in this section shall be construed to allow a member to select and obtain mental health services from a certificate holder who is not directly affiliated with or under contract to the health care service plan to which the member belongs.

SEC. 2. Section 10176 of the Insurance Code is amended to read:

10176. In disability insurance the policy may provide for payment of medical, surgical, chiropractic, physical therapy, professional mental health, dental, hospital, or optometric expenses upon a reimbursement basis, or for the exclusion of any such services, and provision may be made therein for payment of all or a portion of the amount of charge for such services without requiring that the insured first pay such expenses. No such policy shall prohibit the insured from selecting any psychologist or other person who is the holder of a certificate or license under Sections 1000, 1634, 2135, 2553,

2630, 2948, or 3055 of the Business and Professions Code to perform the particular services covered under the terms of the policy, such certificate holder or licensee being expressly authorized by law to perform such services.

SEC. 3. Section 10177 is added to the Insurance Code, to read:

10177. A self-insured employee welfare benefit plan may provide for payment of professional mental health expenses upon a reimbursement basis, or for the exclusion of such services, and provision may be made therein for payment of all or a portion of the amount of charge for such services without requiring that the employee first pay such expenses. No such plan shall prohibit the employee from selecting any psychologist who is the holder of a certificate issued under Section 2948 of the Business and Professions Code to perform the particular services covered under the terms of the plan, such certificate holder being expressly authorized by law to perform such services.

SEC. 4. Section 11512.8 is added to the Insurance Code, to read:

11512.8. A hospital service contract may provide for payment of professional mental health expenses upon a reimbursement basis, or for the exclusion of such services, and provision may be made therein for payment of all or a portion of the amount of charge for such services without requiring that the employee first pay such expenses. No such contract shall prohibit the subscriber from selecting any psychologist who is the holder of a certificate issued under Section 2948 of the Business and Professions Code to perform the particular services covered under the terms of the contract, such certificate holder being expressly authorized by law to perform such services.

SEC. 5. The provisions of this act shall apply to every policy of disability insurance, health care service plan, self-insured employee welfare benefit plan, and hospital service contract entered into, issued, delivered, or amended in this state on or after the effective date of this act.

CHAPTER 959

An act to amend Section 19143 of the Government Code, relating to state civil service.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 19143 of the Government Code is amended to read:

19143. Notwithstanding any other provision of the law to the contrary, an employee whose continuity of employment in the state service as either an exempt or civil service employee is broken for

six months or longer by a permanent separation such as resignation, dismissal, or rejection during a probationary period, and who is subsequently reemployed after December 31, 1949, shall not be credited for service prior to such separation for purposes of layoff or sick leave, nor shall he be credited with any sick leave which he had accumulated prior to his separation, and he shall again serve the months required to qualify for vacation credit. The State Personnel Board shall adopt rules governing the crediting of service before and after such a break in service for purposes of vacation as specified in Section 18050 and the keeping of service records related thereto.

When an employee has a break in the continuity of his state employment because of a temporary separation such as layoff, suspension, leave of absence, military leave, disability retirement, or medical termination, his prior service shall be counted upon his return to state service for purposes of layoff, sick leave and vacation.

If an employee had a break in the continuity of his state employment because of absence occasioned by his evacuation and relocation pursuant to orders issued by the commanding officer of the Western Defense Command in March 1942, for the evacuation of persons of Japanese descent from such area, where such employee was in state service on March 5, 1942, and returned to state service on or before December 31, 1949, the time of absence during which such orders were in effect shall be counted for purposes of layoff.

CHAPTER 960

An act to amend Section 1078 of the Penal Code, relating to prospective jurors.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1078 of the Penal Code is amended to read:

1078. It shall be the duty of the trial court to examine the prospective jurors to select a fair and impartial jury. He shall permit reasonable examination of prospective jurors by counsel for the people and for the defendant, such examination to be conducted orally and directly by counsel.

CHAPTER 961

An act to amend Section 785 of, to add an article heading immediately below the heading of Chapter 8 (commencing with Section 570) of Division 3 of, to add Article 2 (commencing with Section 591) to Chapter 8 of Division 3 of, and to add Section 1004 to, the Probate Code, relating to decedents' estates.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. An article heading is added immediately below the heading of Chapter 8 (commencing with Section 570) of Division 3 of the Probate Code, to read:

Article 1. Powers and Duties Generally

SEC. 2. Article 2 (commencing with Section 591) is added to Chapter 8 of Division 3 of the Probate Code, to read:

Article 2. Court Supervision and Proceedings

591. This article shall be known and may be cited as The Independent Administration of Estates Act.

591.1. Unless the decedent's will provides that his estate shall not be administered under the provisions of this article, an executor or administrator desiring to administer the estate under this article shall petition the court for such authority either in the petition for his appointment or by separate petition. If such authority is requested in the petition for appointment, notice of the hearing of such petition shall be given for the period and in the manner applicable to the petition for appointment. If such authority is requested by separate petition, the clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200, and at least 10 days before the date set for the hearing of such petition by the court, the petitioner shall cause notice of the hearing thereof to be mailed to all legatees and devisees and to all known heirs of the decedent, and to all persons who have requested notice as provided in Section 1202. The notice of the hearing of the petition for authority to administer the estate under this article, whether included in the petition for appointment, or in a separate petition, shall specify that such authority is being requested. Any person interested in the estate may appear and object to the granting of authority to administer the estate under this article by filing a written statement setting forth his objections. Unless the court shall determine that the objecting party has shown good cause why such authority should not be granted, the court shall grant such authority and the letters testamentary or of administration shall be endorsed

to the effect that such letters are issued pursuant to this article. The provisions of this article shall not apply to special administrators.

591.2. Upon obtaining authority to administer the estate under this article, the executor or administrator shall proceed to administer the estate in the same manner as provided in this code with respect to executors or administrators who have not been granted such authority. However, he shall not be required to obtain judicial authorization, approval, confirmation, or instructions, which shall be known and referred to in this article as "court supervision", with respect to any actions during the course of the administration of the estate, except that he shall be required to obtain court supervision, in the manner provided in this code, for any of the following actions:

(a) Sale or exchange of real property whether sold individually or as a unit with personal property.

(b) Allowance of executor's and administrator's commissions and attorney's fees.

(c) Settlement of accountings.

(d) Continued payment of a family allowance for a period in excess of twelve (12) months.

(e) Preliminary and final distributions and discharge.

(f) Borrowing money or executing a mortgage or deed of trust or giving other security.

(g) Leasing any real property (1) if the will does not authorize or direct the personal representative to lease property, and (2) the rental exceeds two hundred fifty dollars ($250) per month and the term exceeds one year.

(h) Completing a contract entered into by the decedent to convey real or personal property.

(i) Determining third party claims to real and personal property if the decedent died in possession of, or holding title to, such property, or determining decedent's claim to real or personal property title to or possession of which is held by another.

Nevertheless, the executor or administrator may obtain court supervision as provided in this code of any action taken by him during the administration of the estate. All publications of notice required by this code shall continue to be given except, when no hearing is required because the executor or administrator does not seek court supervision of an action or proposed action, no publication of the notice of hearing shall be required.

591.3. Prior to the consummation of any of the actions described in this section without court supervision, the executor or administrator to whom authority has been granted to act without court supervision shall advise the persons affected by the proposed action of his intention to take such action. The advice, known and referred to in this article as "advice of proposed action," shall be given to the devisees and legatees whose interest in the estate is affected by the proposed action; to the heirs of the decedent in intestate estates; to the State of California if any portion of the estate is to escheat to it; and to persons who have filed a request for special

notice pursuant to Section 1202.

The actions requiring such advice are all of the following:

(a) Selling or exchanging personal property, except for securities sold upon an established stock or bond exchange and other assets referred to in Sections 770 and 771.5 when sold for cash.

(b) Leasing real property for a term in excess of one year if the will authorizes or directs the personal representative to lease property.

(c) Entering into any contract, other than a lease of real property, not to be performed within two years.

(d) Continuing for a period of more than six months from the date of appointment of the executor or administrator of an unincorporated business or venture in which the decedent was engaged or which was wholly or partly owned by the decedent at the time of his death, or the sale or incorporation of such business.

(e) The first payment of, or any increase in the payments of, a family allowance.

(f) Investing funds of the estate, except depositing funds in banks and investing in insured savings and loan association accounts, and in direct obligations of the United States maturing not later than one year from the date of investment or reinvestment.

591.4. The advice of proposed action shall be delivered personally or sent by first-class mail, or sent by airmail to any person residing 500 or more miles from the business address of the executor or administrator, to each person described in Section 591.3 at his last known address. The advice of proposed action shall state the name and mailing address of the executor or administrator and the action proposed to be taken, with a reasonably specific description of such action, and the date on or after which the proposed action is to be taken. Such date shall not be less than 15 days after the personal delivery, or mailing, of the advice. The failure of the executor or administrator to comply with the provisions of this section shall not affect the validity of the action so taken or the title to any property conveyed or transferred to bona fide purchasers and to third persons dealing in good faith with him who changed their position in reliance on the action, conveyance or transfer without notice of the failure of the executor or administrator to comply with such provisions. The receipt of such advice shall not prejudice the right of any person interested in the estate to have the court later review the action taken.

591.5. Any person described in Section 591.3 who objects to the taking of any proposed action described in Section 591.3 without court supervision, may apply to the court having jurisdiction over the proceeding for an order restraining the executor or administrator from taking the proposed action without court supervision, which order the court shall grant without requiring notice to the executor or administrator and without cause being shown therefor. Such order may be served by the person so objecting upon the executor or administrator in the same manner provided for in Section 415.10 or

415.30 of the Code of Civil Procedure or in such manner as may be authorized by the court. If the executor or administrator has notice of the issuance of the restraining order he shall, if he desires to consummate such action, submit it to the court for approval following the provisions of this code dealing with the court supervision of such action and may consummate such action under such order as may be entered by the court. The failure of the executor or administrator to comply with such restraining order and the consummation of the action by the executor or administrator in violation of such order shall not affect the validity of the action so taken, or the title to any property conveyed or transferred to bona fide purchasers and to third persons dealing in good faith with him who changed their position in reliance on the action, conveyance or transfer without actual notice of the failure of the executor or administrator to comply with such order. No person dealing with the executor or administrator shall have any duty to inquire or investigate whether or not a restraining order has been issued.

591.6. Unless restricted by the will, an executor or administrator who has been granted authority to administer the estate without court supervision shall have all of the following powers, in addition to any other powers granted by this code, which powers can be exercised in the manner provided in this article:

(a) To manage, control, convey, divide, exchange, partition, and to sell for cash or on credit; to lease for any purpose, including exploration for and removal of gas, oil, or other minerals; to enter into community oil leases.

(b) To invest and reinvest money of the estate in deposits in banks and insured savings and loan association accounts and in direct obligations of the United States maturing not later than one year from the date of investment or reinvestment; to invest and reinvest any surplus moneys in his hands in any manner provided by the will.

(c) To borrow; to place, replace, renew or extend any encumbrance upon any property in the estate.

(d) To abandon worthless assets or any interest therein.

(e) To make ordinary or extraordinary repairs or alterations in buildings or other property.

(f) To vote a security, in person or by general or limited proxy.

(g) To sell or exercise stock subscription or conversion rights.

(h) To hold a security in the name of a nominee or in other form without disclosure of the estate, so that title to the security may pass by delivery, but the executor or administrator is liable for any act of the nominee in connection with the security so held.

(i) To insure the assets of the estate against damage or loss, and the executor or administrator against liability with respect to third persons.

(j) To allow, pay, reject, contest and compromise any claim by or against the estate by compromise; to release, in whole or in part, any claim belonging to the estate to the extent that the claim is uncollectible; to institute, compromise and defend actions and proceedings.

(k) To pay taxes, assessments, and other expenses incurred in the collection, care and administration of the estate.

(*l*) To continue the operation of the decedent's business to such extent as he shall deem to be for the best interest of the estate and those interested therein.

(m) To pay a reasonable family allowance for a period not to exceed 12 months.

591.7. Any person interested in the estate who objects to the continued administration of the estate under this article may file a petition setting forth the basis for the revocation of the authority of the executor or administrator to continue the administration of the estate under this article. Upon the filing of such petition the clerk shall set the petition for hearing by the court and the petitioner shall cause notice thereof to be served on the executor or administrator in the same manner provided in Sections 415.10 or 415.30 of the Code of Civil Procedure or in such manner as may be authorized by the court. If the court shall determine that good cause has been shown, it shall revoke the authority of the executor or administrator to continue the administration of the estate under this article. Upon the revocation of authority to proceed under this article, new letters testamentary or letters of administration shall be issued without the endorsement to which reference is made in Section 591.1.

SEC. 3. Section 1004 is added to the Probate Code, to read:

1004. When the time for filing or presenting claims has expired and all uncontested claims have been paid or are sufficiently secured by mortgage, or otherwise, but the estate is not in a condition to be finally closed and distributed, the executor or administrator to whom authority has been granted to administer the estate without court supervision, in accordance with Article 2 (commencing with Section 591) of Chapter 8 of Division 3, may petition the court for authority to distribute a portion of the estate to the person or persons entitled thereto. Such petition need not include an accounting, provided that when the petition seeks authority to distribute to a trustee the petition shall include an accounting unless the trustee consents to the distribution without an accounting. The total amount of the property distributed under this section shall not exceed 50 percent of the net value of the estate. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200, but the court may order the notice to be given for a shorter period or dispensed with. If the court shall determine that all of the allegations of the petition are true, that the estate is but little indebted, that all inheritance taxes payable have been paid, or that the State Controller, an inheritance tax attorney or an assistant inheritance tax attorney has, in writing, consented to the distribution, that the property to be distributed does not exceed 50 percent of the net value of the estate, and that the distribution may be made without loss or injury to the estate or any person interested therein, the court shall make an order authorizing the

executor or administrator to distribute the property to the person or persons entitled thereto. For purposes of this section "net value of the estate" means the excess of the value of the assets of the estate reflected by all inventories and appraisements on file with the court over the total amount of all creditors' claims filed or presented and liens and encumbrances recorded or known to the executor or administrator not reflected in any creditors' claims filed or presented, excluding death tax liens occasioned by the decedent's death.

SEC. 4. Section 785 of the Probate Code is amended to read:

785. Upon the hearing the court must examine into the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and the efforts of the executor or administrator to expose the property to the market, and must examine the return and witnesses in relation to the sale; and if it appears to the court that good reason existed for the sale, that the sale was legally made and fairly conducted, and complied with the requirements of the previous section, that the sum bid is not disproportionate to the value, and it does not appear that a sum exceeding such bid at least 10 percent on the first ten thousand dollars ($10,000) bid and 5 percent on the amount of the bid in excess of ten thousand dollars ($10,000), exclusive of the expenses of a new sale, may be obtained, the court shall make an order confirming the sale and directing conveyances to be executed; otherwise it shall vacate the sale and direct another to be had, of which notice must be given and the sale in all respects conducted as if no previous sale had taken place. But if a written offer in an amount at least 10 percent more on the first ten thousand dollars ($10,000) bid and 5 percent more on the amount of the bid in excess of ten thousand dollars ($10,000) is made to the court by a responsible person, and the offer complies with all provisions of the law, the court shall accept such higher offer, confirm the sale to such person and fix a reasonable compensation for the services to the estate of the agent, if any, producing the successful bidder, or, in its discretion, order a new sale. If more than one written offer in an amount at least 10 percent more on the first ten thousand dollars ($10,000) bid and 5 percent more on the amount of the bid in excess of ten thousand dollars ($10,000) is made to the court by responsible persons, and if any such increased bid complies with all the provisions of the law, the court shall accept such highest increased bid, confirm the sale to the person making such increased bid, and fix a reasonable compensation for the services to the estate of the agent, if any, producing the successful bidder or, in its discretion, order a new sale. The compensation of the agent producing the successful bidder shall not exceed one-half of the difference between the amount of the bid in the original return and the amount of the successful bid, but such limitation shall not apply to any compensation of the agent holding the contract with the executor or administrator.

For the purposes of this section the amount of a bid shall be

determined by the court without regard to any commission on the amount of such bid to which an agent may be entitled by virtue of a contract with the executor or administrator. It shall be determined without regard to any condition of the bid that a certain amount thereof be paid to an agent by the executor or administrator, but notwithstanding that a bid contains such a condition, only such compensation to an agent as is proper under the preceding provisions of this section shall be allowed, and acceptance of the bid by the court binds the bidder though the compensation so allowed is less than the compensation to which the agent would be entitled had the condition been observed.

Higher offers and bids are subject to the provisions of Section 785.1.

SEC. 5. This act shall apply to the estate of (1) any person dying on or after July 1, 1975, and (2) to the estate of any person dying before July 1, 1975, if no person has been granted letters before such date to be estate executor or administrator. In the case of such an estate of a person dying before July 1, 1975, the court in its discretion may decline to apply Article 2 (commencing with Section 591) of Chapter 8 of Division 3, or Section 1004 of the Probate Code, if it determines that granting an application for administration pursuant to Article 2 or Section 1004 would not be in the best interests of the estate and those interested therein.

SEC. 6. This act shall become operative July 1, 1975.

CHAPTER 962

An act to add Section 13515 to the Penal Code, relating to law enforcement.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 13515 is added to the Penal Code, to read:

13515. (a) The Legislature finds and declares that relations between the police and the other citizens of this state could be improved by reducing those misunderstandings that occur because of lack of citizen knowledge of police procedures, and lack of police knowledge of the social conventions and attitudes of particular communities. The Legislature further finds that this goal can be pursued by the publication of a guidebook for police and other citizens that, while not attempting to formally interpret law or police regulations, does attempt to establish proprieties of speech and conduct suitable for the situations in which misunderstandings most frequently arise.

(b) The commission shall prepare a draft of a guidebook for police and citizens, which have as its purposes the following:

(1) To express in clear and nontechnical language the respective obligations of police and citizens in those situations in which they most frequently encounter each other.

(2) To ameliorate relations between police and citizens by establishing mutual understanding of the needs for commonly used police procedures and the appropriate citizen responses, and by better informing the police of the social conventions of the various social groups in this state.

A preliminary draft guidebook shall be submitted in both English and Spanish to the Legislature, the Governor, and the Department of Justice within six months after the effective date of this section, and a final draft shall be submitted within nine months after the effective date of this section.

The requirements of this subdivision shall apply only if the commission obtains sufficient funds to accomplish the purposes thereof from a federal grant or from any other source other than the General Fund or the Peace Officers' Training Fund.

CHAPTER 963

An act to add Article 6 (commencing with Section 11140) to Chapter 1 of Title 1 of Part 4 of the Penal Code, relating to criminal records.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 11140) is added to Chapter 1 of Title 1 of Part 4 of the Penal Code, to read:

Article 6. Unlawful Furnishing of Master Record Sheet

11140. As used in this article:

(a) "Record" means the master record sheet, or a copy thereof, maintained under a person's name by the Department of Justice, and commonly known as an "arrest record," "criminal record sheet," or "rap sheet." "Record" does not include any other records or files of the Department of Justice.

(b) "A person authorized by law to receive a record" means any person or public agency authorized by a court, statute, or decisional law to receive a record.

11141. Any employee of the Department of Justice who knowingly furnishes a record or information obtained from a record to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.

11142. Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the

record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.

11143. Any person, except those specifically referred to in Section 1070 of the Evidence Code, who, knowing he is not authorized by law to receive a record or information obtained from a record, knowingly buys, receives, or possesses the record or information is guilty of a misdemeanor.

11144. (a) It is not a violation of this article to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(b) It is not a violation of this article to disseminate information obtained from a record for the purpose of assisting in the apprehension of a person wanted in connection with the commission of a crime.

(c) It is not a violation of this article to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record when the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 964

An act to add Section 12532.1 to the Government Code, and to add Sections 10123.1, 10123.2, and 11512.7 to the Insurance Code, relating to health insurance.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 12532.1 is added to the Government Code, to read:

12532.1. On and after the effective date of this section, every health care service plan which covers hospital, medical, or surgical expenses on a group basis, which does not provide or arrange direct health care services for its members, shall offer coverage to public and private firms that employ physically handicapped persons, under such terms and conditions as are normally offered by the health care service plan to subscriber groups not employing physically handicapped persons. Every health care service plan shall communicate the availability of such coverage to all subscriber

groups, as to all prospective subscriber groups with whom they are negotiating. The health care service plan shall not be required to cover hospital, medical, or surgical expenses arising as a direct result of a physically disabled person's handicap.

SEC. 2. Section 10123.1 is added to the Insurance Code, to read:

10123.1. On and after the effective date of this section, every policy of disability insurance which covers hospital, medical, or surgical expenses on a group basis shall offer coverage to physically handicapped individual members of the group under the same terms and conditions as are normally offered to individual members of the group without physical handicap. The availability of such coverage shall be communicated to group policyholders and to prospective group policyholders during negotiations. Group policies shall not be required to cover hospital, medical, or surgical expenses arising as a direct result of an individual member's physical handicap.

SEC. 3. Section 10123.2 is added to the Insurance Code, to read:

10123.2. On and after the effective date of this section, every self-insured employee welfare benefit plan which provides coverage for hospital, medical, or surgical expenses shall offer coverage to physically handicapped persons for such expenses incurred, under such terms and conditions as are normally provided by the self-insured welfare benefit plan and a member without physical handicap. Every self-insured welfare benefit plan shall communicate the availability of such coverage to all members and prospective members. The self-insured welfare benefit plan shall not be required to cover hospital, medical, or surgical expenses arising as a direct result of a physically disabled person's handicap.

SEC. 4. Section 11512.7 is added to the Insurance Code, to read:

11512.7. On and after the effective date of this section, every nonprofit hospital service plan issuing group hospital service contracts, which does not provide or arrange direct health care services for its members, shall offer coverage to physically handicapped persons for such expenses incurred, under such terms and conditions as are normally provided by the plan to persons in the group without physical handicap. Every nonprofit hospital service plan, including those issuing group hospital service contracts, shall communicate the availability of such coverage to all group contract holders, and to all prospective group contract holders with whom they are negotiating. The nonprofit hospital service plan shall not be required to offer coverage for medical, hospital, or surgical expenses arising as a direct result of a physically disabled person's handicap.

CHAPTER 965

An act to amend Section 1777.5 of the Labor Code, relating to apprenticeship standards.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1777.5 of the Labor Code is amended to read:

1777.5. Nothing in this chapter shall prevent the employment of properly indentured apprentices upon public works.

Every such apprentice shall be paid the standard wage paid to apprentices under the regulations of the craft or trade at which he is employed, and shall be employed only at the work of the craft or trade to which he is indentured.

Only apprentices, as defined in Section 3077, who are in training under apprenticeship standards and written apprentice agreements under Chapter 4 (commencing at Section 3070), Division 3, of the Labor Code, are eligible to be employed on public works. The employment and training of each apprentice shall be in accordance with the provisions of the apprenticeship standards and apprentice agreements under which he is training.

When the contractor to whom the contract is awarded by the state or any political subdivision, or any subcontractor under him, in performing any of the work under the contract or subcontract, employs workmen in any apprenticeable craft or trade, the contractor and subcontractor shall apply to the joint apprenticeship committee administering the apprenticeship standards of the craft or trade in the area of the site of the public work for a certificate approving the contractor or subcontractor under the apprenticeship standards for the employment and training of apprentices in the area of the site of the public work. Contractors or subcontractors shall not be required to submit individual applications for approval to local joint apprenticeship committees provided they are already covered by the local apprenticeship standards. The ratio of apprentices to journeymen who shall be employed in the craft or trade on the public work may be the ratio stipulated in the apprenticeship standards under which the joint apprenticeship committee operates, but in no case shall the ratio be less than one apprentice for each five journeymen, except as otherwise provided in this section.

The contractor or subcontractor, if he is covered by this section, shall, upon the issuance of the approval certificate, or if he has been previously approved in such craft or trade, shall, employ the number of apprentices or the ratio of apprentices to journeymen stipulated in the apprenticeship standards. Upon proper showing by the contractor that he employs apprentices in such craft or trade in the state on all of his contracts on an annual average of not less than one apprentice to each eight journeymen, the Division of Apprenticeship

Standards shall grant a certificate exempting the contractor from the 1-to-5 ratio as set forth in this section. This section shall not apply to prime contracts involving less than thirty thousand dollars ($30,000) or 20 working days or to contracts of subcontractors not bidding for work through a general or prime contractor, involving less than two thousand dollars ($2,000) or fewer than five working days.

"Apprenticeable craft or trade," as used in this section, shall mean a craft or trade determined as an apprenticeable occupation in accordance with rules and regulations prescribed by the Apprenticeship Council. The joint apprenticeship committee shall have the discretion to grant a certificate exempting a contractor from the 1-to-5 ratio set forth in this section when it finds that any one of the following conditions is met:

(a) In the event unemployment for the previous three-month period in such area exceeds an average of 15 percent, or

(b) In the event the number of apprentices in training in such area exceeds a ratio of 1 to 5, or

(c) If there is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either (1) on a statewide basis, or (2) on a local basis.

(d) If assignment of an apprentice to any work performed under a public works contract would create a condition which would jeopardize his life or the life, safety, or property of fellow employees or the public at large or if the specific task to which the apprentice is to be assigned is of such a nature that training cannot be provided by a journeyman.

When such exemptions are granted to an organization which represents contractors in a specific trade from the 1-to-5 ratio on a local or statewide basis the member contractors will not be required to submit individual applications for approval to local joint apprenticeship committees, provided they are already covered by the local apprenticeship standards.

A contractor to whom the contract is awarded, or any subcontractor under him, who, in performing any of the work under the contract, employs journeymen or apprentices in any apprenticeable craft or trade and who is not contributing to a fund or funds to administer and conduct the apprenticeship program in any such craft or trade in the area of the site of the public work, to which fund or funds other contractors in the area of the site of the public work are contributing, shall contribute to the fund or funds in each craft or trade in which he employs journeymen or apprentices on the public work in the same amount or upon the same basis and in the same manner as the other contractors do, but where the trust fund administrators are unable to accept such funds, contractors not signatory to the trust agreement shall pay a like amount to the California Apprenticeship Council. The contractor or subcontractor may add the amount of such contributions in computing his bid for the contract. The Division of Labor Law

Enforcement is authorized to enforce the payment of such contributions to the fund or funds as set forth in Section 227.

The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section. Such stipulations shall fix the responsibility of compliance with this section for all apprenticeable occupations with the prime contractor.

In the event a contractor willfully fails to comply with this section, such contractor shall be denied the right to bid on a public works contract for a period of six months from the date the determination is made.

The interpretation and enforcement of this section shall be in accordance with the rules and procedures prescribed by the Apprenticeship Council.

All decisions of the joint apprenticeship committee under this section are subject to the provisions of Section 3081.

CHAPTER 966

An act to amend Section 3352 of, and to add Section 3369 to, the Labor Code, relating to workmen's compensation.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 3352 of the Labor Code is amended to read:

3352. "Employee" excludes:

(a) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.

(b) Any person performing services in return for aid or sustenance only, received from any religious, charitable, or relief organization.

(c) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his services as such deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him for injury occurring in the course of and arising out of such employment.

(d) Any convict whose labor is used by the State Highway Commission on state highways or roads.

(e) Any person engaged in household domestic service except as provided in Section 3358.5. For purposes of this subdivision, household domestic service shall include, but not be limited to, the part-time care and supervision of children in a private residence.

(f) Any person performing voluntary services at or for a recreational camp, hut or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101(6) of the Internal Revenue Code, of which he or a member of his family is a member and who receives no compensation for such services other than meals, lodging or transportation.

(g) Any person engaged as a part-time gardener in connection with a private dwelling; provided, the number of hours devoted to such work for any individual does not regularly exceed 44 hours per month. This exclusion is operative only as to his employment by the owner or occupant of such a private dwelling, and does not deprive any such part-time gardener from recourse under this division against any other person employing him for injuries occurring in the course of and arising out of the employment.

(h) Any person performing voluntary service as a ski patrolman who receives no compensation for such services other than meals or lodging or the use of ski tow or ski lift facilities.

(i) Any person, other than a regular employee, participating in sports or athletics who receives no compensation for such participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings, or other expenses incidental thereto.

SEC. 2. Section 3369 is added to the Labor Code, to read:

3369. The inclusion of any person or groups of persons within the coverage of this division shall not cause any such person or group of persons to be within the coverage of any other statute unless any other such statute expressly so provides.

CHAPTER 967

An act to amend Sections 3005.7 and 4854 of the Fish and Game Code, and to amend Section 4 of Chapter 1592 of the Statutes of 1971, relating to mammals.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 3005.7 of the Fish and Game Code is amended to read:

3005.7. It is unlawful to capture any mountain lion or to possess or confine any live mountain lion taken from the wild, except as provided by this code or regulations made pursuant thereto. Any mountain lion possessed or confined in violation of this section shall be seized by the department.

The commission may promulgate regulations permitting the temporary confinement of mountain lions for the purpose of treating

them, if injured or diseased.

This section shall remain in effect only until January 1, 1977, and as of that date is repealed.

SEC. 2. Section 4854 of the Fish and Game Code is amended to read:

4854. This chapter shall remain in effect only until January 1, 1977, and as of that date is repealed. Section 4189 and Chapter 10 (commencing with Section 4800) of Part 2 of Division 4 shall be inoperative until such date.

SEC. 3. Section 4 of Chapter 1592 of the Statutes of 1971 is amended to read:

Sec. 4. The Department of Fish and Game shall conduct a continuous special study of the mountain lion population to ascertain the quantity of mountain lions in the state and to determine the best methods of providing sound management of this resource. Such study shall conclude on or before January 1, 1976. The department shall annually report the results and progress of such study to the Legislature on or before the first day of January.

CHAPTER 968

An act making an appropriation in augmentation of Item 377 of the Budget Act of 1974, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The sum of four hundred twenty thousand dollars ($420,000) is hereby appropriated from the Motor Vehicle Account, State Transportation Fund, to the Department of Motor Vehicles in augmentation of Item 377 of the Budget Act of 1974 for the purposes of land acquisition and working drawings for a Simi Valley-Thousand Oaks field office.

SEC. 2. This act is an urgency statue necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide adequate vehicle and vessel registration, drivers license functions and other related services, it is necessary that this act shall take effect immediately.

CHAPTER 969

An act to add Section 7465 to the Education Code, relating to vocational education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 7465 is added to the Education Code, to read:

7465. The governing board of a school district located in a county, or the county superintendent of schools maintaining a regional occupational program in a county, any of the boundaries of which are contiguous to the State of Arizona, may enter into an agreement with a public or private educational agency located in that state to provide to students living in the district and enrolled in a regional occupational program, vocational or technical training which, due to geographical isolation, is not otherwise available to such students.

The program of training at such public or private educational agency shall be approved by the Superintendent of Public Instruction of California and shall conform to the California State Plan for Vocational Education.

The attendance of pupils receiving vocational or technical training at a public or private educational agency as authorized by this section shall be included in the computation of average daily attendance as prescribed by Sections 7460 and 7461, and shall be credited to the county school service fund of the county of residence. In no event, however, shall the county school service fund be credited with more than one unit of average daily attendance per calendar year on account of a pupil participating in a program authorized by this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the cooperative program for vocational education which is provided for by this act may be implemented by participating school districts and county superintendents of schools in conjunction with the beginning of the 1974–75 academic year, it is essential that this act go into immediate effect.

CHAPTER 970

An act to add Article 2.7 (commencing with Section 655) to Chapter 2 of Division 1 of the Public Resources Code, relating to California Ecology Corps.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Article 2.7 (commencing with Section 655) is added to Chapter 2 of Division 1 of the Public Resources Code, to read:

Article 2.7. California Ecology Corps

655. It is the policy of the state to use its bountiful resources wisely and work with ever-increasing vigilance to sustain their benefits for present and future generations. There are many persons of this state who would gain substantial benefits from training and experience derived from natural resource conservation training programs and work.

656. The California Ecology Corps is established in the Division of Forestry under the supervision of the State Forester.

657. In supervising the activities of the California Ecology Corps, the powers of the State Forester shall include, but not be limited to, the power to:

(a) Recruit and employ Ecology Corps members to be trained and used to protect, maintain, replenish, or augment the ecological balance, beauty, or orderly development of the natural resources of the state irrespective of whether such resources lie within the public or private domain.

(b) Utilize individual written contracts containing such terms and conditions as the State Forester deems necessary and desirable in the employment of Ecology Corps members to achieve the purposes of this article.

(c) Utilize Ecology Corps members to assist in the protection, maintenance, construction, reconstruction, replenishment, or augmentation of, but not limited to, forests, grasses, vegetation, soil, air, water, wildlife, recreational, and scenic resources and facilities related to the wise use of state resources.

(d) Utilize Ecology Corps members to implement emergency projects and programs.

(e) Utilize Ecology Corps members to assist in fire prevention and fire protection activities, in rescue of lost or injured persons, and in all other functions necessary or desirable to carry out the purposes of this article.

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CHAPTER 971

An act to amend Section 11111 of the Penal Code, to amend Section 21201 of, to add Section 21201.5 and Division 16.7 (commencing with Section 39000) to, and to repeal Division 16.7 (commencing with Section 39000) and Division 16.8 (commencing with Section 39100) of, the Vehicle Code, relating to bicycles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11111 of the Penal Code is amended to read:

11111. The Department of Justice shall maintain records relative to stolen and lost bicycles in the Criminal Justice Information System. Such records shall be accessible to authorized law enforcement agencies through the California Law Enforcement Telecommunications System.

SEC. 2. Section 21201 of the Vehicle Code is amended to read:

21201. (a) No person shall operate a bicycle on a roadway unless it is equipped with a brake which will enable the operator to make one braked wheel skid on dry, level, clean pavement.

(b) No person shall operate on the highway any bicycle equipped with handlebars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.

(c) No person shall operate upon any highway a bicycle which has been modified or altered in such a way as to cause the pedal in its lowermost position to be more than 12 inches above the ground.

(d) Every bicycle operated upon any highway during darkness shall be equipped with a lamp emitting a white light maintained so as to be visible from a distance of 300 feet in front of the bicycle. A lamp emitting a red light maintained so as to be visible from 300 feet to the rear may be used in addition to the red reflector required by Section 21201.5.

SEC. 3. Section 21201.5 is added to the Vehicle Code, to read:

21201.5. (a) No person shall sell or offer for sale a pedal, reflex reflector, or reflectorized tire for use on a bicycle unless it is of a type approved by the department.

(b) No person shall sell or offer for sale a new bicycle or pedal for use on a bicycle that is not equipped with a white or yellow reflector on each pedal, which is maintained so as to be visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

(c) No person shall sell or offer for sale a new bicycle unless it is equipped with reflex reflectors as follows:

(1) A white reflector on the front;

(2) A red reflector on the rear; and

(3) A white or yellow reflector on each side forward of the center of the bicycle and a white or red reflector on each side to the rear of the center of the bicycle. Bicycles which are equipped with reflectorized tires on the front and rear need not be equipped with side reflex reflectors.

(d) Area reflectorizing material meeting the requirements of Section 25500 may be used on a bicycle.

(e) No person shall operate a bicycle upon any highway unless it is equipped with reflex reflectors or reflectorized tires pursuant to the provisions of subdivision (c). Such reflectorized tires or reflectors on the front, sides, or rear of a bicycle shall be maintained so as to be visible from a distance of 500 feet when directly in front of lawful lower beams on a motor vehicle and shall be of a type approved by the department.

SEC. 4. Division 16.7 (commencing with Section 39000) of the Vehicle Code is repealed.

SEC. 5. Division 16.7 (commencing with Section 39000) is added to the Vehicle Code, to read:

DIVISION 16.7. LICENSING OF BICYCLES

39000. "Bicycle," for the purposes of this division, means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears and which has wheels at least 20 inches in diameter and a frame size of at least 14 inches.

39001. The department shall procure and distribute bicycle license indicia to all cities and counties which have or adopt a bicycle licensing ordinance or resolution. Cities and counties shall issue the indicia distributed by the department to owners of any new bicycle which is first sold on or after the effective date of this division. The department shall charge and collect a fee, not to exceed the cost of procuring and distributing the license indicia, for each bicycle license indicia issued. All fees collected pursuant to this section shall be deposited in the State Bicycle License Fund which is hereby created. There is hereby continuously appropriated from such fund such amounts, as determined by the Director of Finance, as are needed by the department to defray costs to procure and distribute the bicycle license indicia.

The director shall design the bicycle license indicia and shall establish procedures for the distribution of such indicia to cities and counties. Such indicia shall be adhesive, durable, flexible, and of a size to permit it to be affixed to the bicycle frame. Each indicia shall bear a unique license number and shall be permanently assigned to a bicycle.

Bicycle licenses shall be renewed uniformly throughout the state at periods, not to exceed five years, to be designated by the director. Renewal of a bicycle license shall be indicated by a supplementary adhesive device affixed on or near the indicia.

39002. (a) If a city or county has or adopts a bicycle licensing ordinance or resolution, no resident shall operate any bicycle, first sold as a new bicycle in California on or after the effective date of this division, on any street, road, highway, or other public property within the jurisdiction of such city or county, unless such bicycle is licensed in accordance with this division.

(b) Any bicycle not subject to the provisions of this division may be additionally regulated or licensed pursuant to local ordinance or may be licensed upon request of the owner.

39003. If a city or county has or adopts a bicycle licensing ordinance or resolution, indicia obtained from the department shall be issued to the owner by the city or county or other licensing agency designated by it.

39004. Each licensing agency, by ordinance or resolution, may adopt rules and regulations for the collection of license fees. The fee charged by the licensing agency shall not exceed two dollars ($2) per year. Revenues from license fees shall be retained by the licensing city or county and shall be used for the support of such bicycle ordinance or resolution, or may be used to reimburse retailers for services rendered. In addition, fees collected shall be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes, within the limits of the jurisdiction, except that other bicycle license fee revenues which, prior to the effective date of this division, were used for other purposes may continue to be used for the same purposes for a period not exceeding one year from the effective date of this division.

39005. Cities and counties having a bicycle licensing ordinance or resolution shall maintain records of each bicycle registered. Such records shall include but not be limited to the license number, the serial number of the bicycle, the make, type, and model of the bicycle, and the name and address of the licensee.

Records shall be maintained by the licensing agency during the period of validity of the license or upon notification that the bicycle no longer is to be operated.

39006. Each bicycle retailer shall supply to each purchaser a record of the following information: name of retailer, address of retailer, year and make of bicycle, and serial number of bicycle.

39007. After December 31, 1974, no bicycle retailer shall sell any new bicycle in this state unless such bicycle has permanently stamped or cast on its frame a serial number unique to the particular bicycle of each manufacturer. Serial numbers shall be stamped or cast in the head of the frame, either side of the seat down post tube, or the bottom sprocket bracket.

39008. (a) Whenever the owner of a bicycle licensed pursuant to an ordinance or resolution of a city or county sells or otherwise disposes of a bicycle, he shall within 10 days notify the licensing agency of such disposition.

(b) Any person who purchases or otherwise acquires possession of a bicycle shall within 10 days of taking possession apply for the

transfer of license to his name. Cities and counties may establish rules and regulations to govern and enforce the provisions of this section.

39009. Whenever the owner of a bicycle licensed pursuant to an ordinance or resolution of a city or county changes his address, he shall within 10 days notify the appropriate licensing agency of the old and new address.

39010. (a) Any city or county which has a bicycle licensing ordinance or resolution in effect on the effective date of this division, may only continue under such ordinance or resolution for a period not exceeding one year from the effective date of this division.

(b) Bicycle licenses which have been issued pursuant to an ordinance or resolution of a city or county which is in effect on the effective date of this division shall remain valid until their assigned expiration dates, but in no case for a period exceeding five years from the effective date of this division.

39011. No fine imposed for any violation of an ordinance or resolution, which is adopted pursuant to this division, shall exceed five dollars ($5).

SEC. 6. Division 16.8 (commencing with Section 39100) of the Vehicle Code is repealed.

SEC. 7. The Commissioner of the California Highway Patrol may adopt and promulgate all necessary rules and regulations, and approve types of bicycle equipment, in order to implement the provisions of Sections 2 and 3 of this act prior to the operative date thereof.

SEC. 8. The sum of fifty thousand dollars ($50,000) is hereby appropriated to the Department of Motor Vehicles from the Motor Vehicle Account in the State Transportation Fund for expenditure for the purposes of this act, including, but not limited to the initial costs incurred by the department in procuring and distributing the bicycle license indicia. The Motor Vehicle Account shall be reimbursed during fiscal year 1974–75 for such amount from revenues first derived from the fees collected and deposited in the State Bicycle License Fund pursuant to the provisions of Section 39001 of the Vehicle Code.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act to cover local costs because self-financing authority is provided in this act to cover such costs.

SEC. 10. Sections 2 and 3 of this act shall become operative January 1, 1975.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

The number of bicycle thefts has sharply decreased due to the recent emphasis placed on bicycle licensing by local cities and counties.

Based on recent experience a comprehensive statewide bicycle licensing and registration system would have operational expenditures costing California taxpayers more than the total of the value of bicycles stolen and recovered and is therefore unwarranted and not needed.

Nearly 98 percent of California's population is subject to a bicycle licensing ordinance or resolution available under local agency programs which are not state mandated programs.

In order that local governments be allotted sufficient time to extend their bicycle ordinances or resolutions and prepare for implementation of a bicycle licensing system under statewide coordination, it is necessary that this act go into immediate effect.

CHAPTER 972

An act to amend Section 35100 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 35100 of the Vehicle Code is amended to read:

35100. (a) The total outside width of any vehicle or the load thereon shall not exceed 96 inches, except as otherwise provided in this chapter.

(b) Notwithstanding the provisions of subdivision (a), the total outside width of any load on a vehicle may exceed a width of 96 inches but shall not exceed a width of 100 inches, except as otherwise provided in this chapter.

(c) The amendments to this section enacted at the 1973–74 Regular Session of the Legislature increasing the permissible width of loads from 96 to 100 inches shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal Aid Highway Act of 1956) when such application would prevent this state from receiving any federal funds for highway purposes, and in such event the provisions of law applicable to the maximum permissible width of any such load in effect on December 31, 1974, shall remain applicable to such load.

CHAPTER 973

An act to amend Section 8046 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 8046 of the Fish and Game Code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents ($0.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him.

The money shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

CHAPTER 974

An act to amend Section 26861 of the Government Code, relating to marriages.

[Approved by Governor September 20, 1974. Filed with Secretary of State September 20, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 26861 of the Government Code is amended to read:

26861. A fee of ten dollars ($10) may be charged for performing a marriage ceremony pursuant to Section 4205.1 of the Civil Code, which shall be paid into the county treasury.

CHAPTER 975

An act relating to planning.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. In order to improve its capability to effectively carry out the functions specified in Section 65101 of the Government Code, the legislative body of the County of Sacramento may, by ordinance, establish two planning commissions. One commission may concern itself with preparation, maintenance and amendment of the general plan, preparation and maintenance of neighborhood, specific and area plans, review of environmental impact reports, capital improvement programming and other matters related to long-range planning and development policy. The second commission may concern itself with administration of zoning, and other matters related to short-range planning and programming.

In establishing two planning commissions as provided herein, the legislative body of the county shall adopt procedures to ensure effective coordination between the two commissions and any area planning commissions or planning advisory councils established within its jurisdiction.

SEC. 2. Section 1 of this act shall remain in effect only until January 1, 1979, and as of such date is repealed.

CHAPTER 976

An act to amend Section 10753 of the Education Code, relating to public schools.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10753 of the Education Code is amended to read:

10753. (a) When grades are given for any course of instruction taught in the public schools, the grade given to each pupil shall be the grade determined by the teacher of the course and the determination of the pupil's grade by the teacher, in the absence of mistake, fraud, bad faith, or incompetency, shall be final.

(b) No grade of a pupil participating in a physical education class, however, may be adversely affected due to the fact that the pupil does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the pupil.

CHAPTER 977

An act to amend Section 15809 of the Education Code, relating to school property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Each year school districts are called upon to expend enormous sums of money to replace or repair school property which has been damaged or destroyed by vandalism. Often, the educational programs of public schools are disrupted due to such losses of property. School districts seldom have the funds to employ round-the-clock watchmen to protect school property. It is the intent of the Legislature, in enacting this measure, to enable school districts to obtain such services for relatively low cost.

SEC. 2. Section 15809 of the Education Code is amended to read:

15809. (a) The governing board of any school district may construct, lease, or purchase buildings for housing employees of the district, and may equip and maintain the buildings. The employees of the district may pay rent for the use of the buildings, or the rental value of the buildings used by them may be taken into account in fixing their compensation.

(b) The governing board of a school district may provide on school property a mobilehome site, including all necessary appurtenances and fixtures and payment of the cost of utilities, insurance, and necessary services, for the purpose of housing a person or persons employed by the district as a watchman or caretaker of school property on a 24-hour basis..

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts may take the steps authorized by this act to protect school property during the 1974–75 school year, it is necessary that this act take effect immediately.

CHAPTER 978

An act to add Section 50903 to, and to add Chapter 2.5 (commencing with Section 52400) to Part 8 of Division 15 of, the Water Code, relating to reclamation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 50903 is added to the Water Code, to read:

50903. A district of less than 100 acres and situated adjacent to the Stockton Ship Channel may acquire, construct, operate, maintain, repair, and improve lands, works, and facilities for the collection, treatment, and disposal of sewage and waste; herein called sanitation, and perform all matters germane thereto; provided, that no district may exercise any of the powers conferred by this section unless a petition approving the exercise of such powers is signed by a majority of the voters within the district and submitted to the district. In such event, it shall cause to be prepared and approved a plan therefor and prepare an estimate of the costs thereof, and may modify, change, or adopt a new, supplemental, or additional plan and estimate. The plan and estimate may include properties, works, and facilities already existing, or in the course of acquisition or construction, and payments therefor may be made to the landowner owning same, or to his legal representative. Such plan shall be reported and may be financed in the same manner as a plan for reclamation of district lands pursuant to this division.

Because of the recreational uses being made of the smaller islands in the vicinity of the improved Stockton Ship Channel, in order to protect the quality of the water, the Legislature finds and declares that it is necessary that reclamation districts of less than 100 acres and situated adjacent to the Stockton Ship Channel be able to exercise sanitation powers. Such circumstances are not generally applicable to reclamation districts. It is therefore declared that a general law cannot be made applicable and that the enactment of this section as special legislation applicable only to such districts is necessary.

SEC. 2. Chapter 2.5 (commencing with Section 52400) is added to Part 8 of Division 15 of the Water Code, to read:

CHAPTER 2.5. REVENUE BONDS

52400. As an alternate to any other method of financing available to it, a district may, by resolution or indenture, create a special indebtedness evidenced by revenue bonds to finance the costs of carrying out a plan for any works, singly or as a whole.

52401. The proceedings for the issuance of revenue bonds shall be had, the district shall have the powers and duties, and the

bondholders shall have the rights and remedies, all in substantial accordance with and with like legal effect as provided in the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code); provided, however, that when such proceedings are requested by the affirmative action of a majority or more of the voters in the district, no election shall be had, nor shall such action be subject to referendum.

52402. A district may, by resolution or indenture, prescribe and revise charges for the services of its properties, works, and facilities, singly or as a whole, or for the providing of such properties, works, or facilities, or for their availability, including minimum and standby charges.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The lands within certain reclamation districts are in need of immediate reclamation and sanitation to avoid and prevent further overflow by water, and to effectuate the purposes of such districts and to protect the lands therein, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 979

An act to amend Sections 11554 and 11604 of, and to add Section 11560.5 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11554 of the Elections Code is amended to read:

11554. Copies of each campaign statement shall be filed as follows:

(a) Campaign statements of candidates and persons holding statewide office, of committees supporting such candidates, of state central committees of political parties, and of committees supporting or opposing statewide measures—one original and one copy with the Secretary of State, two copies with the Registrar-Recorder of Los Angeles County, and two copies with Registrar of the City and County of San Francisco.

(b) (1) Campaign statements for candidates and persons holding office of superior court judge, Member of the State Legislature, and member of the Board of Equalization—one original and one copy

with the Secretary of State, and two copies with the clerk of the largest county by population which in whole or in part is included in the election district which the officeholder represents or in which the candidates seeks nomination or election, and two copies with the clerk of the county in which the candidate resides. No more than two copies of each such statement need be filed with the clerk of any one county.

(2) Campaign statements for committees supporting candidates and persons holding offices listed in paragraph (1)—one original and one copy with the Secretary of State, two copies with the clerk of the largest county by population which in whole or in part is included in the election district which the officeholder represents or in which the candidate or any of the or candidates seek nomination or election, and two copies with the clerk of the county in which the committee is domiciled, provided that a committee not domiciled in California shall file two copies with the Registrar-Recorder of Los Angeles County instead of its county of domicile. No more than two copies of each such statement need be filed with the clerk of any one county. For purposes of this act, the domicile of a committee is the address of the committee listed on the campaign statement.

(c) Campaign statements of candidates and persons holding any elective office not mentioned above which is voted upon in more than one county, of committees supporting such candidates, and of committees supporting or opposing measures to be voted upon in more than one county but not statewide—one original and one copy with the clerk of the county having the largest population, and two copies with the clerk of each additional county wholly or partially included in the election district in which the candidate seeks nomination or election or in which the measure is voted upon.

(d) Campaign statements of candidates and persons holding office not mentioned above, or committees supporting such candidates, and of committees supporting or opposing measures to be voted upon in not more than one county—one original and one copy with the county clerk and, if the candidates or measures are to be voted upon within a single city, two copies with the clerk of that city.

(e) Campaign statements of the county central committees of political parties—one original and one copy with the Secretary of State and two copies with the county clerk.

SEC. 2. Section 11560.5 is added to the Elections Code, to read:

11560.5. Notwithstanding the provisions of Section 11550, a candidate for county central committee shall file a campaign statement within 38 days following the election and shall not be required to file any additional campaign statement, unless he has received contributions for that election in which case he shall observe the requirements of Section 11550.

This section is not applicable to a committee supporting or opposing one or more candidates for county central committee, and each such committee shall observe the requirements of Section 11550.

SEC. 3. Section 11604 of the Elections Code is amended to read:

11604. (a) If any person files an original campaign statement after any deadline imposed by this chapter he shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of ten dollars ($10) per day after the deadline until the statement is filed, to the officer with whom the statement is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a campaign statement is not filed within five days after the filing officer has sent specific notice of the filing requirement.

(b) If any person files a copy of a campaign statement after any deadline imposed by this chapter, he shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of ten dollars ($10) per day, starting five days after the filing officer has sent specific notice of the filing requirement and until the statement is filed.

(c) The officer shall deposit any funds received under this section into the general fund of the state, county, or city of which he is an officer. No liability under this section shall exceed the cumulative total amount of receipts stated in the late campaign statement, or fifty dollars ($50), whichever is greater.

SEC. 4. The Legislature finds and declares that the amendments to Section 11604 of the Elections Code contained in this act which make the imposition of the fine by filing officers discretionary rather than mandatory are declaratory of the legislative intent in enacting Chapter 1186 of the Statutes of 1973. The Legislature further finds and declares that it is necessary to impose a fine for late filing of copies after reasonable notice is given to the late filer because Section 11604 hitherto imposed no fine for the filing of late copies and some sanction is necessary to encourage prompt filings of copies.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for this act to apply to campaign statements filed in connection with the November 1974 general election, it is necessary that this act go into immediate effect at the earliest possible time.

CHAPTER 980

An act to amend Sections 17014 and 18001 of the Revenue and Taxation Code, and to amend Sections 316 and 316.2 of Chapter 1 of the Statutes of 1971 (First Extraordinary Session), relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 20, 1974 Filed with Secretary of State September 20, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 17014 of the Revenue and Taxation Code is amended to read:

17014. (a) "Resident" includes:

(1) Every individual who is in this state for other than a temporary or transitory purpose.

(2) Every individual domiciled in this state who is outside the state for a temporary or transitory purpose.

(b) Any individual (and spouse) who is domiciled in this state shall be considered outside this state for a temporary or transitory purpose while such individual:

(1) Holds an elective office of the government of the United States, or

(2) Is employed on the staff of an elective officer in the legislative branch of the government of the United States as described in paragraph (1), or

(3) Holds an appointive office in the executive branch of the government of the United States (other than the armed forces of the United States or career appointees in the United States Foreign Service) if the appointment to such office was by the President of the United States and subject to confirmation by the Senate of the United States and whose tenure of office is at the pleasure of the President of the United States.

(c) Any individual who is a resident of this state continues to be a resident even though temporarily absent from the state.

SEC. 2. Section 18001 of the Revenue and Taxation Code is amended to read:

18001. Subject to the following conditions, residents shall be allowed a credit against the taxes imposed by this part for net income taxes imposed by and paid to another state on income taxable under this part:

(a) The credit shall be allowed only for taxes paid to the other state on income derived from sources within that state which is taxable under its laws irrespective of the residence or domicile of the recipient.

This subdivision shall not apply to residents to whom subdivision (b) of Section 17014 applies.

(b) The credit shall not be allowed if the other state allows residents of this state a credit against the taxes imposed by that state

for taxes paid or payable under this part.

(c) The credit shall not exceed such proportion of the tax payable under this part as the income subject to tax in the other state and also taxable under this part bears to the taxpayer's entire income upon which the tax is imposed by this part.

(d) No credit shall be allowed under this section for any tax imposed by Section 17062.

SEC. 3. Section 316 of Chapter 1 of the Statutes of 1971 (First Extraordinary Session) is amended to read:

Sec. 316. Notwithstanding any other provision of law to the contrary, except for the special tax credit provided for in Section 17 of this act, the one-time nonrecurring revenue in the amount of one hundred fifty million dollars ($150,000,000) produced by the enactment of withholding and quarterly estimates of state personal income taxes shall be used for the following purposes and shall be allocated in the following manner:

(a) Eighty million dollars ($80,000,000) shall be allocated to the Capital Outlay Fund for Public Higher Education for the capital construction programs of the University of California, the California State Colleges, and the community colleges.

(b) Forty million dollars ($40,000,000) shall be allocated to the Bagley Conservation Fund, which is hereby created, for beach, park, and land acquisition programs, including wildlife areas, and coastline planning and development of recreational facilities which do not require continuous funding and are of a one-time nonrecurring nature, including within this figure five million dollars ($5,000,000) for miscellaneous capital outlay construction.

(c) Thirty million dollars ($30,000,000) shall be allocated to the School Building Safety Fund, which is hereby created, for replacement and repair of local school district buildings for compliance with Field Act requirements. Moneys in this fund may be used for the purposes of Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14 of the Education Code.

It is the intent of the Legislature that the amounts specified in the above subdivisions shall be subject to continuous expenditure without regard to fiscal years on the basis of need when appropriated by the Legislature.

The Department of Finance shall in the annual budget submitted to the Legislature recommend capital outlay program expenditures pursuant to the above subdivisions. Any funds appropriated by the Budget Act of 1971 contained in Chapter 266 of the Statutes of the 1971 Regular Session of the Legislature, such as Item 304.1, shall be allocated prior to the end of the 1971–1972 fiscal year.

SEC. 4. Section 316.2 of Chapter 1 of the Statutes of 1971 (First Extraordinary Session) is amended to read:

Sec. 316.2. (a) On or before December 1, 1974, the Legislative Analyst shall determine and certify to the State Board of Equalization whether or not, based on his estimates, a total amount of one hundred fifty million dollars ($150,000,000) has been

appropriated for the capital outlay projects specified in this act for the total four-year fiscal period of fiscal years 1971–1972, 1972–1973, 1973–1974, and 1974–1975 from the General Fund in excess of the amount which would have normally been committed to capital outlay from the General Fund during such fiscal years.

(b) For the purposes of this section, the amount which would have normally been committed to capital outlay from the General Fund and the Capital Outlay Fund for Public Higher Education during such fiscal years shall be deemed to be a total of seventy-five million dollars ($75,000,000) for the 1971–1972 to 1974–1975 fiscal years, inclusive.

(c) If the Legislative Analyst certifies to the State Board of Equalization that the amount specified in subdivision (a) has been appropriated for the purposes specified in this act, Sections 7.5 and 8 of this act shall not become operative.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect; and Section 1 of this act shall be applied in the computation of taxes for taxable years beginning after December 31, 1973.

CHAPTER 981

An act to amend Section 20456 of the Education Code, relating to county superintendents of schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 20456 of the Education Code is amended to read:

20456. (a) The county superintendent shall have a maximum tax rate available for the operation, maintenance and housing of the county office and for any ongoing program, not included in any previous section of this article.

(b) For fiscally independent county superintendent offices, the maximum allowable tax rate shall be the rate levied for these purposes in 1971–72 or 1972–73, whichever is higher, minus that portion of the rate levied for capital outlay and juvenile hall purposes. This maximum rate may be exceeded in the amount and under the terms specified in Section 2266 of the Revenue and Taxation Code.

(c) For county superintendent offices which become fiscally independent on or after July 1, 1974, the maximum allowable tax rate shall be that rate which was levied or could have been levied in the preceding fiscal year pursuant to subdivision (d) of this section. This

maximum rate may be exceeded in the amount and under the terms specified in Section 2266 of the Revenue and Taxation Code.

(d) For fiscally nonindependent county superintendent offices, the maximum allowable tax rate shall be computed by determining the amount of expenditures for the county superintendent of schools' office, exclusive of capital outlay expenditures and expenditures for juvenile hall purposes, in 1971–72 and 1972–73 which were funded from property tax revenues attributable to the county general fund. The amount for each year shall be converted to a tax rate equivalent for that year by dividing each amount by the assessed value of the county in that year and multiplying the quotient by 100; the higher of the two resulting tax rate equivalents shall be the maximum allowable tax rate. This maximum rate may be exceeded in the manner and under the terms specified in Section 2266 of the Revenue and Taxation Code.

(e) The maximum allowable tax rate described in this section is not intended to prohibit a county from augmenting the budget of the county superintendent of schools offices from general county funds. If the budget of the county superintendent of schools, as set by the county, does not require the full amount of the maximum allowable rate, the difference between the maximum rate and the actual rate required shall not be levied and shall not be available for any other county purpose.

(f) The maximum allowable tax rates described in this section may be increased by a majority vote of those voting on a proposition relating to such increase. Such a proposition may be voted on only in conjunction with a general countywide election.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit this act to be operative at the beginning of the 1974–75 fiscal year, and so facilitate the orderly administration of this act, it is necessary that this act take effect immediately.

CHAPTER 982

An act to amend Sections 660 and 668.5 of, to add Sections 651 and 663 to, and to repeal Sections 651, 652, 653, and 663 of, the Insurance Code, relating to termination of automobile insurance.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 651 of the Insurance Code is repealed.

SEC. 2. Section 651 is added to the Insurance Code, to read:

651. Whenever an insurer gives notice of rescission of an automobile liability policy, upon request of the driver as defined in paragraphs (1) and (2) of subdivision (b) of Section 12804 of the Vehicle Code, the insurer, within 15 days of receipt of the request, shall furnish to the insured a statement setting forth the ground or grounds upon which the notice of rescission is based. There shall be no liability on the part of, and no cause of action shall arise against, any insurer or authorized representative, or its licensed investigative sources, for any statements made by them in a written notice required to be given pursuant to this section. If the insurer fails to comply with the provisions of this section, the insured may apply to the commissioner for a certificate of the facts or information desired. Any such request shall be made in accordance with Article 3 (commencing with Section 12950) of Chapter 2 of Division 3, and the commissioner shall exercise any power conferred upon him by that article as may be necessary to ensure compliance with this section.

SEC. 3. Section 652 of the Insurance Code is repealed.

SEC. 4. Section 653 of the Insurance Code is repealed.

SEC. 5. Section 660 of the Insurance Code is amended to read:

660. As used in this chapter:

(a) "Policy" means an automobile liability, automobile physical damage, or automobile collision policy, or any combination thereof, delivered or issued for delivery in this state, insuring a single individual or individuals residing in the same household, as named insured, and under which the insured vehicles therein designated are of the following types only:

(1) A motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers, nor rented to others; or

(2) Any other four-wheel motor vehicle with a load capacity of 1,500 pounds or less which is not used in the occupation, profession, or business of the insured; provided, however, that this chapter shall not apply (i) to any policy issued under an automobile assigned risk plan, or (ii) to any policy insuring more than four automobiles, or (iii) to any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards; or

(3) A motorcycle.

(b) "Automobile liability coverage" includes only coverage of bodily injury and property damage liability, medical payments, and uninsured motorists coverage.

(c) "Automobile physical damage coverage" includes all coverage of loss or damage to an automobile insured under the policy except loss or damage resulting from collision or upset.

(d) "Automobile collision coverage" includes all coverage of loss or damage to an automobile insured under the policy resulting from collision or upset.

(e) "Renewal" or "to renew" means to continue coverage for an

additional policy period upon expiration of the current policy period of a policy. Any policy with a policy period or term of six months or less, whether or not made continuous for successive terms upon the payment of additional premiums, shall for the purpose of this chapter be considered as if written for a policy period or term of six months. Any policy written for a term longer than one year, or any policy with no fixed expiration date, shall for the purpose of this chapter, be considered as if written for successive policy periods or terms of one year.

(f) "Nonpayment of premium" means failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

(g) "Cancellation" means termination of coverage by an insurer (other than termination at the request of the insured) during a policy period.

(h) "Nonrenewal" means a notice by the insurer to the named insured that the insurer is unwilling to renew a policy.

(i) "Expiration" means termination of coverage by reason of the policy having reached the end of the term for which it was issued or the end of the period for which a premium has been paid.

SEC. 6. Section 663 of the Insurance Code is repealed.

SEC. 7. Section 663 is added to the Insurance Code, to read:

663. An insurer shall offer renewal of a policy, contingent upon payment of premium as stated in the offer, to an insured unless the insurer mails or delivers to the named insured, at the address shown in the policy, at least 20 days advance notice of nonrenewal. Such notice shall contain or be accompanied by a statement that upon written request by the named insured, made not later than one month following the expiration of the policy period, or delivered to the insurer, the insurer will notify the insured in writing, within 20 days of his request, the reason or reasons for such nonrenewal. Notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other replacement or succeeding automobile insurance policy procured by the insured, or his agent or broker, with respect to any automobile designated in both policies. The insurer shall not be required to notify the named insured, or any other insured, of nonrenewal of the policy if the insurer has mailed or delivered a notice of expiration or cancellation, on or prior to the 20th day preceding expiration of the policy period.

SEC. 8. Section 668.5 of the Insurance Code is amended to read:

668.5. No cancellation of a policy or coverage of insurance subject to this chapter but not subject to Section 661 or 662 (because it has been in effect less than 60 days) shall be effective unless a notice of cancellation subject to Sections 664 and 665, when applicable, but not to any other provision of this chapter, be mailed or delivered by the

insurer to the named insured not later than the 59th day following its effective date and at least 10 days prior to the effective date of cancellation.

SEC. 9. The provisions of this act shall apply only to those policies of automobile insurance specified in this act which are issued, amended, or renewed on or after the effective date of this act.

CHAPTER 983

An act to amend Sections 14118, 14254, 14255, 14257, 14259, and 14260 of, to add Sections 14253, 14258, 14262, 14263, 14264, 14265, and 14452.3, and Article 3 (commencing with Section 14300), Article 4 (commencing with Section 14400), Article 5 (commencing with Section 14450), and Article 6 (commencing with Section 14475) to Chapter 8 of Part 3 of Division 9 of, and to repeal Article 3 (commencing with Section 14300) of Chapter 8 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14118 of the Welfare and Institutions Code is amended to read:

14118. Notwithstanding any other provision of law, except as provided in the Waxman-Duffy Prepaid Health Plan Act, no provider of medical assistance under the California Medical Assistance Program shall hold itself forth as authorized to provide services to beneficiaries under the Medi-Cal program by use of:

(a) Newspapers, magazines, radio, television, books, circulars, pamphlets, or any medium of communication whether or not for compensation, or

(b) Signs or displays of any character on or near its place of business or elsewhere.

SEC. 1.5. Section 14253 is added to the Welfare and Institutions Code, to read:

14253. "Subcontract" means an agreement entered into by the prepaid health plan with any of the following:

(a) A provider of health care services who agrees to furnish such services to Medi-Cal beneficiaries enrolled in the prepaid health plan.

(b) A marketing organization.

(c) Any other person or organization who agrees to perform any administrative function or service for the operation of the prepaid health plan specifically related to securing or fulfilling its contractual obligations with the department.

SEC. 2. Section 14254 of the Welfare and Institutions Code is amended to read:

14254. "Primary care physician" is a physician who has the responsibility for providing initial and primary care to patients, for maintaining the continuity of patient care, or for initiating referral for specialist care. A primary care physician shall be either a physician who has limited his practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner.

SEC. 3. Section 14255 of the Welfare and Institutions Code is amended to read:

14255. "Specialist" means a physician who is board certified or board eligible in the specialty of medical care provided.

SEC. 4. Section 14257 of the Welfare and Institutions Code is amended to read:

14257. Nothing in this act shall preclude the director from contracting with prepaid health plans which provide only dental, pharmaceutical, optometric, or psychological services in accordance with regulations issued by the department.

SEC. 5. Section 14258 is added to the Welfare and Institutions Code, to read:

14258. "Service area" means a geographical area designated by the department within which a prepaid health plan shall provide health care services and within which the Medi-Cal beneficiaries eligible for enrollment in the prepaid health plan reside.

SEC. 6. Section 14259 of the Welfare and Institutions Code is amended to read:

14259. "Director" means the Director of the Department of Health.

SEC. 7. Section 14260 of the Welfare and Institutions Code is amended to read:

14260. "Department" means the Department of Health.

SEC. 8. Section 14262 is added to the Welfare and Institutions Code, to read:

14262. In providing benefits under this chapter through prepaid health plans, the department may contract with one or more carriers whereby the carrier provides a program underwriting the risk involved. For the purpose of establishing a prepaid health plan, any carrier as defined in Section 14261 shall be deemed capable of providing, arranging, paying, or reimbursing the cost of health care services as defined in Section 14053.

SEC. 9. Section 14263 is added to the Welfare and Institutions Code, to read:

14263. "Marketing" means any presentation conducted by or on behalf of a prepaid health plan where information regarding the services offered by a prepaid health plan is disseminated in order to persuade Medi-Cal beneficiaries to enroll or accept any application for enrollment in the prepaid health plan. Marketing shall also include any similar presentation made to any individual or

organization to procure the endorsement of the prepaid health plan.

SEC. 10. Section 14264 is added to the Welfare and Institutions Code, to read:

14264. "Marketing organization" means any subcontractor who agrees to provide marketing or enrollment services for a prepaid health plan.

SEC. 11. Section 14265 is added to the Welfare and Institutions Code, to read:

14265. "Marketing representative" means any person who engages in marketing activities on behalf of a marketing organization or the prepaid health plan.

SEC. 11.5. Article 3 (commencing with Section 14300) of Chapter 8 of Part 3 of Division 9 of the Welfare and Institutions Code, is repealed.

SEC. 12. Article 3 (commencing with Section 14300) is added to Chapter 8 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 3. Administration

14300. The department, or the Health Care Commission upon request of the department, shall conduct a public hearing at least 30 days prior to the execution of an initial contract with a prepaid health plan and within 60 days prior to the renewal of a prepaid health plan contract to hear and receive evidence on the ability of the prepaid health plan to fulfill its responsibilities under the contract. The hearing shall be conducted in the county within which the prepaid health plan is located, or in the case of a prepaid health plan situated in more than one county, in the county where the largest number of Medi-Cal beneficiaries are enrolled in the plan.

Notice of the time, date, and place of the hearing shall be mailed to the following:

(a) The prepaid health plan applying for the contract or contract renewal.

(b) Medi-Cal beneficiaries enrolled in the prepaid health plan subject to the hearing.

(c) Any interested party who requests notification of public hearings conducted pursuant to this section.

The department shall make a finding of fact as to the ability of the prepaid health plan to comply with its previous and proposed contract obligations.

No contract shall be renewed unless the department makes a finding based upon the evidence presented at the public hearing that the prepaid health plan has fully complied with its contract obligations.

14301. The department shall determine, by actuarial methods, a prospective per capita rate of payment for services provided under this chapter for Medi-Cal beneficiaries enrolled in a prepaid health plan. The rate of payment shall be determined annually and shall not

exceed the amount which the department estimates (with appropriate adjustments to assure actuarial equivalence) would be payable for services covered under the prepaid health plan contract if such services were to be furnished by other than a prepaid health plan. The per capita amounts determined shall be based on sound actuarial data and be recognized to vary among the categories of aid to families with dependent children, aid to the totally disabled, aid to the blind, old age security, or other categories as may be determined eligible or by the director. The director shall adopt all necessary rules and regulations providing for the payment of services rendered under this program on the basis of a total monthly payment for each enrolled recipient. The contract shall provide the specific sums which the state shall pay the prepaid health plan each month for each beneficiary enrolled in the prepaid health plan.

14302. Except as provided in Section 14310, the duration of initial contracts entered into pursuant to this chapter shall be for a maximum of one year and of renewed contracts for a maximum of two years, except that the one-year maximum shall not apply to any contractor where that contractor has another prepaid health plan in a different geographical area of the state.

14303. No contract between the department and the prepaid health plan shall be amended without the public hearing as required in Section 14300 if such amendments make any of the following changes in the contract:

(a) Reduction in the scope or availability of services.

(b) Enlargement of the service area.

(c) Increase in the maximum enrollment permitted under the contract.

14304. The director shall terminate a contract with a prepaid health plan if he finds that the standards prescribed in this chapter, the regulations, or the contract are not being complied with, that claims accrued or to accrue have nor or will not be recompensed, or for other good cause shown. The director shall give reasonable notice of his intention to terminate the contract to the prepaid health plan, to Medi-Cal beneficiaries enrolled in the plan, and others who may be directly interested, including such other persons and organizations as the director may deem necessary. The notice shall state the effective date of, and the reason for, the termination.

14304.5. The prepaid health plan shall provide directly or through subcontractors, not less than the basic scope of health care benefits as defined in Section 14256. The director shall establish the scope and duration of such services and may require other services listed in Section 14053 be provided on a risk or nonrisk basis. The director shall encourage the prepaid health plan to provide all of the services enumerated in Section 14053 on a prepaid basis.

Subject to prior approval by the director, any additional services other than those listed in Section 14053 may be provided at reasonable cost to Medi-Cal enrollees, provided the enrollees are notified of services for which they will be charged and the amount

of the charge prior to rendering such services.

14305. The department may limit the scope of health care benefits provided by a prepaid health plan under this chapter to exclude the care of illness or injury which results from or is greatly aggravated by, a catastrophic occurrence, including, but not limited to, an act of war, declared or undeclared, and which occurs subsequent to enrollment in the prepaid health plan.

14306. Contracts entered into pursuant to this chapter shall be awarded on a nonbid basis.

14307. In the consideration of proposals for contracts with prepaid health plans under this chapter, the department shall for comparative purposes, deduct from the total cost proposed by the prepaid health plan the amount of tax which the prepaid health plan would be required to pay under Part 7 (commencing with Section 12001) of Division 2 of the Revenue and Taxation Code computed on the basis of the net rate of tax, after deductions, which would have applied to such carrier for the preceding calendar year, had the amount of anticipated premium under the proposed contract been added to its taxable premiums for such year.

14308. Each prepaid health plan shall furnish to the director such information and reports as the director may find necessary in performing his functions under this chapter. Such information and reports shall include, but shall not be limited to, statistical information regarding utilization of services, age and sex, specific mortality and morbidity rates, services supplied, manpower resources and costs of health care and administration, compiled from a basic data system, as the department may require. The department shall annually conduct a survey of beneficiaries to determine their satisfaction with the services provided by the prepaid health plan. The prepaid health plan and the department shall maintain such records and afford access thereto, to verify the information and reports which may be required under this section.

14309. The Health Care Commission shall provide for a continuing study of the quality of care and services resulting from the operation of this chapter and for surveys and reports on prepaid health plans. With respect to such plans contracted for under this chapter, the commission may contract with professional organizations for studies and reports of the experience of such plans as to the standards of care available to eligible persons, gross and net costs, administrative costs, benefits, utilization of benefits, the portion of actual personal expenditures of eligible persons for health care which are being met by prepaid benefits, and the methods of evaluating and improving the quality of, and controlling the costs of, health care provided under such contracts; provided, however, that this section shall not be construed to require any plan to provide accounting data or statistical data not required in the normal operation of the plan.

14310. In providing benefits under this chapter, the department may contract with carriers or other organizations to establish pilot

programs, each of which may be set up to exist for a period of time, not to exceed four years, which shall be sufficient to demonstrate the value or lack thereof of such a program, as determined by the director, in delivering health care services in an efficient or effective manner. Such programs shall demonstrate different methods of providing health care services and shall emphasize methods of utilization, review and preventive care, and shall provide incentives for using the most economical level of care. Such programs may provide benefits on the basis of class of recipient, class of benefit, geographical area, or any other reasonable classification. In entering into contracts under this subdivision, the department may provide that the extent of benefit coverage may be limited to a fixed number of days, or amount, or duration of services. The contract may provide that the carrier or other organization shall continue to administer benefits provided beyond the applicable limitation. Any contracts entered pursuant to this chapter shall not interfere with or conflict with pilot programs established pursuant to this section.

The director shall submit to the Legislature a written progress report regarding any actions taken pursuant to this section no later than the fifth legislative day of each year.

In addition, the director shall establish a pilot program to compare patient treatment profiles and prior authorization as controls of overutilization. It is the intent of the Legislature that the most cost-effective system shall be established on a statewide basis. The director shall report to the Legislature the results of this project within six months of its initiation, and shall submit a final report to the Legislature within three months of its completion. Nothing contained in this paragraph shall be construed to prevent the Department of Health from contracting with carriers for the establishment of prepaid health plans in the same area as pilot programs.

14311. Prepaid health plans and pilot programs established pursuant to Section 14310, the services they provide and the persons receiving such services shall not be subject to the limitations on services set forth in Section 14132, or the provisions of subdivision (c), (d), (e), and (f) of Section 14120, or the fifth paragraph of Section 14105.

14312. The director shall, with the advice of the Health Care Commission, adopt all necessary rules and regulations to carry out the provisions of this chapter. In adopting such rules and regulations, the director shall be guided by the needs of eligible persons as well as prevailing practices in the delivery of health care.

14313. The department shall submit an annual report prior to January 31 of each year to the Legislature on (a) the contracts entered into pursuant to this chapter, including the physician-patient ratio used, customer satisfaction and dissatisfaction, the experience with regard to quality, utilization, and cost of for-profit as compared with not-for-profit prepaid health plans, and (b) violations of the provisions of Sections 14407 and 14409

and action taken by the department pursuant to such section.

SEC. 13. Article 4 (commencing with Section 14400) is added to Chapter 8 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 4. Enrollment and Disenrollment

14400. Every prepaid health plan shall have an open enrollment period at least once every year. During the open enrollment period the plan shall accept up to the limit of its capacity or the limit of its contract, without restrictions, except restrictions which may be required by the director, individuals who are eligible to enroll in such plans. Eligible enrollees shall be accepted in the order in which they apply for enrollment.

14401. No Medi-Cal beneficiary shall be enrolled in a prepaid health plan prior to the time a contract under this chapter is signed by the department and such prepaid health plan is approved by the appropriate state agencies.

14402. The prepaid health plan shall enroll only those Medi-Cal beneficiaries who reside within the contract service area. The department shall prescribe a standard application form that is readily understandable to enrollees. A beneficiary shall be enrolled in the prepaid health plan when the beneficiary voluntarily signs the enrollment application agreeing to utilize the health services provided by the prepaid plan and his eligibility is verified by validation of the application by the department.

14403. No Medi-Cal beneficiary shall be enrolled in more than one prepaid health plan at any time.

14404. In order to enable Medi-Cal beneficiaries to fully use the system of their choice, the director shall make available to Medi-Cal beneficiaries information prepared by the department summarizing the benefits and restrictions to beneficiaries enrolled in prepaid health plans as opposed to the fee-for-service system. The department shall prescribe the format for providing the information required pursuant to this section.

14405. The director shall make available such information as is necessary in order to enable Medi-Cal beneficiaries to exercise an informed choice among the various prepaid health plans which have been contracted for under this chapter. For this purpose each prepaid health plan shall provide written information to the director for distribution to all prospective enrollees in the service area. Such information shall include the following:

(a) A description of all services and benefits provided by the prepaid health plan.

(b) The location of facilities where benefits and services are provided.

(c) The hours and days when services are available at each of the facilities.

(d) The names and addresses of each physician providing medical

services to enrollees of the prepaid health plan and a description of each physician's specialty, if any.

(e) The names and addresses of each hospital providing medical services to the enrollees.

(f) Names and addresses of each pharmacy providing pharmaceutical services to the enrollees.

(g) Public and emergency transportation arrangements offered by the prepaid health plan.

(h) Any other information as the department may require.

14406. (a) Within seven days after the effective date of enrollment, the prepaid health plan shall provide in writing the following information to a new enrollee:

(1) An appropriate document authorizing the services or benefits to which that person is entitled under the plan.

(2) A description of all services and benefits provided by the plan.

(3) An explanation of the procedure for obtaining these services and benefits, including the address and telephone number of each physician, dentist, optometrist, hospital, pharmacy, and other facilities where the basic scope of health care benefits may be obtained. In addition, the explanation shall state the hours and days which each of these facilities are open and the services and benefits available.

(4) The location, telephone number, and procedure for securing 24-hour emergency care and an explanation of out-of-area emergency coverage.

(5) Information setting forth the term of enrollment in the prepaid health plan including the causes for which an enrollee shall lose eligibility.

(6) The procedure for processing and resolving any grievance by enrollees. Such information shall include the name, address, and telephone number of the person responsible for resolving grievances or initiating a grievance procedure.

(7) The procedure by which enrollees may request disenrollment.

(8) Any other information essential to the use of the prepaid health plan as may be required by the department.

(b) The information made available under this section shall be revised and distributed annually to each enrollee and whenever there are changes in the services provided or the location where they may be obtained. Such information shall be provided at least 14 days prior to such a change.

14407. Except as provided in subdivision (d) of Section 14460, enrollment in a prepaid health plan shall be voluntary and a prepaid health plan shall not use false advertising or false statements to induce enrollment. No solicitation of enrollees shall include the granting or offering of any monetary or other valuable consideration for enrollment.

14408. Notwithstanding the provisions of Section 14118, and except as otherwise prohibited by law, a prepaid health plan which has entered into a contract with the department pursuant to this

chapter may make the benefits known to potential enrollees by methods approved by the department.

No prepaid health plan or marketing organization shall engage in marketing activities prior to written approval by the department. All marketing materials and procedures shall be approved by the department prior to being used by a prepaid health plan or marketing organization. The prepaid health plan shall be responsible for all presentations by their official representatives and for their ethical and professional conduct. All printed or illustrated material prepared by the prepaid health plan for dissemination to enrollees or to prospective enrollees shall be submitted to the department prior to such dissemination. The department shall acknowledge receipt of the printed or illustrated material within five days, and shall approve or disapprove such material for dissemination within 60 days after the date of notification that the material has been received. Where the department notifies the prepaid health plan of its disapproval, the prepaid health plan shall have the right to meet and confer with the director or his designee and demonstrate the purpose and reasonable basis for the distribution of such material to enrollees and potential enrollees.

14409. (a) No prepaid health plan, marketing representative, or marketing organization shall in any manner misrepresent themselves, the plans they represent or the Medi-Cal program. Violations of this section shall include, but are not limited to:

(1) Claims that marketing representatives are employees or representatives of the state, county, or anyone other than the prepaid health plan or the marketing organization by whom they are reimbursed.

(2) Claims that the prepaid health plan is recommended or endorsed by any state or county agency, except where the prepaid health plan is operated by a county agency, or any other organization which has not certified its endorsement in writing to the prepaid health plan, or that the state or county recommends that a Medi-Cal beneficiary enroll in a prepaid health plan.

(3) Claims that a Medi-Cal beneficiary will lose his benefits under the Medi-Cal program if he or she does not enroll in a prepaid health plan.

(b) Violations of any provisions of this section or Section 14407 or regulations adopted by the department pursuant to such sections shall result in one or more of the following:

(1) Revocation of one or more permitted methods of marketing.

(2) Refusal of the department to accept new enrollments for a period specified by the department.

(3) Forfeiture by the plan of all or part of the capitation payments for persons enrolled, and who subsequently request disenrollment, as a result of such violations.

(4) Termination of the contract as provided in Section 14304.

14410. No prepaid health plan or marketing representative shall adopt or utilize any procedure to identify prospective enrollees with

medical or psychiatric problems in order to exclude them from enrollment in the prepaid health plan, other than medical conditions specifically excluded from coverage by the contract.

14411. No prepaid health plan or marketing organization shall solicit prospective enrollees on state or county premises for benefits or services available pursuant to this chapter.

14412. (a) The enrollment of a Medi-Cal beneficiary in the prepaid health plan shall not be terminated except for loss of eligibility or for good cause, as determined by the department.

(b) Enrollment may be terminated at the request of the Medi-Cal beneficiary subject to approval by the department. Approval shall be mandatory under the following circumstances:

(1) The beneficiary was enrolled in violation of this article or regulations promulgated by the department pursuant to this article.

(2) The end of one-year period of the contract of enrollment.

(3) Request for disenrollment pursuant to subdivision (d) of Section 14460.

14413. Requests of enrollees for termination of enrollment shall be made to an authorized representative of the prepaid health plan or to the department. All applications for termination of enrollment shall be processed within 45 days. A Medi-Cal beneficiary who has requested termination of enrollment shall be notified of the decision within five days of the date of the decision by the department. If the beneficiary's request for termination is granted, he or she shall be notified by the department of the decision and shall be issued a temporary Medi-Cal card until such time as a monthly Medi-Cal card may be issued.

SEC. 14. Article 5 (commencing with Section 14450) is added to Chapter 8 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 5. Standards for Prepaid Health Plans

14450. No contract between the department and a prepaid health plan shall be approved or renewed unless the providers and the facilities of the prepaid health plan meet the Medi-Cal program standards for participation as established by the director. In addition, a prepaid health plan shall meet the following requirements:

(a) Laboratory services shall be provided only in laboratories which are approved by the department, except such laboratories which are exempt from such approval under Section 1241 of the Business and Professions Code, and which participate in a performance testing program approved by the department, or meet the conditions of participation under Title 18 of the Social Security Act.

(b) All institutions including, but not limited to, clinics, hospitals, and skilled nursing facilities, shall be licensed by the department, if such licensure is required by law. When appropriate, all medical personnel of the prepaid health plan shall be licensed by their

respective licensing boards.

(c) The prepaid health plan shall demonstrate to the department that it has adequate financial resources, physical facilities, administrative abilities, and soundness of program design, to carry out its contractual obligations. For the purpose of this section, "adequate financial resources," as determined by the department, shall not be less than the minimum tangible net equity required of health care service plans pursuant to Section 12539 of the Government Code.

(d) The prepaid health plan shall provide not fewer than five physicians who represent the following specialities of medicine: pediatrics, internal medicine, general surgery, and obstetrics-gynecology; provided, however, the department may determine that in given communities that it is not feasible or medically appropriate to provide all of these specialities. Such determination shall be specifically stated in the contract between the prepaid health plan and the department.

(e) The prepaid health plan shall not enroll more than 1,600 persons per full-time equivalent primary care physician and 1,200 persons per full-time equivalent physician. Such ratios may be adjusted by the department as appropriate to the medical needs of the Medi-Cal population proposed to be served by the plan or if appropriate utilization is made of allied health manpower. Such adjustment shall be specifically stated in the contract between the prepaid health plan and the department.

Each contract entered into by the department shall include identification of all primary care physicians, and all other physicians by their speciality designation. The prepaid health plan shall provide to the department the numbers, qualifications, and responsibilities of all personnel providing health care services.

No enrollment shall be permitted on the basis of part-time primary care physicians except for medical care foundations, or hospital or health care service plans which have an enrollment of 25,000 or more, 50 percent of which are non-Medi-Cal recipients, and who have a board of directors upon which at least one-third of its members are consumers.

(f) The prepaid health plan shall furnish services in such a manner as to provide continuity of care and, when services are furnished by different providers, referral of patients to such services at such times as may be medically appropriate.

(g) A primary care physician shall be made available to each enrollee to supervise and coordinate the delivery of health care to the enrollee. If the enrollee becomes dissatisfied with his chosen primary care physician, the enrollee shall be able to choose another primary care physician.

(h) All services shall be readily available at reasonable times to all enrollees. To the maximum extent feasible, the prepaid health plan shall make all services readily accessible to all enrollees by decentralizing the services to be provided or by providing

transportation to the prepaid health plan facilities if adequate public transportation is not available.

(i) The prepaid health plan shall employ allied health personnel for furnishing of services to the extent that it is reasonable and consistent with good medical practice.

(j) A prepaid health plan servicing a substantial patient population of a particular racial or ethnic group, or whose primary language is other than English, shall, to the extent feasible, employ staff of that respective racial, ethnic, or linguistic group in sufficient numbers in the prepaid health plan to service the enrollees at all times.

(k) The prepaid health plan shall have the organizational and administrative capacity to provide services under the provisions of this chapter. The prepaid health plan shall demonstrate to the department that medical decisions are rendered by qualified medical personnel, unhindered by fiscal or administrative management.

(*l*) Each prepaid health plan shall establish a grievance procedure under which enrollees may submit their grievances. Such procedure shall be approved by the department prior to the approval of the contract. The department shall establish standards for such procedures to insure adequate consideration and rectification of enrollee grievances. A prepaid health plan shall make a finding of fact in the case of each grievance processed, a copy of which shall be transmitted to the enrollee. If the enrollee has an unresolved grievance, the fair hearing provided in Chapter 7 (commencing with Section 10950) of Part 2 of this division shall be available to resolve all grievances regarding care and administration by the prepaid health plan. The findings and recommendations of the department, based on the decision of the hearing officer, shall be binding upon the prepaid health plan.

14451. Each prepaid health plan shall make all reasonable efforts to achieve, by the third contract year, an enrollment of not more than 50 percent Medi-Cal beneficiaries.

14452. All subcontracts shall be entered into pursuant to regulations established by the department. All subcontracts shall be in writing, a copy of which shall be transmitted to the department for approval prior to its taking effect.

Each subcontract submitted by the department for approval shall contain the amount of compensation or other consideration which the subcontractor will receive under the terms of the subcontract with the prepaid health plan; provided, however, that these provisions shall not apply to a provider who is employed or salaried by the prepaid health plan. All subcontracts to provide health care benefits, including emergency services, shall include specification of the time and days reserved for services to be provided to enrollees and specification of the service to be provided. All subcontracts for inpatient services shall include specification of the number of beds to be available for enrollees. When the prepaid health plan contracts

to provide any of the basic scope of health care benefits through subcontractors, the subcontractors shall meet all of the qualifications required under Section 14450 as appropriate for the services which the subcontractors are required to perform.

14452.3. Each prepaid health plan shall provide the services of an optometrist and ophthalmologist when the prepaid health plan contract requires the provision of vision care services.

Vision care services shall be provided so that an enrollee may be seen initially by either a physician or an optometrist.

14452.4. Where the prepaid health plan agrees to provide dental services such services shall be provided in a manner that does not require the enrollees to receive prior screening or authorization.

14453. When the prepaid health plan compensates a physician on a fee-for-service basis, the prepaid health plan shall consider the customary charge for similar services made by the physician, as well as the prevailing charge for similar services in the community.

14454. The prepaid health plan shall be liable for all in-area and out-of-area emergency services which are required by the contract and rendered by a nonprepaid health plan provider. Payment for such services shall include treatment of emergency conditions and shall continue until such time as the enrollee may be transferred to any provider of the prepaid health plan.

14455. The prepaid health plan shall maintain a complete medical record for each enrollee including records of treatment rendered by a subcontractor. After July 1, 1975, the prepaid health plan shall maintain a standard medical record for each enrollee and shall maintain a complete unit medical record for each enrollee.

14456. The department shall conduct periodically, but not less than every six months, an onsite review of the level and quality of care, the necessity of the services rendered, and the appropriateness of the services provided by the prepaid health plan. The department shall also review the procedures for regulating utilizations, peer review mechanisms, and other internal procedures for assuring quality of care, and grievances relating to medical care and their disposition. Such review shall be conducted by a panel of qualified experts in reviewing the quality of health services provided, whose members shall include physicians and other health care providers.

The review shall be based on criteria and procedures established by the department and data supplied to the department by the prepaid health plan as required in Section 14308.

The department shall be authorized to contract with professional organizations to perform the periodic review required by this section. The department, or its designee, shall make a finding of fact with respect to the ability of the prepaid health plan to provide quality health care services, effectiveness of peer review, and utilization control mechanisms, and the overall performance of the prepaid health plan in providing health care benefits to its enrollees.

14457. In addition to the review required by Section 14456, the department shall conduct periodic onsite visits by departmental

representatives to include observation of the general operation of the prepaid health plan, the condition of the facilities for delivering health care, the availability of emergency services, the degree of satisfaction of the enrollees, and the administrative aspects of the operation of the prepaid health plan.

14458. The prepaid health plan shall establish procedures for continuously reviewing the quality of care, performance of medical personnel, the utilization of services and facilities, and costs. Information derived from such review shall be made available to the department and the Health Care Commission.

14459. The prepaid health plan shall maintain financial records and shall have an annual audit performed by an independent certified public accountant. All certified financial statements shall be filed with the department as soon as practical after the end of the prepaid health plan's fiscal year and in any event, within a period not to exceed 120 days thereafter. For good cause, the department may grant an exception to the time which annual financial statements are to be submitted to the department.

14460. The department shall have authority to amend a prepaid health plan contract in accordance with the terms of a merger or other reorganization of two or more prepaid health plans provided the following conditions are met:

(a) The resulting organization assures the continued and accessible delivery of health care services to enrollees.

(b) The plans concerned have satisfactorily demonstrated the fiscal and administrative soundness of the newly proposed organization.

(c) The merger or reorganization shall not substantially impair or destroy the opportunity for competition in the proposed service area.

(d) The enrollees of the plans concerned are informed of the impending merger or reorganization, as well as any resulting changes in the service area or delivery of health care services and such other information required by subdivision (a) of Section 14406 at least 30 days in advance of the merger or reorganization and are given the option of disenrolling without cause for a period of 60 days following the effective date of the merger or reorganization.

(e) When a prepaid health plan contract is amended to permit a merger or reorganization, a public hearing shall be held as required by Section 14300.

(f) The plans meet such other requirements as deemed necessary by the department in order to carry out the purpose of this chapter.

SEC. 14.5. Section 14452.3 is added to the Welfare and Institutions Code, to read:

14452.3. Each prepaid health plan shall provide the services of an optometrist and ophthalmologist, and may provide the services of a registered dispensing optician, when the prepaid health plan contract requires the provision of vision care services.

Vision care services shall be provided so that an enrollee may be

seen initially by either a physician or an optometrist and so that an enrollee may have the fitting, adjusting and dispensing of the prescribed lenses and spectacle frames performed by or under the supervision of an ophthalmologist or an optometrist or, if such services are provided, by a registered dispensing optician.

SEC. 15. Article 6 (commencing with Section 14475) is added to Chapter 8 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 6. Conflict of Interest

14475. No contract between the department and a prepaid health plan shall be approved or renewed if any state officer or employee has a direct financial interest in the prepaid health plan or has a direct financial interest in any contract with the prepaid health plan.

14476. For purposes of this article, "state officer or employee" means a Member of the Legislature, a secretary of a state agency, and those members of the secretary's staff who hold policymaking positions, those members of the Governor's staff who hold policymaking positions, an administrative aide or committee consultant of the Legislature; and includes the appointive or civil service employee of the highest class or grade in each department, system, program, section, or other administrative subdivision of the Department of Health as defined in regulations adopted by the department.

14477. For the purposes of this article, "state employee" subject to the provisions of Section 14475 includes any employee in the Department of Health who has a direct responsibility for the negotiation, development, or management of a prepaid health plan contracted under the provisions of this chapter. The director shall publish regulations determining the class of employees covered by this section.

14478. For the purposes of this article, "direct financial interest" means the ownership of one thousand dollars ($1,000) or more of common stock, preferred stock, warrants, options, partnership interests, and debt instruments if convertible to equity investments in a prepaid health plan. A convertible debt includes bonds, notes, debentures, and mortgages.

14479. As used in this article, "direct financial interest" includes the financial interest of a spouse or a minor child of a state officer or employee in any business entity or in real property held for income or gain.

14480. No contract with a prepaid health plan shall be approved or renewed if a state officer or employee provides legal or management services to the prepaid health plan. For the purposes of this section no state officer or employee shall share in the income or any remuneration derived from the providing of legal or management services to a prepaid health plan.

14481. No contract shall be approved or renewed if any state

officer or employee receives anything of value for the purpose of influencing or attempting to influence the negotiations for approval or renewal, of the prepaid health plan with the department.

SEC. 16. In the event that both this bill and Assembly Bill No. 3898 are chaptered and this bill is chaptered after Assembly Bill No. 3898, Section 14.5 of this bill shall become operative and Section 14452.3 of the Welfare and Institutions Code as added by Section 14 of this bill shall not become operative.

CHAPTER 984

An act relating to the Earl Warren History Project, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby appropriates the sum of forty-five thousand dollars ($45,000) from the General Fund to the California Heritage Preservation Commission for the purpose of contracting with the Bancroft Library of the University of California for the completion of the Earl Warren History Project.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Earl Warren History Project may be completed at the earliest possible time it is essential that this act take effect immediately.

CHAPTER 985

An act to add Sections 1600.7, 1600.8, 1600.9, 1603.1, and 1603.2 to the Health and Safety Code, relating to blood transfusions.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1600.7 is added to the Health and Safety Code, to read:

1600.7. "Carrier donor" means any donor of human whole blood whose blood donation has been found, either by laboratory tests or

by the tracing of a transfusion-associated hepatitis case where there was a single donor, to contain viral hepatitis, or any donor of human whole blood who has twice been determined by the department to be a possible carrier donor.

SEC. 2. Section 1600.8 is added to the Health and Safety Code, to read:

1600.8. "Possible carrier donor" means any donor of human whole blood whose blood donation was administered where multiple transfusions from multiple donors were administered to a recipient and such transfusions result in a case diagnosed by a physician as transfusion-associated hepatitis.

SEC. 3. Section 1600.9 is added to the Health and Safety Code, to read:

1600.9. "Carrier of viral hepatitis" means a person under treatment by a physician who has contracted viral hepatitis which has been confirmed by voluntary laboratory tests or who exhibits symptoms which lead a physician to render a diagnostic opinion that the person has contracted viral hepatitis.

SEC. 4. Section 1603.1 is added to the Health and Safety Code, to read:

1603.1. (a) Blood banks shall make laboratory tests of all human whole blood received to detect the presence of viral hepatitis. If the blood bank finds the presence of viral hepatitis, or an antigen thereof, in the blood tested, it shall report that finding, the date of the human whole blood donation, the name, address, and social security number of the person who donated the blood, and the name and address of the blood bank which received the human whole blood from the person and any additional information required by the department, to the department and the county health officer within 72 hours.

(b) As soon as practicable following diagnosis, a physician shall report to the department and the county health officer the name, address, and social security number of all carriers of viral hepatitis under his treatment, the type of viral hepatitis contracted if known, and any additional information required by the department and shall report immediately all transfusion-associated hepatitis cases to the county health officer for investigation.

(c) As soon as practicable following hospitalization, a hospital shall report to the department and to the county health officer the name, address, and social security number of all carriers of viral hepatitis hospitalized for treatment of viral hepatitis, the name of the hospital, the date of hospitalization, the type of viral hepatitis contracted if known, and any additional information required by the department and shall report immediately all transfusion-associated hepatitis cases to the county health officer for investigation.

(d) The county health officer shall investigate all transfusion-associated hepatitis cases and shall, if possible, trace the sources of human whole blood which was transfused. The county health officer shall report to the department within 72 hours

following an investigation the name, address, and social security number of carrier donors, possible carrier donors and carriers of viral hepatitis and any additional information required by the department.

(e) The department shall compile two times each month a list of carrier donors, possible carrier donors, and carriers of viral hepatitis and shall distribute the list to blood banks two times each month. The list shall include the name, address, and social security number of carrier donors, possible carrier donors and carriers of viral hepatitis, the date of the human whole blood donation if applicable, the name and address of the blood bank who received the human whole blood donation if applicable, and any other information which the department deems necessary to protect the public health and safety.

(f) The department shall, if possible, contact carrier donors to inform them that they may be carriers of viral hepatitis and should not make blood donations, and shall suggest appropriate treatment alternatives.

(g) The department may make regulations governing the procedures in this section as it deems necessary to protect the public health and safety.

SEC. 5. Section 1603.2 is added to the Health and Safety Code, to read:

1603.2. (a) No blood bank shall, for any reason, receive human whole blood from a person who is listed as a carrier donor or a carrier of viral hepatitis on a list distributed by the department.

(b) Each blood bank shall require as identification either a photographic driver's license or other photographic identification which is issued by the Department of Motor Vehicles, pursuant to Division 6 (commencing with Section 12500) of the Vehicle Code, from all donors of human whole blood who receive payment in return for the donation of such blood.

For the purposes of this section, "payment" means the transfer by a blood bank to any person of money or any other valuable consideration which can be converted to money by the recipient, except that payment shall not include any of the following:

(1) Cancellation or refund of the nonreplacement fees or related blood transfusion charges;

(2) Blood assurance benefits to a person as a result of a blood donation to a donor club or blood assurance program; or

(3) Time away from employment granted by an employer to an employee in order to donate blood.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 986

An act to amend Sections 68097, 68097.1, 68097.2, 68097.5, 68097.6, 68097.7, 68097.9, and 68097.10 of the Government Code, relating to court proceedings.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 68097 of the Government Code is amended to read:

68097. Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the allowances are paid except as hereinafter provided for firemen, members of the California Highway Patrol, sheriffs, deputy sheriffs, marshals, deputy marshals and city policemen.

For the purposes of this section and Sections 68097.1 through 68097.10, the term "member of the California Highway Patrol" shall include those persons employed as vehicle inspection specialists by the California Highway Patrol.

SEC. 2. Section 68097.1 of the Government Code is amended to read:

68097.1. Whenever a fireman, member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman is required as a witness before any court or other tribunal in any civil action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties, a subpoena requiring his attendance may be served by delivering a copy either to such member personally or to his immediate superior. The attendance of a fireman, member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman may be required pursuant to this section only in accordance with the provisions of Section 1989 of the Code of Civil Procedure.

As used in this section and in Sections 68097.2 and 68097.5, "tribunal" means any person or body before whom or which attendance of witnesses may be required by subpoena, including an arbitrator in arbitration proceedings.

SEC. 3. Section 68097.2 of the Government Code is amended to read:

68097.2. Any fireman, member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman who is obliged by a subpoena issued pursuant to Section 68097.1 to attend as a witness, shall receive the salary or other compensation to which he is normally entitled from the public entity by which he is employed during the time that he travels to and from the place where the court or other tribunal is located and while he is required

to remain at such place pursuant to such subpoena. He shall also receive from the public entity by which he is employed the actual necessary and reasonable traveling expenses incurred by him in complying with such subpoena.

The party at whose request such subpoena is issued shall reimburse the public entity in an amount equal to the actual cost incurred by the public entity as a result of such fireman or officer's required attendance pursuant to such subpoena. The amount of forty-five dollars ($45) shall be deposited with the clerk of the court or with the tribunal prior to the issuance of a subpoena pursuant to this section.

If the actual cost incurred by the public entity should later prove to be less than the amount deposited, the excess of the amount deposited shall be refunded.

If a court continues a proceeding on its own motion, no additional deposit may be required prior to the issuance of a subpoena or the making of an order directing such officer to appear on the date to which the proceeding is continued.

SEC. 4. Section 68097.5 of the Government Code is amended to read:

68097.5. No fireman, member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman shall be ordered to return by the court for subsequent proceedings beyond the day stated in the subpoena referred to in Sections 68097.1, 68097.2, 68097.3 and 68097.4, or the day upon which such witness appeared pursuant to the provisions of Section 68097.9, unless the party at whose request such subpoena was issued or the party at whose request the witness is ordered to return, shall first deposit with the clerk of the court or with the tribunal the same sum required to be deposited for the issuance of a subpoena in the first instance.

SEC. 5. Section 68097.6 of the Government Code is amended to read:

68097.6. The provisions of Sections 68097.1, 68097.2, 68097.3, 68097.4 and 68097.5 of this code shall be applicable to subpoenas issued for the taking of depositions of firemen, members of the California Highway Patrol, sheriffs, deputy sheriffs, marshals, deputy marshals, or city policemen pursuant to Section 2019 of the Code of Civil Procedure.

SEC. 6. Section 68097.7 of the Government Code is amended to read:

68097.7. Any person who pays or offers to pay any money or other form of consideration for the services of any fireman, member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman as a witness in any action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties in any manner other than as provided in Sections 68097.1, 68097.2, 68097.3, 68097.4, 68097.5 and 68097.6 is guilty of a misdemeanor and any fireman, member of the California Highway Patrol, sheriff, deputy

sheriff, marshal, deputy marshal or city policeman who asks or receives any such payment except as provided in Sections 68097.2 and 68097.4 is likewise guilty of a misdemeanor.

SEC. 7. Section 68097.9 of the Government Code is amended to read:

68097.9. A fireman, member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman who has been subpoenaed pursuant to the provisions of Section 68097.1, 68097.3, or 68097.6, may, in lieu of attendance at the time specified in the subpoena, agree with the party at whose request such subpoena was issued to appear at another time or pursuant to such notice as may be agreed upon.

SEC. 8. Section 68097.10 of the Government Code is amended to read:

68097.10. Whenever a fireman, member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman appears as a witness pursuant to Section 68097.1 and reimbursement is not made as provided for in Section 68097.2, then the California Highway Patrol, or the public entity employing the fireman, sheriff, deputy sheriff, marshal, deputy marshal or city policeman shall have standing to bring an action in order to recover such funds.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because during any legislative session a variety of changes in laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate do not result in significant identifiable cost changes.

CHAPTER 987

An act to amend Sections 29025, 29026, and 29035 of the Education Code, relating to private educational institutions.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 29025 of the Education Code is amended to read:

29025. Except as otherwise provided for in this code, no course of education or training leading to an educational, technological, professional or vocational objective shall be offered, and no diploma or honorary degree shall be issued or conferred, by any person, firm, association, partnership, corporation, or other entity which has not been approved by the Superintendent of Public Instruction.

Application for such approval shall be made in writing on application forms provided by the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction shall issue a temporary approval upon submission of the complete application. Courses offered for adults by any parochial or denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses for a period of one year and shall grant subsequent approvals for periods of three years when an institution is found by the Department of Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the state, with recognized accepted standards; or that the course, curriculum, and instruction meet recognized accepted standards for reaching the professed or claimed objective for that particular course.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment.

(6) The institution maintains adequate records to show attendance, progress, and grades.

(7) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Department of Education may require evidence of compliance.

(8) The institution is financially capable of fulfilling its commitments for its approved courses.

(9) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(10) The institution does not exceed enrollment facilities and equipment.

(11) The institution's administrator, director, owner, and

instructors are of good reputation and character.

(12) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course.

(13) The institution designates an agent for service of process within the state.

(14) In any written contract or agreement for a course of study with an institution there shall be included on the first page of such agreement or contract, in 14-point boldface print or larger, the following statement:

"Any questions or problems concerning this school which have not been satisfactorily answered or resolved by the institution should be directed to the Director of Education, Department of Education, Sacramento, California, 95814."

In addition, such written contracts or agreements shall specify, on the same page of the contract or agreement in which the student's signature is required, the total financial obligation that the student will incur upon enrollment in the institution in numbers or letters, or both, which are of larger print than the rest of the contract or agreement.

Upon completion of training, the institution may award a "diploma," as defined in Section 29002, to the student indicating the training and attendance completed.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this section.

Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work experience education programs established pursuant to this section, provided there is continuous and competent supervision by a qualified person.

SEC. 1.5. Section 29025 of the Education Code is amended to read:

29025. Except as otherwise provided for in this code, no course of education or training leading to an educational, technological, professional or vocational objective shall be offered, and no diploma or honorary degree shall be issued or conferred, by any person, firm, association, partnership, corporation, or other entity which has not been approved by the Superintendent of Public Instruction. Application for such approval shall be made in writing on application forms provided by the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction may issue a temporary approval upon submission of the complete application. A temporary approval shall be for a period of one year, subject to prior termination or conversion to annual approval basis by the Superintendent of Public Instruction. Any extension of a temporary approval on an annual basis shall require an annual fee. Courses offered for adults by any parochial or

denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses for a period of one year and shall grant subsequent approvals on an annual basis when an institution is found by the Department of Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the state, with recognized accepted standards; or that the course, curriculum, and instruction meet recognized accepted standards for reaching the professed or claimed objective for that particular course.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment.

(6) The institution maintains adequate records to show attendance, progress, and grades.

(7) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Department of Education may require evidence of compliance.

(8) The institution is financially capable of fulfilling its commitments for its approved courses.

(9) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(10) The institution does not exceed enrollment facilities and equipment.

(11) The institution's administrator, director, owner, and instructors are of good reputation and character.

(12) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course. Such a policy shall set forth a minimum standard of refunds in accordance with rules and

regulations adopted by the Superintendent of Public Instruction.

(13) The institution designates an agent for service of process within the state.

(14) In any written contract or agreement for a course of study with an institution there shall be included on the first page of such agreement or contract, in 14-point boldface print or larger, the following statement:

"Any questions or problems concerning this school which have not been satisfactorily answered or resolved by the institution should be directed to the Director of Education, Department of Education, Sacramento, California, 95814."

In addition, such written contracts or agreements shall specify, on the same page of the contract or agreement in which the student's signature is required, the total financial obligation that the student will incur upon enrollment in the institution in numbers or letters, or both, which are of larger print than the rest of the contract or agreement.

Upon completion of training, the institution may award a "diploma," as defined in Section 29002, to the student indicating the training and attendance completed.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this section.

Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work experience education programs established pursuant to this section, provided there is continuous and competent supervision by a qualified person.

SEC. 2. Section 29026 of the Education Code is amended to read:

29026. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board of Education. The State Board of Education may delegate its authority to issue this permit to the State Superintendent of Public Instruction.

The State Board of Education, or the State Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued

unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted on forms to be furnished by the Department of Education. The original application shall be accompanied by an application fee of twenty dollars ($20), renewal applications when renewed on a continuous basis and applications for additional sales permits shall be accompanied by an application fee of fifteen dollars ($15). Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be engaged as representatives of a correspondence school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of correspondence courses of study.

Any contract for or in connection with a course of study with a correspondence school, or representative thereof, shall be voidable at the option of the purchaser if the representative of any person

selling or administering such course of study, or the representative of such firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

In any written contract or agreement for a course of study with a correspondence school there shall be included on the first page of such agreement or contract in 14-point boldface print or larger, the following statement:

"Any questions or problems concerning this school which have not been satisfactorily answered or resolved by the school should be directed to the Director of Education, Department of Education, Sacramento, California, 95814."

In addition, such written contracts or agreements shall specify, on the same page of the contract or agreement in which the student's signature is required, the total financial obligation that the student will incur upon enrollment in the correspondence school in numbers or letters, or both, which are of larger print than the rest of the contract or agreement.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section and for any salesman, agent, or representative of such individual to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in membership in any union or similar organization, or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond

prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

SEC. 2.5. Section 29026 of the Education Code is amended to read:

29026. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board of Education. The State Board of Education may delegate its authority to issue this permit to the State Superintendent of Public Instruction.

The State Board of Education, or the State Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted on forms to be furnished by the Department of Education. The original application, renewal applications when renewed on a continuous basis, and applications for additional sales permits shall be accompanied by an application fee in an amount established pursuant to subdivision (e) of Section 29027. Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of

whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be engaged as representatives of a correspondence school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of correspondence courses of study.

Any contract for or in connection with a course of study with a correspondence school, or representative thereof, shall be voidable at the option of the purchaser if the representative of any person selling or administering such course of study, or the representative of such firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

In any written contract or agreement for a course of study with a correspondence school there shall be included on the first page of such agreement or contract in 14-point boldface print or larger, the following statement:

"Any questions or problems concerning this school which have not been satisfactorily answered or resolved by the school should be directed to the Director of Education, Department of Education, Sacramento, California, 95814."

In addition, such written contracts or agreements shall specify, on the same page of the contract or agreement in which the student's signature is required, the total financial obligation that the student will incur upon enrollment in the correspondence school in numbers or letters, or both, which are of larger print than the rest of the contract or agreement.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of

Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section and for any salesman, agent or representative of such individual to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in membership in any union or similar organization or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

SEC. 3. Section 29035 of the Education Code is amended to read:

29035. No person, firm, association, partnership, or corporation owning or representing any private school offering training to adults shall:

(a) Make or cause to be made, any statement, or representation, oral, written, or visual, in connection with the offering or publicizing of a course, if such person, firm, association, partnership, or corporation knows, or reasonably should have known, the statement or representation to be false, deceptive, inaccurate or misleading.

(b) Promise or guarantee employment utilizing information, training or skill purported to be provided or otherwise enhanced by a course.

(c) Advertise concerning job availability, degree of skill and length of time required to learn a trade or skill unless the information is accurate and in no way misleading.

(d) Advertise, or indicate in any promotional material, that correspondence instruction, or correspondence courses of study are offered without including in all advertising or promotional material the fact that the instruction or courses of study are offered by correspondence or home study.

(e) Advertise, or indicate in any promotional material, that

resident instruction, or courses of study are offered without including in all advertising or promotional material the location where the training is given or the location of the resident instruction.

(f) Solicit students for enrollment by causing any advertisement to be published in "help wanted" columns in a magazine, newspaper, or publication or use "blind" advertising which fails to identify the school.

(g) Advertise in such a way as to lead the reader to the mistaken belief that an offer for employment is being made.

(h) Advertise, or use the word "accredited" or "approved" with respect to itself or the course or courses which it offers unless the word is immediately followed by the complete name of the organization by which it is accredited or approved.

(i) Represent in any manner that completion of the training offered will result in membership in any union or similar organization of any type.

Any person, firm, association, partnership, or corporation willfully violating any provisions of this section shall be unable to enforce any contract or agreement arising from the transaction in which the violation occurred. In addition, in the event of such violation, said person, firm, association, partnership, or corporation shall refund to the student any tuition or fees that have been collected from the student. The student shall be awarded, in addition to the foregoing, any damages that he has sustained, and may be awarded treble damages, in the discretion of the court.

The judgment rendered in any action maintained for the recovery of fees or damages sustained in accordance with the terms of this section or the judgment rendered in any action defended by a student, shall, if the student is the prevailing party, include court costs, including a reasonable attorney's fee fixed by the court.

The provisions of this section shall supplement and not displace the authority granted the Division of Labor Law Enforcement under Section 1650 of the Labor Code to the extent that placement activities of trade schools are subject to regulation by the division under Section 1649 of the Labor Code.

SEC. 3.5. Section 29035 of the Education Code is amended to read:

29035. No person, firm, association, partnership, or corporation owning or representing any private school offering training to adults shall:

(a) Make or cause to be made, any statement, or representation, oral, written, or visual, in connection with the offering or publicizing of a course, if such person, firm, association, partnership, or corporation knows, or reasonably should have known, the statement or representation to be false, deceptive, inaccurate or misleading.

(b) Promise or guarantee employment utilizing information, training or skill purported to be provided or otherwise enhanced by a course.

(c) Advertise concerning job availability, degree of skill and

length of time required to learn a trade or skill unless the information is accurate and in no way misleading.

(d) Advertise, or indicate in any promotional material, that correspondence instruction, or correspondence courses of study are offered without including in all advertising or promotional material the fact that the instruction or courses of study are offered by correspondence or home study.

(e) Advertise, or indicate in any promotional material, that resident instruction, or courses of study are offered without including in all advertising or promotional material the location where the training is given or the location of the resident instruction.

(f) Solicit students for enrollment by causing any advertisement to be published in "help wanted" columns in any magazine, newspaper, or publication or use "blind" advertising which fails to identify the school.

Nothing contained in this section shall prohibit a private school and a bona fide employer from jointly advertising in "help wanted" columns of a magazine, newspaper, or other publication if all of the following conditions are met:

(1) There is a written agreement between the employer and the private school that the employer will hire at least 25 percent of the graduates of the private school trained in the skills being advertised as wanted, that such skills are clearly identified in the advertisement, and that the written agreement between the employer and the private school shall be deemed made expressly for the benefit of students recruited by the advertisement;

(2) The written agreement between the employer and the private school shall be displayed on the grounds of the private school where it is visually accessible to all students; and, upon the request of a student registering in the school, a copy of the written agreement shall be made available;

(3) There is a recognized shortage of persons with the skills advertised as wanted in the circulation area of the publication in which the advertisement appears;

(4) Any additional unique qualifications and conditions other than possession of advertised skill required of applicants are listed in the advertisement;

(5) There is an anticipated need for persons trained in such skills at the end of the private school's regular training period for the skills;

(6) The advertisement clearly identifies the school and the employer as separate entities and gives the complete address of both; and

(7) The advertisement clearly indicates that graduation from the school does not guarantee employment by the employer named in the advertisement.

(g) Advertise in such a way as to lead the reader to the mistaken belief that an offer for employment is being made.

(h) Advertise, or use the word "accredited" or "approved" with respect to itself or the course or courses which it offers unless the

word is immediately followed by the complete name of the organization by which it is accredited or approved.

(i) Represent in any manner that completion of the training offered will result in membership in any union or similar organization of any type.

Any person, firm, association, partnership, or corporation willfully violating any provisions of this section shall be unable to enforce any contract or agreement arising from the transaction in which the violation occurred. In addition, in the event of such violation, said person, firm, association, partnership, or corporation shall refund to the student any tuition or fees that have been collected from the student. The student shall be awarded, in addition to the foregoing, any damages that he has sustained, and may be awarded treble damages, in the discretion of the court.

The judgment rendered in any action maintained for the recovery of fees or damages sustained in accordance with the terms of this section or the judgment rendered in any action defended by a student, shall, if the student is the prevailing party, include court costs, including a reasonable attorney's fee fixed by the court.

The provisions of this section shall supplement and not displace the authority granted the Division of Labor Law Enforcement under Section 1650 of the Labor Code to the extent that placement activities of trade schools are subject to regulation by the division under Section 1649 of the Labor Code.

SEC. 3.7. It is the intent of the Legislature, if this bill and Assembly Bill No. 2917 are both chaptered and become effective on or before January 1, 1975, both bills amend Sections 29025 and 29026 of the Education Code, and this bill is chaptered after Assembly Bill No. 2917, that Sections 29025 and 29026 of the Education Code, as amended by Sections 3 and 4 of Assembly Bill No. 2917, be further amended on the effective date of this act in the form set forth in Sections 1.5 and 2.5 of this act to incorporate the changes in Sections 1 and 2 proposed by this bill. Therefore, if this bill and Assembly Bill No. 2917 are both chaptered and become effective on or before January 1, 1975, and Assembly Bill No. 2917 is chaptered before this bill and amends Sections 29025 and 29026, Sections 1.5 and 2.5 of this act shall become operative on the effective date of this act and Sections 1 and 2 of this act shall not become operative.

SEC. 3.9. It is the intent of the Legislature, if this bill and Assembly Bill No. 2777 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 29035 of the Education Code, and this bill is chaptered after Assembly Bill No. 2777, that Section 29035 of the Education Code, as amended by Section 1 of Assembly Bill No. 2777, be further amended on the effective date of this act in the form set forth in Section 3.5 of this act to incorporate the changes in Section 29035 proposed by this bill. Therefore, if this bill and Assembly Bill No. 2777 are both chaptered and become effective on or before January 1, 1975, and Assembly Bill No. 2777 is chaptered before this bill and amends Section 29035,

Section 3.5 of this act shall become operative on the effective date of this act and Section 3 of this act shall not become operative.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this act nor shall there be any appropriation made by this act because:

(a) The Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities and school districts which, in the aggregate, do not result in significant identifiable cost changes; and

(b) This act consists of technical changes to statutes enacted prior to January 1, 1973.

CHAPTER 988

An act to amend Sections 626, 626.2, 626.4, 626.6, and 626.8 OF the Penal Code, relating to schools.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 626 of the Penal Code, as amended by Chapter 431 of the Statutes of 1972, is amended to read:

626. (a) As used in this chapter:

(1) "State university" means the University of California, and includes any affiliated institution thereof and any campus or facility owned, operated, or controlled by the Regents of the University of California.

(2) "State college" means any California state university or college, and includes any campus or facility owned, operated, or controlled by the Trustees of the California State University and Colleges.

(3) "Community college" means any school established pursuant to Chapter 3 (commencing with Section 25500) of Division 18.5 of the Education Code.

(4) "School" means any elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school.

(5) "Chief administrative officer" means:

(i) The president of a state university or college, Chancellor of the California State University and Colleges, or the officer designated by the Regents of the University of California or pursuant to authority granted by the Regents of the University of California to administer and be the officer in charge of a campus or other facility owned, operated, or controlled by the Regents of the University of

California, or the superintendent of a community college district or a school district maintaining a community college.

(ii) For a school: the principal of the school; or a person who possesses a standard supervision credential or a standard administrative credential and who is designated by the principal; or a person who carries out the same functions as a person who possesses such a credential and who is designated by the principal.

(b) For the purpose of determining the penalty to be imposed pursuant to this chapter, the court may consider a written report from the Bureau of Criminal Identification and Investigation containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

SEC. 2. Section 626.2 of the Penal Code is amended to read:

626.2. Every student or employee who, after a hearing, has been suspended or dismissed from a community college, state college, state university, or school for disrupting the orderly operation of the campus or facility of such institution, and as a condition of such suspension or dismissal has been denied access to the campus or facility, or both, of the institution for the period of the suspension or in the case of dismissal for a period not to exceed one year; who has been served by registered or certified mail, at the last address given by such person, with a written notice of such suspension or dismissal and condition; and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

Knowledge shall be presumed if notice has been given as

prescribed in this section. The presumption established by this section is a presumption affecting the burden of proof.

SEC. 3. Section 626.4 of the Penal Code is amended to read:

626.4. (a) The chief administrative officer of a campus or other facility of a community college, state college, state university, or school, or an officer or employee designated by him to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. Such report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. Such written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, state college, state university, or school, or by an officer or employee

designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, state college, state university, or school, to suspend, dismiss, or expel any student or employee at such university, college, or school.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

(g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Article 5 (commencing with Section 13080) of Chapter 1, Division 10, Part 2, of the Education Code.

SEC. 4. Section 626.6 of the Penal Code is amended to read:

626.6. In any case in which a person who is not a student or officer or employee of a community college, state college, state university, or school, and who is not required by his employment to be on the campus or any other facility owned, operated or controlled by the governing board of any such community college, state college, state university, or school, enters such campus or facility, and it reasonably appears to the chief administrative officer of such campus or facility or to an officer or employee designated by him to maintain order on such campus or facility that such person is committing any act likely

to interfere with the peaceful conduct of the activities of such campus or facility or has entered such campus or facility for the purpose of committing any such act, the chief administrative officer or officer or employee designated by him to maintain order on such campus or facility may direct such person to leave such campus or facility, and if such person fails to do so or if such person willfully and knowingly reenters upon such campus or facility within 72 hours after being directed to leave, he is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

For purposes of this section, a representative of a school employee organization engaged in activities related to representation, as provided for in Article 5 (commencing with Section 13080) of Chapter 1, Division 10, Part 2, of the Education Code, shall be deemed a person required by his employment to be in a school building or on the grounds of a school.

SEC. 5. Section 626.8 of the Penal Code is amended to read:

626.8. (a) Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and whose presence or acts interfere with the peaceful conduct of the activities of such school or disrupt the school or its pupils or school activities, and who remains there, or who reenters or comes upon such place within 72 hours, after being asked to leave by the chief administrative official of that school or, in the absence of the chief administrative official, the person acting as the chief administrative official, or by a member of the security patrol of the school district who has been given authorization, in writing, by the chief administrative official of that school to act as his agent in performing this duty, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

(b) As used in this section, "lawful business" means a reason for being present upon school property which is not otherwise prohibited by statute, by ordinance, or by any regulation adopted pursuant to statute or ordinance.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 989

An act to amend Sections 10953, 11102, 11151, 11476, 11477, 11480, 11481, 11484, 11485, 17617, 22500, 25502.3, 25502.5, 25503, 25507, 25508, 25508.5, 25509, 25509.5, 25509.6, 25510, 25510.5, 25511, 25513, 25518.6, 25522, and 25523 of, and to repeal Sections 11478, 11482, 25501, 25504.5, 25515, 25518, and 25540 of, the Education Code, relating to public schools.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 10953 of the Education Code is amended to read:

10953. The total days of attendance of a pupil upon a regular full-time day kindergarten, elementary school, high school, or schools or classes maintained by the county superintendent of schools during the fiscal year shall be the number of days school was actually taught for not less than the minimum schooldays during the fiscal year less the sum of his absences due to causes other than those specified in this article.

The total days of attendance of a student in a regular full-time day

community college during the fiscal year shall be the number of days actually taught for not less than the minimum college days during the fiscal year.

SEC. 2. Section 11102 of the Education Code is amended to read:

11102. In any community college district students in 13th- and 14th-grade courses shall not be credited, on a district average, with more than 18 class hours of attendance during any five-day week of each regular semester or quarter, exclusive of attendance at summer schools.

The chancellor's office shall adopt such regulations as may be necessary to carry out the provisions of this section.

SEC. 3. Section 11151 of the Education Code is amended to read:

11151. In classes for adults, a day of attendance is 180 minutes of attendance but no student shall be credited with more than 15 clock hours of attendance during any one school week unless he is enrolled in a class in elementary subjects, a class for which high school credit is given, a class in English for foreigners, a class in citizenship, or a class in a trade or industrial subject as trade or industrial subject is defined by the State Board of Education for grades 7 to 12, inclusive, or by the chancellor's office for community colleges.

SEC. 4. Section 11476 of the Education Code is amended to read:

11476. The attendance of adults as defined in Section 5756 shall be kept separately from all other attendance. The units of average daily attendance of defined adults resident of the community college district enrolled in regular 13th- and 14th-grade courses during the academic year and in summer session shall be computed in the manner prescribed in Section 11475 except that the factor prescribed therein shall be adjusted as required to reflect the attendance of resident adults. The attendance of such resident adults in summer schools and classes for adults shall be computed in the manner prescribed in Sections 11475 and 11476.5, respectively.

SEC. 6. Section 11477 of the Education Code is amended to read:

11477. The attendance of all students not residents of a community college district, including adults as defined by Section 5756, enrolled in regular 13th- and 14th-grade courses during the academic year shall be kept separately from all other attendance and the units of average daily attendance for such students and adults shall be computed on an individual basis in the manner prescribed in Section 11475 except that for adults the factor shall be adjusted as required in Section 11476.

The units of average daily attendance of students and adults not residents of the community college district enrolled in summer schools and classes for adults shall be kept separately from all other attendance and be computed on an individual basis in the manner prescribed in Section 11475 and Section 11476.5, as appropriate.

SEC. 7. Section 11478 of the Education Code is repealed.

SEC. 8. Section 11480 of the Education Code is amended to read:

11480. For purposes of this article, the class hour unit for graded and ungraded classes is defined as not less than 50 consecutive

minutes exclusive of passing time. In block scheduling of more than one class hour only one contact hour may be counted in each clock hour of 60 minutes, except that a fractional part of a class hour beyond the last full clock hour may be counted from and including the 51st minute of the last full clock hour, providing there is no class break in the last full clock hour or the partial class hour. The divisor for this fractional part of a class hour shall be 50.

The chancellor's office of the California Community Colleges may, by rule and regulation, make any and all other provisions necessary to carry out the provisions of this article.

SEC. 9. Section 11481 of the Education Code is amended to read:

11481. The total units of average daily attendance in the community colleges of a district shall be the total of units of average daily attendance computed under Sections 11475, 11476, 11477, and 11484.

SEC. 9.5. Section 11482 of the Education Code is repealed.

SEC. 10. Section 11484 of the Education Code is amended to read:

11484. For the purposes of computing average daily attendance of community college students in cooperative education or work experience education programs, the following provisions shall apply:

(a) One student contact hour is to be counted for each unit of cooperative education or work experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for classroom study and cooperative education or work experience. The maximum contact hours counted for a student shall not exceed the maximum number of cooperative education or work experience units for which the student may be granted credit under the rules and regulations of the chancellor's office of the California Community Colleges.

(b) "Immediate supervision" of off-campus work stations shall be defined as student participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and the certificated community college coordinator share responsibility for on-the-job supervision.

SEC. 11. Section 11485 of the Education Code is amended to read:

11485. Students under the jurisdiction of the Department of the Youth Authority attending a regular community college attendance center shall be deemed district residents, as defined in Section 22814, for purposes of computing units of average daily attendance under Section 11475.

SEC. 12. Section 17617 of the Education Code is amended to read:

17617. No real or personal property, including money, accepted pursuant to Section 1044 by the governing board of a community college district shall be considered in determining the eligibility of the district for an apportionment from the State School Fund nor in determining the amount thereof.

SEC. 13. Section 22500 of the Education Code is amended to read:

22500. Public higher education consists of (1) all public

community colleges heretofore and hereafter established pursuant to law, (2) the California State University and Colleges, and each campus, branch, and function thereof, heretofore and hereafter established pursuant to law, and (3) each campus, branch, and function of the University of California heretofore and hereafter established by the Regents of the University of California.

SEC. 13.5. Section 25501 of the Education Code is repealed.

SEC. 14. Section 25502.3 of the Education Code is amended to read:

25502.3. Notwithstanding any provisions to the contrary, at the request of a community college district, the chancellor may approve a program of studies on a quarter system or a trisemester basis in accordance with rules and regulations prescribed by the Board of Governors of the California Community Colleges.

SEC. 15. Section 25502.5 of the Education Code is amended to read:

25502.5. Each community college shall provide for the education of students in the 13th and 14th grades and for the education of such adults and minors as may properly be admitted but who are not classifiable by grade.

Persons 21 years of age or over enrolled in less than 10 class hours as defined in Section 5756 in classes of any kind whatsoever maintained in connection with a community college, except classes maintained in English and citizenship for foreigners, classes in elementary subjects, and classes which are required in order that the participant may qualify for a high school diploma, where no charge of any kind shall be made, may be required by the governing board of the district maintaining the class to pay a tuition for such classes. The total of the tuition required and the apportionments from the State School Fund on account of the attendance in the classes shall not exceed the estimated cost of all such classes maintained.

SEC. 16. Section 25503 of the Education Code is amended to read:

25503. The governing board of a community college district maintaining a two-year community college shall admit to the community college any high school graduate.

Such governing board may admit to the community college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board or of the president of the community college if he is so authorized by rule of the governing board, is capable of profiting from the instruction offered.

Such governing board may by rule determine whether there shall be admitted to the community college any other person who is over 18 years of age and who, in the judgment of the board or of the president of the community college if he is so authorized by the rule, is capable of profiting from the instruction offered. If the governing board determines to admit such other persons, any such person shall be admitted as a provisional student and thereafter shall be required to comply with the rules and regulations prescribed by the Board of Governors of the California Community Colleges or the chancellor's

office pertaining to the scholastic achievement and other standards to be met by provisional or probationary students, as a condition to being readmitted in any succeeding semester. The provisions of this paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Chapter 5.5 (commencing with Section 5701) of Division 6, or to any persons attending on a part-time basis only.

SEC. 16.5. Section 25504.5 of the Education Code is repealed.

SEC. 17. Section 25507 of the Education Code is amended to read:

25507. The governing board of a community college district may provide for the maintenance of community college classes on Saturday.

Saturday classes may be counted toward the 175-day minimum required for the regular day college, when, due to unforeseen circumstances, a college is closed by order of the President of the United States or the Governor of the State of California.

SEC. 18. Section 25508 of the Education Code is amended to read:

25508. The governing board of a community college district may conduct community college classes and acquire the necessary property and erect the necessary buildings therefor, outside of the boundaries of the school district if all of the following conditions exist:

(a) The proposed location is within the state.

(b) The activities, trades, businesses, or work to be carried on at the proposed location is such as to offer educational opportunities to students who are residents of the district in the subject or all of the subjects proposed to be taught at that location, and facilities for such instruction are not available either at the location of the principal buildings of the community college, or elsewhere within the district.

SEC. 19. Section 25508.5 of the Education Code is amended to read:

25508.5. The governing board of a community college district may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of the community college district, with the approval of the county board of education of the county having jurisdiction over the high school district, requests that community college classes be offered in the high school district.

(b) The district community college requests and receives annually the prior written approval of the Board of Governors of the California Community Colleges before establishing or continuing such classes outside its district.

SEC. 20. Section 25509 of the Education Code is amended to read:

25509. The governing board of a community college district may conduct community college classes for students who are residents of the district and utilize existing facilities necessary therefor outside of the boundaries of the district if the district is unable to construct adequate facilities within the district because of the failure of the

electors of the district to authorize the issuance of bonds for such purpose at an election held for such purpose and if the district is unable to obtain adequate facilities within the district with the funds available to the district for such purpose.

SEC. 21. Section 25509.5 of the Education Code is amended to read:

25509.5. The governing board of a community college district may establish and maintain community college classes outside of the state, comprising a part of an aircraft pilot training program conducted by the district under an agreement with the federal government or any agency thereof, during the time that it is unlawful by reason of any law or order of the federal government or any agency thereof for such classes to be maintained within the district.

The governing board may make such expenditures and do such things in connection with the establishment and maintenance of classes under this section as it could do were the classes established and maintained within the district.

SEC. 22. Section 25509.6 of the Education Code is amended to read:

25509.6. The governing board of a community college district may enter into a contract on a full-cost basis with the federal government or any agency of the federal government to provide community college courses and classes to persons in the military service of the United States at any military camp, post, installation, base, vessel, or location, whether within or outside the district or the state.

SEC. 23. Section 25510 of the Education Code is amended to read:

25510. The Board of Governors of the California Community Colleges shall adopt rules and regulations fixing minimum standards entitling districts to receive state aid for the support of community colleges.

SEC. 24. Section 25510.5 of the Education Code is amended to read:

25510.5. The chancellor's office shall annually investigate each community college to determine whether it has met the standards. As part of such investigation, representatives of the chancellor's office may participate in the accreditation visits conducted by the regional accrediting agency, and one representative of the chancellor's office, who may be appointed by the chancellor, may serve as a member of the accrediting commission which accredits the public community colleges.

SEC. 25. Section 25511 of the Education Code is amended to read:

25511. The Board of Governors of the California Community Colleges shall establish criteria and standards for graded classes in grades 13 and 14.

SEC. 26. Section 25513 of the Education Code is amended to read:

25513. The president of any two-year community college may admit 11th and 12th grade students to vocational education classes

maintained for such students who may profit from the instruction and are recommended by the high school principal, provided:

(a) The high school students are enrolled in a high school within the community college district.

(b) A contract is entered into between the governing board of the district maintaining the high school and the community college district for the payment of the current expense to the community college district incurred on account of such attendance.

(c) Notwithstanding the provisions of Section 11251, the hours of attendance of such students is credited to the high school district of enrollment but in no case shall the credited hours of attendance of a student in both attendance centers exceed one day of attendance on any one calendar day.

(d) Scholastic credit for courses completed is at the high school level.

For the purposes of this section, such vocational education classes may be considered to be classes maintained by the high school within the boundaries of the district maintaining the high school.

SEC. 27. Section 25515 of the Education Code is repealed.

SEC. 28. Section 25518 of the Education Code is repealed.

SEC. 29. Section 25518.6 of the Education Code is amended to read:

25518.6. To the extent of and subject to such requirements as the Board of Governors of the California Community Colleges may, by regulation prescribe, the governing board of a community college district may grant credit to any student based on examinations approved and conducted by proper authorities of the college.

SEC. 30. Section 25522 of the Education Code is amended to read:

25522. The governing board of a community college district may pay the costs of accreditation of the community colleges within the district by the regional accrediting association serving California.

(a) On each accrediting commission for community colleges, there shall be a representative of the chancellor's office appointed by the chancellor.

(b) On each visiting team assigned by the accrediting association to review the program and facilities of a California community college, there shall be a representative of the chancellor's office appointed by the chancellor, except when illness or other emergency prevents such representative from serving and there is not sufficient time for the chancellor to appoint a replacement.

SEC. 31. Section 25523 of the Education Code is amended to read:

25523. The provisions of Section 25522 do not prohibit the governing board of a community college district from paying the costs for accreditation by other accrediting agencies recognized by the United States Department of Health, Education, and Welfare, Office of Education.

SEC. 32. Section 25540 of the Education Code is repealed.

CHAPTER 990

An act to add Section 405.1 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 405.1 is added to the Streets and Highways Code, to read:

405.1. The department may let, in an economically depressed area, as defined in subdivision (b) of Section 135.4, and without competitive bidding, contracts for the maintenance of the portion of the right-of-way bounded by Imperial Highway, Alameda Street, 120th Street, and the Harbor Freeway (Route 11), and improvements thereon, acquired for Route 105 and for any other work necessary to insure that the right-of-way is kept in a safe and sanitary condition and does not become a blight in the community.

CHAPTER 991

An act to amend Section 25803 of, to amend and renumber Section 25800 of, and to repeal Section 25801 of, the Public Resources Code, and to add Part 19 (commencing with Section 40001) to Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 25800 of the Public Resources Code, as added by Chapter 276 of the Statutes of 1974, is amended and renumbered to read:

25801. There is in the General Fund in the State Treasury the State Energy Resources Conservation and Development Special Account.

SEC. 2. Section 25801 of the Public Resources Code, as added by Chapter 276 of the Statutes of 1974, is repealed.

SEC. 3. Section 25803 of the Public Resources Code, as added by Chapter 276 of the Statutes of 1974, is amended to read:

25803. All funds received by the commission pursuant to Section 25802, shall be remitted to the State Treasurer for deposit in the account. All funds in the account shall be expended for purposes of carrying out the provisions of this division, when appropriated by the

Legislature in the Budget Act.

SEC. 4. Part 19 (commencing with Section 40001) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 19. ENERGY RESOURCES SURCHARGE LAW

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

40001. This part is known and may be cited as the "Energy Resources Surcharge Law."

40002. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part.

40003. "Surcharge" means a tax levied by this state.

40004. "Person" includes any individual, firm, cooperative organization, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, this state, any county, city and county, municipality, district, public agency or subdivision of this state or any other group or combination acting as a unit.

40005. "Board" means the State Board of Equalization.

40006. "In this state" means within the exterior limits of the State of California and includes all territory within those limits owned by or ceded to the United States of America.

40007. "Sale" or "purchase" mean the furnishing or receiving of electrical energy for a consideration. "Sale" does not include the charging of batteries when the consideration therefor is not computed upon the kilowatt-hours of electrical energy furnished.

40008. "Consumption" means the utilization or employment of electrical energy. The term does not include the receiving of electrical energy by an electric utility for resale.

40009. "Consumer" means any person receiving for consumption electrical energy furnished by an electric utility and includes a person receiving electrical energy for redistribution for the use of his tenants.

40010. "Electric utility" means any person engaged in producing, generating, transmitting, furnishing, distributing or delivering electrical energy for sale without regard to whether the person is subject to regulation or is regulated by the Public Utilities Commission. The term does not include a person who generates electrical energy or redistributes electrical energy solely for his own use or for the use of his tenants and not for sale to others.

When the board determines that it is necessary for the efficient administration of this part, the board may regard any person not primarily engaged in the business of selling electrical energy who purchases electrical energy for distribution to others as a consumer and not as an electric utility.

CHAPTER 2. THE SURCHARGE

Article 1. Imposition of Surcharge

40016. A surcharge is hereby imposed on the consumption in this state of electrical energy purchased from an electric utility on and after January 1, 1975, at the rate of one-tenth mill ($0.0001) per kilowatt-hour, or at such other rate as may be fixed pursuant to Article 2 (commencing with Section 40031) of this chapter.

40018. Every person consuming electrical energy in this state purchased from an electric utility is liable for the surcharge. His liability is not extinguished until the surcharge has been paid to this state, except that payment to an electric utility registered under this part is sufficient to relieve the consumer from further liability for the surcharge.

40019. Every electric utility making sales of electrical energy to consumers in this state shall collect the surcharge from each consumer, other than a consumer that is an electric utility, at the time it collects its billings from the consumer for the electrical energy sold; provided, the duty to collect the surcharge from a consumer shall commence with the beginning of the first regular billing period applicable to that person which starts on or after the operative date of this part.

40020. The surcharge required to be collected by the electric utility from the consumer shall be added to the charges to the consumer for the electrical energy sold. The amount of the surcharge may be stated separately. If the electric utility does not separately state the amount of the surcharge, the electric utility shall print on the billing a notice to the effect that the charges include energy resources surcharge computed at (applicable rate) mill per kilowatt hour. Until January 1, 1976, such notice need not appear on the billing itself provided that the electric utility notifies each of its customers, no later than at the time it renders a bill for the first regular billing period applicable to that person which starts on or after the operative date of this part, that electrical energy charges shall include energy resources surcharge computed at (applicable rate) mill per kilowatt-hour. If the Board of Equalization fixes a new rate in 1975, the electric utility shall notify its customers of the new rate at or prior to the time a billing is rendered to the customer subject to the new rate if the electric utility does not separately state the amount of the surcharge or print on the billing notice that the surcharge is included in the charges.

40021. The surcharge required to be collected by the electric utility, and any amount unreturned to the consumer which is not a surcharge but was collected from the consumer as representing a surcharge, constitutes debts owed by the electric utility to this state.

40022. Any amounts collected by an electric utility from a consumer on account of the purchase of electrical energy the consumption of which is subject to the surcharge shall be applied

proportionately between the liability of the consumer on account of the purchase of the electrical energy and the liability of the consumer for the surcharge.

40023. An electric utility is relieved from liability to collect the surcharge insofar as the base upon which the surcharge is imposed is represented by accounts which have been found to be worthless and charged off in accordance with generally accepted accounting principles. If the electric utility has previously paid the amount of the surcharge it may, under regulations prescribed by the board, take as a deduction on its return the amount found to be worthless and charged off. If any such accounts are thereafter collected in whole or in part the surcharge so collected shall be paid with the first return filed after such collection.

The board may by regulation promulgate such other rules with respect to uncollected or worthless accounts as it shall deem necessary to the fair and efficient administration of this part.

40024. Notwithstanding any other provision of law to the contrary, persons subject to the jurisdiction of the Public Utility Commission need not obtain any authorization from the commission to comply with the provisions of this part.

Article 2. Adjustment of Surcharge Rate

40031. Following approval of the Budget Act each year, beginning with the Budget Act for the 1975–76 fiscal year, the board shall determine, on the basis of expenditures authorized in the Budget Act to be made from the State Energy Resources Conservation and Development Account in the General Fund, the unappropriated balance in that account, and its estimate of kilowatt-hours to which the surcharge will apply, a surcharge rate that it estimates will produce sufficient revenues to fund the expenditures authorized.

40032. The board shall make its determination of such surcharge rate each year no later than August 1st and shall fix the new rate which shall be effective as provided in Section 40034. The rate shall be fixed within the limits of the following schedule.

Schedule

Zero to two-tenths of a mill ($0.0002) graduated in hundredths of a mill increments.

A rate fixed by the board shall continue for successive periods unless changed.

40033. Immediately upon making its determination and fixing the surcharge rate the board shall each year no later than August 1st publish in its minutes the new rate, and it shall notify by mail every electric utility registered with it of the new rate.

40034. The new rate fixed by the board pursuant to Section 40032 shall apply with respect to billing periods beginning on or after

September 1 of the year in which the new rate is fixed.

Article 3. Registration

40035. Every electric utility selling electrical energy for consumption in this state shall register with the board upon a form prescribed by the board and shall set forth the name under which the utility transacts or intends to transact business and such other information as the board may require.

CHAPTER 3. SPECIAL PROVISIONS AND EXEMPTIONS

40041. The consumption of electrical energy which this state is prohibited from taxing under the Constitution of the United States or under the Constitution of this state is exempt from the surcharge.

40041.5. In any instances where an exemption is claimed by reason of the provisions of Section 40041, an electric utility or a consumer may request the board to issue a ruling as to the validity of the exemption, accompanying the request with a statement showing the facts and basis for the claim. The board shall issue its ruling within 30 days of receipt of the request. Pending issuance of the ruling, the electric utility shall not be obligated to collect the surcharge from the claimant.

40043. The consumption by an electric utility of purchased electrical energy that is used directly, lost by dissipation or unaccounted for in accordance with generally accepted accounting principles by the electric utility in the process of generation, transmission and distribution of electrical energy is exempt from the surcharge.

40044. When an electric utility purchases electrical energy and pools in its system the energy with electrical energy generated by it, the consumption of electrical energy in this state from the pool by the utility during any quarter shall be deemed to be a consumption of energy generated by it to the extent that the kilowatt-hours of the electrical energy generated by it during the quarter exceeds the kilowatt-hours consumed by the electric utility.

40045. For the purpose of the proper administration of this part it shall be presumed that electrical energy sold by an electric utility in this state to other than an electric utility is consumed by the purchaser in this state until the contrary is established.

40046. The amount of kilowatt-hours of electrical energy determined by or stated on a billing of an electric utility in accordance with its business practices and accounting records to have been sold to a consumer during any calendar quarter or billing period of the electric utility shall be presumed to be correct. The presumption may be rebutted by evidence which establishes that the amount of kilowatt-hours was other than such amount.

CHAPTER 4. DETERMINATION OF SURCHARGE

Article 1 Due and Payable Dates

40051. The surcharges imposed by this part and the amounts thereof required to be collected by electric utilities are due quarterly on or before the last day of the month next succeeding each calendar quarter.

40052. Amounts due under Section 40051 for which a billing for the electrical energy is issued by an electric utility to the consumer prior to the close of a calendar quarter are payable when due.

40053. Any amounts of the surcharge required to be paid or collected that are not billed in the ordinary course of the billings by an electric utility may be determined by the board against the utility or the consumer, or both, in accordance with the provisions of Article 3 (commencing with Section 40071) or 4 (commencing with Section 40081) of this chapter.

Article 2. Returns and Payments

40061. On or before the last day of the month following each calendar quarter a return for the preceding quarterly period shall be filed with the board in such form as the board may prescribe.

A return shall be filed by every electric utility, and by every person purchasing electrical energy the consumption of which is subject to the surcharge and who has not paid the surcharge billed and required to be collected by an electric utility. The return shall be signed by the person required to file the return or by his duly authorized agent.

40062. The return filed by an electric utility shall show the number of kilowatt-hours of electrical energy sold to consumers in this state for which billing was first made during that quarter that are due and required to be collected for all such billings. The return shall further show the number of kilowatt-hours of electrical energy purchased by the electric utility during the calendar quarter and the number of kilowatt-hours of electrical energy generated by such electric utility during such period. Such return shall also set forth the number of kilowatt-hours consumed during such period by the electric utility for its own use and consumption and such other information as the board deems necessary for the proper administration of this part.

40063. The board may prescribe the contents of returns of consumers subject to the surcharge. It may require the filing of returns by consumers in addition to those required by Section 40061 in circumstances where it finds that consumers' liabilities are not being included in the return of an electric utility or it determines that consumer returns are necessary for the efficient administration of this part. Consumers' returns shall cover such periods as the board may prescribe.

40064. The person required to file the return shall deliver the return together with a remittance of the amount of the surcharge payable to the office of the board.

40065. The board for good cause may extend not to exceed one month the time for making any return or paying any amount required to be paid under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Article 3. Deficiency Determinations

40071. If the board is not satisfied with return or returns of the surcharge or the amount of surcharge required to be paid to the state by any person, it may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns or upon the basis of any information within its possession or that may come into its possession. One or more deficiency determinations may be made of the amount payable for one or for more than one period.

40072. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the last day of the month following the quarterly period for which the amount or any portion thereof should have been returned until the date of payment.

40073. In making a determination the board may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments.

40074. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this part or authorized rules and regulations, a penalty of 10 percent of the amount of the determination shall be added thereto.

40075. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this part or authorized rules and regulations, a penalty of 25 percent of the amount of the determination shall be added thereto.

40076. The board shall give to the electric utility or person consuming electrical energy written notice of its determination. The notice shall be placed in a sealed envelope with postage paid addressed to the electric utility or person consuming electrical energy at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service, without extension of time for any reason. In lieu of mailing a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person

designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

40077. Except in the case of fraud, intent to evade this part or authorized rules and regulations, or failure to make a return every notice of a deficiency determination shall be mailed within three years after the last day of the calendar month following the quarterly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later. In the case of failure to make a return, every notice of determination shall be mailed within eight years after the last day of the calendar month following the quarterly period for which the amount is proposed to be determined.

40078. In the case of a deficiency arising under this part during the lifetime of a decedent, a notice of deficiency determination shall be mailed within four months after written request therefor, in the form required by the board, by the fiduciary of the estate or trust or by any other person liable for the surcharge or any portion thereof.

Article 4. Determinations If No Return Made

40081. If any person fails to make a return, the board shall make an estimate of the amount of the kilowatt-hours sold for consumption by the person, or, as the case may be, of the amount of kilowatt-hours purchased by the person, the consumption of which in this state is subject to the surcharge. The estimate shall be made for the period or periods in respect to which the person failed to make a return and shall be based upon any information which is in the board's possession or may come in its possession. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus arrived at a penalty equal to 10 percent thereof. One or more determinations may be made for one or for more than one period.

40082. In making a determination the board may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments.

40083. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the last day of the month following the quarterly period for which the amount or any portion thereof should have been returned until the date of payment.

40084. If the failure of any person to file a return is due to fraud or an intent to evade this part or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the 10 percent penalty provided in Section 40081.

40085. Promptly after making its determination the board shall give to the person written notice of the estimate, determination, and penalty, the notice to be served personally or by mail in the manner

prescribed for service of notice of a deficiency determination.

Article 5. Redeterminations

40091. Any person against whom a determination is made under Article 3 (commencing with Section 40071) or 4 (commencing with Section 40081) of this chapter may petition for a redetermination within 30 days after service upon the person of notice thereof. If a petition for redetermination is not filed within the 30-day period, the determination becomes final at the expiration of the period.

40092. Every petition for redetermination shall be in writing and shall state the specific grounds upon which the petition is founded. The petition may be amended to state additional grounds at any time prior to the date on which the board issues its order or decision upon the petition for redetermination.

40093. If a petition for redetermination is filed within the 30-day period, the board shall reconsider the determination and, if the person has so requested in his petition, shall grant the person an oral hearing and shall give him 10 days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

40094. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing. Unless the penalty imposed by Section 40075 or Section 40084 applies to the amount of the determination as originally made or as increased, the claim for increase must be asserted within eight years after the last day of the calendar month following the quarterly period for which the increase is asserted.

40095. The order or decision of the board upon a petition for redetermination becomes final 30 days after service upon the petitioner of notice thereof.

40096. All determinations made by the board under Article 3 (commencing with Section 40071) or 4 (commencing with Section 40081) of this chapter are due and payable at the time they become final. If they are not paid when due and payable, a penalty of 10 percent of the amount of the determination, exclusive of interest and penalties, shall be added thereto.

40097. Any notice required by this article shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Article 6. Interest and Penalties

40101. Any person who fails to pay any surcharge to the state or any amount of surcharge required to be collected and paid to the state, except amounts of determinations made by the board under Article 3 (commencing with Section 40071) or 4 (commencing with Section 40081) of this chapter, within the time required shall pay a

penalty of 10 percent of the surcharge or amount of the surcharge, in addition to the surcharge or amount of surcharge, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the surcharge or the amount of surcharge required to be collected became due and payable to the state until the date of payment.

40102. If the board finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty provided by Sections 40081 and 40101.

Any person seeking to be relieved of the penalty shall file with the board a statement under penalty of perjury setting forth the facts upon which he bases his claim for relief.

CHAPTER 5. OVERPAYMENTS AND REFUNDS

Article 1. Claim for Refund

40111. If the board determines that any amount, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited by the board on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

In the case, however, of a determination by the board that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Any overpayment of the surcharge by a consumer to the state shall be credited or refunded by the state to the consumer.

40112. No refund shall be approved by the board after three years from the last day of the month following the close of the quarterly period for which the overpayment was made, or, with respect to determinations made under Article 3 (commencing with Section 40071) or 4 (commencing with Section 40081) of Chapter 4 of this part, after six months from the date the determinations become final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the

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expiration of such period unless a claim for credit is filed with the board within such period.

40113. Every claim shall be in writing and shall state the specific grounds upon which the claim is founded.

40114. Failure to file a claim within the time prescribed in this article constitutes a waiver of any demand against the state on account of overpayment.

40115. Within 30 days after disallowing any claim in whole or in part the board shall give notice of its action to the claimant in the manner prescribed for service of notice of a deficiency determination.

40116. Interest shall be paid upon any overpayment of any amount of surcharge at the rate of one-half of 1 percent per month from the last day of the calendar month following the quarterly period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the surcharge or amount against which the credit is applied.

40117. If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

Article 2. Cancellations

40121. If any amount in excess of one thousand dollars ($1,000) has been illegally determined either by the person filing the return or by the board, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding one thousand dollars ($1,000) has been illegally determined either by the person filing a return or by the board, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

Article 3. Suit for Refund

40125. No injunction, or writ of mandate, judgment of declaratory relief, or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the state or against any officer of the state to prevent or enjoin the collection under this part of any surcharge, or any amount of surcharge required to be collected.

40126. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been duly filed pursuant to Article 1 of this chapter.

40127. Within 90 days after the mailing of the notice of the board's action upon a claim filed pursuant to Article 1 (commencing with Section 40111) of this chapter, the claimant may bring an action against the board on the grounds set forth in the claim in a court of competent jurisdiction in any city or city and county of this state in which the Attorney General has an office for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

40128. If the board fails to mail notice of action on a claim within six months after the claim is filed, the claimant may, prior to the mailing of notice by the board of its action on the claim, consider the claim disallowed and bring an action against the board on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

40129. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any surcharge due and payable from the plaintiff. The balance of the judgment shall be refunded to the plaintiff.

40130. In any judgment, interest shall be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

40131. A judgment shall not be rendered in favor of the plaintiff in any action brought against the board to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

CHAPTER 6. COLLECTION OF SURCHARGE

Article 1. Suit for Surcharge

40141. At any time within 10 years after any surcharge or any amount of surcharge required to be collected becomes due and payable, and at any time after any amount determined under

Articles 3 (commencing with Section 40071), 4 (commencing with Section 40081), and 5 (commencing with Section 40091) of Chapter 4 of this part becomes due and payable, the board may bring an action in the courts of this state, of any other state, or of the United States in the name of the people of California to collect the amount delinquent together with penalties.

40142. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proof, trials, and appeals are applicable to the proceedings.

40143. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment is required.

40144. In the action a certificate by the board showing the delinquency shall be prima facie evidence of the determination of the surcharge or the amount of surcharge, of the delinquency of the amounts set forth, and of the compliance by the board with all the provisions of this part in relation to the computation and determination of the amounts.

40145. In any action brought under this part process may be served according to the Code of Civil Procedure and the Civil Code of this state.

Article 2. Notice to Withhold

40151. If any person is delinquent in the payment of the amount required to be paid by him or in the event a determination has been made against him which remains unpaid, the board may, not later than five years after the payment became delinquent, give notice thereof personally or by registered mail to all persons, including any officer or department of the state or any political subdivision or agency of the state, having in their possession or under their control any credits or other personal property belonging to the delinquent, or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or such person. In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent to the State Controller.

40152. After receiving the notice the person so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the board consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier.

40153. All persons so notified shall forthwith after receipt of the notice advise the board of all such credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective

shall state the amount, interest and penalty due from the person and shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. Notwithstanding any other provision, with respect to a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice shall only be effective with respect to an amount not in excess of two times the amount, interest and penalty due from the person.

40154. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, to the extent of the value of the property or the amount of the debts thus transferred or paid he shall be liable to the state for any indebtedness due under this part from the person with respect to whose obligation the notice was given if solely by reason of such transfer or disposition the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Article 3. Warrant for Collection

40161. At any time within five years after any person is delinquent in the payment of any amount required to be paid under this part the board or its authorized representative may issue a warrant for the collection of any amount required to be paid to the state under this part. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy and a sale pursuant to a writ of execution.

40162. The board shall pay the sheriff, marshal or constable, upon the completion of his services pursuant to a warrant, the same fees, commissions, and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The board, and not the court, shall approve the fees for publication in a newspaper.

40163. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this part and may be collected from him by virtue of the warrant or in any other manner provided in this part for the collection of the surcharge.

CHAPTER 7. ADMINISTRATION

Article 1. Regulations, Records and Reports

40171. The board shall enforce the provisions of this part and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this part. The board may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

40172. Every electric utility engaged in generating, purchasing,

transmitting, distributing, consuming or selling electrical energy in this state shall keep such records pertaining thereto in such form as the board may prescribe by rule or regulation.

40173. Every electric utility shall keep and maintain such records of meter readings and other records as may be necessary for the accurate determination of the kilowatt-hours of electrical energy generated, purchased, consumed or sold by it in this state.

40174. The board or its authorized representative may make such examination of the records, meters and equipment of any person generating, transmitting, distributing, consuming, purchasing or selling electrical energy and such other investigations as it may deem necessary in carrying out the provisions of this part.

40175. In addition to any other reports or returns required under this part, the board may by rule or otherwise require additional, supplemental or other reports from electric utilities, consumers, and any other person generating, purchasing, transmitting, distributing or consuming electrical energy, including verification of the information to be given on and the times for filing of such reports. For the purpose of carrying out its duties under Article 2 (commencing with Section 40031) of Chapter 2 of this part, the board may require such reports of estimates of future availability, generation, sales and consumption of electrical energy from such electric utilities and other persons as it may deem necessary. The board shall have full access to records of the Public Utilities Commission, and any political subdivision or public agency of this state that regulates, operates or owns an electric utility, which pertain to the generation, transmission, distribution, sale, purchase or consumption of electrical energy in this state.

Article 2. Disposition of Proceeds

40181. All amounts required to be paid to the state under this part shall be paid to the board in the form of remittances payable to State Board of Equalization of the State of California. The board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the Energy Resources Surcharge Fund, which fund is hereby created.

40182. All money deposited in the Energy Resources Surcharge Fund under this part shall upon order of the State Controller be drawn therefrom and transferred in the following manner:

(a) To pay the refunds authorized by this part.

(b) To the State Board of Equalization for the fiscal year 1974–1975 the sum of twenty-five thousand dollars ($25,000) for administration of this part.

(c) The balance shall be transferred to the State Energy Resources Conservation and Development Special Account in the General Fund.

Article 3. Violations

40186. Any person who fails or refuses to file a return or report required to be made or who fails or refuses to furnish a supplemental report or other data required by the board, or who renders a false or fraudulent report is guilty of a misdemeanor and may be fined not exceeding five hundred dollars ($500) for each offense.

Article 4. Notices

40191. A certificate by the board or an employee of the board stating that a notice required by this part was given by mailing or personal service shall be prima facie evidence in any administrative or judicial proceeding of the fact and regularity of the mailing of personal service in accordance with any requirement of this part for the giving of notice. Unless otherwise specifically required, any notice required by this part to be mailed or served may be given by mailing or personal service in the manner provided for giving notice of a deficiency determination.

SEC. 5. The enactment of Part 19 (commencing with Section 40001) of Division 2 of the Revenue and Taxation Code shall not preempt the field of taxation upon the use of electrical energy and shall not affect the validity of any such tax imposed by a chartered city.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, and for the reasons stated in Section 4 of Chapter 276 of the Statutes of 1974, there shall be no reimbursement arising out of the enactment of Part 19 of Division 2 of the Revenue and Taxation Code or of the rules and regulations that are adopted pursuant thereto for the administration thereof by the State Board of Equalization.

SEC. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 8. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, however, Sections 1, 2 and 3 of this act shall become operative on January 7, 1975.

CHAPTER 992

An act to add Chapter 9.5 (commencing with Section 15300) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to supportive care organizations.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 9.5 (commencing with Section 15300) is added to Part 3 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 9.5. SUPPORTIVE CARE ORGANIZATIONS

Article 1. General Provisions

15300. The Legislature finds that:

(a) Elderly persons, like any other persons, prefer to remain in their own homes rather than in dependent living situations, including long-term care facilities.

(b) Many elderly persons, with a minimal to moderate amount of supportive services, mainly nonmedical in character, could maintain themselves at home; others, with slightly more support and perhaps day care supervision, could remain in independent living situations or homes of relatives or friends. Yet it is just this nonmedical, nontechnical level of supportive services that is largely unavailable to the vast majority of old persons.

(c) Most elderly persons living on fixed incomes cannot afford private help or the cost of home health or homemaker agencies; elderly low-income public assistance recipients can receive such care only in limited circumstances under welfare cash grant attendant care or homemaker programs.

(d) Supportive personal and social care in many cases enables the elderly to maintain a state of health that decreases or postpones the need for health care.

(e) Reducing or postponing the need for health care is not only beneficial to the elderly individual's general welfare but also results in economic savings both to the individual, his or her family, and the people of California in cases where the elderly person is also a recipient of public assistance or potentially in need of public funds through cash grants, Medi-Cal, or use of state or county facilities.

(f) Titles XVIII and XIX of the Social Security Act are largely concerned with crisis or short-term care; there are no adequate programs, public or private, which financially assist the elderly person to maintain his independence, health and mobility at home.

15301. The purpose of this chapter is to use on an experimental pilot project basis, two model supportive care projects supervised by the Office on Aging.

Article 2. Definitions

15325. Unless the context otherwise requires, the definitions in this section govern the construction of this chapter.

(a) "Project" means a model supportive services project supervised by the Office on Aging.

(b) "Office" means the Office on Aging.
(c) "Elderly persons" means persons aged 60 and over.

Article 3. Scope of Services

15350. The projects shall specifically delineate the scope and nature of services to be offered to participants. Services shall include:
(a) Assistance with shopping.
(b) Assistance with meal preparation.
(c) Assistance with laundry.
(d) Assistance with home upkeep and management.
(e) Help with personal care and dressing.
(f) Transportation to any offered services not available at the participant's home.
(g) Counseling and information and referral services on financial, relocation, legal and other matters.
(h) Geriatric diagnostic health clinics at specified and limited places and times.
(i) A coordinating service for emergency and crisis intervention.
(j) Limited medical services, plus emergency medicine.
(k) Physical therapy (planned functional restitution).
(*l*) Social services.
(m) A hot meal per day.
(n) Social activities.

15351. Projects may offer day care centers providing necessary meals, personal care and therapeutic activities.

15352. Supportive care organization services shall be made available as needed. "Need" determinations shall be made jointly by the participants and project's staff. Any disagreements shall be appealable.

Article 4. Eligibility and Enrollment

15375. Projects shall establish eligibility criteria in order that a mix is obtained which will include both short-term and long-term participants who will make maximum use of the projects' resources. Priorities must be explained in full prior to contracting with the office and may be modified by the project, with office approval.

15376. Participants shall be charged on a sliding-fee scale basis which is reasonably related to ability to pay. An effort shall be made by the projects to give priority to low-income elderly persons. The office shall develop guidelines regarding the fees for service. The office shall make every effort to obtain necessary waivers for use of Medicare and Medicaid funds for services offered by the projects. The purposes of obtaining such waivers is to provide for the type of care specified in Sections 15350 and 15351, in addition to and not in lieu of any existing benefits currently available under the Medicare and Medicaid programs.

15377. No copayment charges shall be imposed upon Medi-Cal enrollees.

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Article 5. Administration

15400. The supportive care organization shall make a concerted effort to employ persons over the age of 40 when such qualified personnel are available.

15401. The project shall provide a single standard record for each participant, and shall cooperate with subcontractors and providers of noncovered services to maintain a complete unit record for each participant.

15402. The projects shall provide to the office and to the participants such statistical information regarding utilization of services, age and sex, specific mortality and morbidity rates, patient discomfort, patient disability, patient satisfaction, services supplied, quality of care, manpower resources, and class of health care and administration, compiled from its basic data system, as the office may require.

15403. The projects shall establish procedures for continuous review of utilization and cost of services.

15404. Participation in a supportive care project plan shall be voluntary and the project shall not use false advertising or any other form of coercion to induce enrollment. Failure to comply with this section will constitute a substantial breach of contract.

15405. A participant grievance procedure must be established by the project through which an aggrieved participant may submit his complaint to the project which will hear and take action on the complaint.

15406. If the participant is not satisfied with the project's disposition of his grievance, he may appeal the project's decision to the office. The office shall make a written determination within 30 days. Findings and recommendations of the office shall be binding upon the project.

Article 6. Implementation and Evaluation

15450. The office shall request such waivers as are necessary for the use of health care moneys provided under Titles XVIII and XIX of the Social Security Act from the Department of Health, Education and Welfare for the purposes of this chapter.

15451. Only federal funds may be used for the purposes of this chapter.

15452. The office shall make a report no later than 90 days after the completion of the first operating year of the project to the Chairman of the Senate Health and Welfare Committee, the Assembly Welfare Committee, the Joint Committee on Aging and the Commission on Aging. The office's report shall include, but not be limited to, an evaluation of the effectiveness of the pilot projects in fulfilling the purpose of maintaining eligible persons in an

independent living arrangement or of restoring them where feasible to an independent living arrangement. It shall include recommendations for legislation to provide supportive services to the elderly 60 years of age and older.

CHAPTER 993

An act to amend Section 104.15 of the Streets and Highways Code, relating to state highway land.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 104.15 of the Streets and Highways Code is amended to read:

104.15. Whenever land has been acquired pursuant to Section 104.1, the department may, in its discretion, lease to a local agency for park purposes all or any portion of the remainder outside the boundary of the state highway or public work or improvement, but not beyond the next adjacent dedicated street, when such use will protect such highway, public work, or improvement and its environs, and will preserve its view, appearance, light, air, and usefulness. Such lease shall be made in accordance with procedures, terms, and conditions to be prescribed by the commission. Such terms and conditions shall include all of the following:

(a) Provisions requiring the local agency to develop and maintain such portion of the remainder as a park.

(b) Provisions that whenever such portion of the remainder is needed for state highway purposes, the lease shall terminate.

(c) Provisions that whenever such portion of the remainder ceases to be used for park purposes, the lease shall terminate.

CHAPTER 994

An act to add Section 17262 to, and to repeal Section 17262 of, the Revenue and Taxation Code, relating to personal income tax deductions, to take effect immediately, tax levy.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 17262 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 17262 is added to the Revenue and Taxation Code, to read:

17262. (a) In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in paragraph (1) of subdivision (b)), there shall be allowed as a deduction the employment-related expenses (as defined in paragraph (2) of subdivision (b)) paid by him during the taxable year.

(b) For purposes of this section—

(1) The term "qualifying individual" means—

(A) A dependent of the taxpayer who is under the age of 13 with respect to whom the taxpayer is entitled to a credit under subdivision (c) of Section 17054,

(B) A dependent of the taxpayer who is physically or mentally incapable of caring for himself;

(C) A nondependent child of the taxpayer who is under 13 years of age who has gross income of less than seven hundred fifty dollars ($750) in the calendar year; or

(D) The spouse of the taxpayer, if he is physically or mentally incapable of caring for himself.

(2) The term "employment-related expenses" means amounts paid for the necessary direct care of a qualifying individual, either as a babysitter in the case of minors or for similar direct care in the case of an adult, but only if such expenses are incurred to enable the taxpayer to be gainfully employed.

(3) An individual shall be treated as maintaining a household for any period only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, is furnished by such individual and his spouse).

(c) (1) A deduction shall be allowed under subdivision (a) for employment-related expenses incurred during any month only to the extent such expenses do not exceed four hundred dollars ($400).

(2) (A) Except as provided in subparagraph (B), a deduction shall be allowed under subdivision (a) for employment-related expenses only if they are incurred for services in the taxpayer's household.

(B) Employment-related expenses which are incurred for services outside the taxpayer's household shall be taken into account only if incurred for the care of a qualifying individual described in subparagraph (A) or (C) of paragraph (1) of subdivision (b) and only to the extent such expenses incurred during any month do not exceed—

(i) One hundred fifty dollars ($150), in the case of one such individual,

(ii) Two hundred twenty-five dollars ($225), in the case of two such individuals, and

(iii) Two hundred seventy-five dollars ($275), in the case of three or more such individuals

(d) If the adjusted gross income of the taxpayer exceeds twelve thousand dollars ($12,000) for the taxable year during which the expenses are incurred, the amount of the deduction shall be reduced by fifty cents ($0.50) for each one dollar ($1) of such income above twelve thousand dollars ($12,000). For purposes of the preceding sentence, if the taxpayer is married during any period of the taxable year, there shall be taken into account the combined adjusted gross income of the taxpayer and his spouse for such period.

(e) For purposes of this section—

(1) If the taxpayer is married at the close of the taxable year, the deduction provided by subdivision (a) shall be allowed only if the taxpayer and his spouse file a joint return for the taxable year.

(2) If the taxpayer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

(A) Both spouses are gainfully employed on a substantially full-time basis, or

(B) The spouse is a qualifying individual described in subparagraph (D) of paragraph (1) of subdivision (b).

(3) No deduction shall be allowed under subdivision (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in subdivisions (a) to (h), inclusive, of Section 17056 (relating to definition of dependent) or to a dependent described in subdivision (i) of such section.

(4) In the case of employment-related expenses incurred during any taxable year solely with respect to a qualifying individual (other than an individual who is also described in subparagraph (A) or (C) of paragraph (1) of subdivision (b)), the amount of such expenses which may be taken into account for purposes of this section shall (before the application of subdivision (c)) be reduced—

(A) If such individual is described in subparagraph (B) of paragraph (1) of subdivision (b), by the amount by which the sum of—

(i) Such individual's adjusted gross income for such taxable year, and

(ii) The disability payments received by such individual during such year, exceeds seven hundred fifty dollars ($750), or

(B) In the case of a qualifying individual described in subparagraph (D) of paragraph (1) of subdivision (b), by the amount of disability payments received by such individual during the taxable year.

For purposes of this paragraph, the term "disability payment" means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income.

(f) For the purpose of paragraph (2) of subdivision (b), the term "employment-related expenses" does not include educational

expenses incurred for kindergarten or any higher level but may include educational expenses for nursery school, preschool or day care.

(g) The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the intent of this section.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall be applied in the computation of taxes for taxable years beginning after December 31, 1974.

CHAPTER 995

An act to amend Sections 4450, 4451, and 4452 of the Government Code, and to amend Section 19955.5 of the Health and Safety Code, relating to physically handicapped.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 4450 of the Government Code is amended to read:

4450. It is the purpose of this chapter to insure that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by, the physically handicapped. The State Architect shall adopt by regulation standards for making buildings, structures, and related facilities accessible to and usable by the physically handicapped. The regulations shall impose the same requirements for buildings and structures as are contained in pertinent provisions of the latest edition of the Uniform Building Code, as adopted by the International Conference of Building Officials, and shall contain such additional requirements relating to sidewalks, curbs, and other related facilities as the State Architect determines are necessary to assure access and usability for the physically handicapped. In developing and revising such additional requirements, the State Architect shall consult with the State Department of Rehabilitation, the League of California Cities, the County Supervisors Association of California, and at least one private organization representing and comprised of physically handicapped persons.

SEC. 2. Section 4451 of the Government Code is amended to read:

4451. Except as otherwise provided in this section, this chapter shall be limited in its application to all buildings and facilities stated in Section 4450 intended for use by the public, which have any

reasonable availability to, or usage by, physically handicapped persons, including all facilities used for education and instruction including the University of California, the California State Colleges, and the various junior college districts, which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state.

Buildings, structures, and facilities, occupied 50 percent or more, which are leased, rented, contracted, sublet or hired for periods in excess of two years by any municipal, county, or state division of government, or special district shall be made accessible to and usable by the physically handicapped. Exceptions to this paragraph may be made upon application to, and approval by, the Department of Rehabilitation.

Except as otherwise provided by law, buildings, structures, sidewalks, curbs, and related facilities subject to the provisions of this chapter or Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code shall conform to the regulations adopted pursuant to Section 4450 which are in effect on the date a building permit is issued therefor. With respect to such buildings, structures, sidewalks, curbs, and related facilities for which a building permit is not required, regulations adopted pursuant to Section 4450 which are in effect at the time construction is commenced shall be applicable.

All buildings, structures, and related facilities which are required to conform to the American Standards Association Specifications A117.1-1961 prior to the effective date of the regulations adopted by the State Architect shall continue to conform to the American Standards Association Specifications A117.1-1961.

This chapter shall apply to temporary or emergency construction as well as permanent buildings.

Administrative authorities as designated under Section 4453 may grant exceptions from the literal requirements of the standards or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection are thereby secured.

SEC. 3. Section 4452 of the Government Code is amended to read:

4452. It is the intent of the Legislature that the standards adopted by the State Architect pursuant to Section 4450 shall be used as minimum standards to insure that buildings, structures and related facilities covered by this chapter are accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space, or facility where the general public is concerned.

Any unauthorized deviation from the standards shall be rectified by full compliance within 90 days after discovery of the deviation.

SEC. 4. Section 19955.5 of the Health and Safety Code is amended to read:

19955.5. All passenger vehicle service stations, shopping centers,

offices of physicians and surgeons, and office buildings constructed in this state with private funds shall adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. As used in this section, "office building" means a structure wherein commercial activity or service is performed or a profession is practiced, or wherein any combination thereof is performed or practiced in all or the majority of such building or structure.

In multistoried buildings, floors or levels above and below the first floor or ground level are exempt from the requirements of this section if a ramp or elevator is not available to provide public access to such floors or levels.

When sanitary facilities are made available for the public, clients, or employees in such stations, centers, or buildings, they shall be made available for the physically handicapped.

Any new requirements imposed by the amendments to this section by Chapter 931 of the Statutes of 1973 shall only apply to such stations, centers, or office buildings constructed on or after September 30, 1973. Any other new requirements imposed by amendments to this section enacted by the Legislature at its 1973–74 Regular Session shall only apply to such offices or office buildings constructed on or after the effective date of the amendments.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because the duties, obligations, and responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 996

An act to amend Section 1231 of, and to repeal Section 25413.3 of, the Education Code, relating to school districts.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1231 of the Education Code is amended to read:

1231. (a) In any school district in which the average daily attendance for the school year 1963–1964 exceeded 400,000, each member of the city board of education or the governing board of the district may receive as compensation for his services the sum of one hundred dollars ($100) for each meeting of the board actually attended, not to exceed one thousand dollars ($1,000) per month. In any school district in which the average daily attendance exceeds

60,000, and which is not located in a city and county, or in any school district in which the average daily attendance exceeded 60,000 in the 1963–64 school year and was less than 60,000 in the 1972–73 school year or any subsequent school year, and which is not located in a city and county, the governing board may prescribe, as compensation for the services of each member of the board, the sum of seventy-five dollars ($75) for each meeting of the board actually attended, not to exceed seven hundred fifty dollars ($750) in any month. In any school district in which the average daily attendance for the school year 1972–73 was less than 60,000, except a district which also comes within the terms of the preceding sentence, but more than 25,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed forty dollars ($40) for each meeting of the board actually attended, not to exceed three hundred dollars ($300) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 25,000 or less but more than 10,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed thirty dollars ($30) for each meeting of the board actually attended, but not to exceed two hundred dollars ($200) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 10,000 or less but more than 1,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed twenty dollars ($20) for each meeting of the board actually attended, not to exceed one hundred twenty dollars ($120) in any month. In any school district in which the average daily attendance for the 1972–1973 school year was 1,000 or less but more than 150, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed ten dollars ($10) for each meeting of the board actually attended, but not to exceed sixty dollars ($60) in any month.

(b) A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education or the governing board of the district is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

(c) As used in this section, "school district" includes community college districts.

SEC. 2. Section 1231 of the Education Code is amended to read:

1231. (a) In any school district in which the average daily

attendance for the school year 1963–1964 exceeded 400,000, each member of the city board of education or the governing board of the district may receive as compensation for his services the sum of one hundred dollars ($100) for each meeting of the board actually attended, not to exceed one thousand dollars ($1,000) per month. In any school district in which the average daily attendance exceeds 60,000, and which is not located in a city and county, or in any school district in which the average daily attendance exceeded 60,000 in the 1963–64 school year and was less than 60,000 in the 1972–73 school year or any subsequent school year, and which is not located in a city and county, the governing board may prescribe, as compensation for the services of each member of the board, the sum of seventy-five dollars ($75) for each meeting of the board actually attended, not to exceed seven hundred fifty dollars ($750) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was less than 60,000, except a district which also comes within the terms of the preceding sentence, but more than 25,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed forty dollars ($40) for each meeting of the board actually attended, not to exceed three hundred dollars ($300) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 25,000 or less but more than 10,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed thirty dollars ($30) for each meeting of the board actually attended, but not to exceed two hundred dollars ($200) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 10,000 or less but more than 1,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed twenty dollars ($20) for each meeting of the board actually attended, not to exceed one hundred twenty dollars ($120) in any month. In any school district in which the average daily attendance for the 1972–1973 school year was 1,000 or less but more than 150, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed ten dollars ($10) for each meeting of the board actually attended, but not to exceed sixty dollars ($60) in any month.

(b) The compensation of members of the governing board of a school district newly organized or reorganized after June 30, 1973, shall be governed by subdivision (a). For such purposes the total average daily attendance in all of the schools of the district in the school year in which the organization or reorganization became effective pursuant to Section 1703 shall be deemed to be the average daily attendance in the district for the school year 1972–73.

(c) A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the

meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education or the governing board of the district is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

(d) As used in this section, "school district" includes community college districts.

SEC. 3. Section 25413.3 of the Education Code is repealed.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 2695 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 1231 of the Education Code, and this bill is chaptered after Assembly Bill No. 2695, that Section 1231 of the Education Code, as amended by Section 1 of Assembly Bill No. 2695 be further amended on the effective date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 1 proposed by this bill. Therefore, if this bill and Assembly Bill No. 2695 are both chaptered and become effective on or before January 1, 1975, and Assembly Bill No. 2695 is chaptered before this bill and amends Section 1231, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

CHAPTER 997

An act to amend Sections 1105, 1201, 2107, 5116, 9102, 9104, 9105, 9106, 9109, 9110, 9112, 9203, 9204, 9205, 9206, 9301, 9302, 9303, 9304, 9305, 9306, 9307, 9308, 9309, 9311, 9312, 9318, 9401, 9402, 9403, 9404, 9407, 9501, 9502, 9504, and 9506 of, to amend and renumber Section 9401.5 of, to add Sections 9103, 9114, 9408, 9505, and 9508 to, to add Division 11 (commencing with Section 11101) to, and to repeal Sections 9103, 9408, and 9505 of, the Commercial Code, relating to secured transactions.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1105 of the Commercial Code is amended to read:

1105. (1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and

duties. Failing such agreement this code applies to transactions bearing an appropriate relation to this state.

(2) Where one of the following provisions of this code specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2402.

Applicability of the division on bank deposits and collections. Section 4102.

Bulk transfers subject to the division on bulk transfers. Section 6102.

Applicability of the division on investment securities. Section 8106.

Perfection provisions of the division on secured transactions. Section 9103.

SEC. 2. Section 1201 of the Commercial Code is amended to read:

1201. Subject to additional definitions contained in the subsequent divisions of this code which are applicable to specific divisions or chapters thereof, and unless the context otherwise requires, in this code:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, setoff, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this code (Sections 1205 and 2208). Whether an agreement has legal consequences is determined by the provisions of this code, if applicable; otherwise by the law of contracts (Section 1103). (Compare "contract.")

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and which, by its terms, evidences the intention of the issuer that the person entitled under the document (Section 7403(4)) has the right to receive, hold and dispose of the document and the goods it covers. Designation of a document by the issuer as a "bill of lading" is conclusive evidence of such intention. "Bill of lading" includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more

probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. All persons who sell minerals or the like (including oil and gas) at wellhead or mineralhead shall be deemed to be persons in the business of selling goods of that kind. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous." A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NONNEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous." Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this code and any other applicable rules of law. (Compare "agreement.")

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper or securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt, gin ticket, compress receipt, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person entitled under the document (Section 7403(4)) has the right to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securites of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this code to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when

(a) He has actual knowledge of it; or

(b) He has received a notice or notification of it; or

(c) From all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this code.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) It comes to his attention; or

(b) It is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he

has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party," as distinct from "third party," means a person who has engaged in a transaction or made an agreement within this division.

(30) "Person" includes an individual or an organization. (See Section 1102.)

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2401) is limited in effect to a reservation of a "security interest." The term also includes any interest of a buyer of accounts or chattel paper which is subject to Division 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under Section 2501 is not a "security interest," but a buyer may also acquire a "security interest" by complying with Division 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (Section 2326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending. When a

writing or notice is required to be sent by registered or certified mail, proof of mailing is sufficient, and proof of receipt by the addressee is not required unless the words "with return receipt requested" are also used.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value." Except as otherwise provided with respect to negotiable instruments and bank collections (Sections 3303, 4208 and 4209) a person gives "value" for rights if he acquires them

(a) In return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a chargeback is provided for in the event of difficulties in collection; or

(b) As security for or in total or partial satisfaction of a preexisting claim; or

(c) By accepting delivery pursuant to a preexisting contract for purchase; or

(d) Generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a document evidencing the receipt of goods for storage issued by a warehouseman (Section 7102), and which, by its terms, evidences the intention of the issuer that the person entitled under the document (Section 7403(4)) has the right to receive, hold and dispose of the document and the goods it covers. Designation of a document by the issuer as a "warehouse receipt" is conclusive evidence of such intention.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

SEC. 3. Section 2107 of the Commercial Code is amended to read:

2107. (1) A contract for the sale of minerals or the like (including oil and gas) or a structure or its materials to be removed from realty is a contract for the sale of goods within this division if they are to be severed by the seller but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subdivision (1) or of timber to be cut is a contract for the sale of goods within this division whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale

before severance.

(3) The provisions of this section are subject to any third party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded in the same manner as a document transferring an interest in land and shall then constitute notice to third parties of the buyer's rights under the contract for sale.

SEC. 4. Section 5116 of the Commercial Code is amended to read:

5116. (1) The right to draw under a credit can be transferred or assigned only when the credit is expressly designated as transferable or assignable.

(2) Even though the credit specifically states that it is nontransferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of an account under Division 9 on secured transactions and is governed by that division except that

(a) The assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee which delivery constitutes perfection of the security interest under Division 9; and

(b) The issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identifies the credit involved in the assignment and contains a request to pay the assignee; and

(c) After what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

(3) Except where the beneficiary has effectively assigned his right to draw or his right to proceeds, nothing in this section limits his right to transfer or negotiate drafts or demands drawn under the credit.

SEC. 5. Section 6107 of the Commercial Code is amended to read:

6107. (1) The notice to creditors (Section 6105) shall state:

(a) That a bulk transfer is about to be made; and

(b) The names and business addresses of the transferor and, except in the case of a sale at auction, the transferee, and all other business names and addresses used by the transferor within three years last past so far as known to the transferee; and

(c) The location and general description of the property to be transferred; and

(d) The place, and the date on or after which, the bulk transfer is to be consummated.

(2) The notice shall be

(a) Recorded in the office of the county recorder in the county or counties in which the property to be transferred is located at least 10 days before the bulk transfer is to be consummated or the sale by auction is to be commenced; and

(b) Published at least once in a newspaper of general circulation

published in the judicial district in which the property is located, if there is one, and if there is none, then in a newspaper of general circulation in the county embracing such judicial district, at least 10 days before the bulk transfer is to be consummated or the sale by auction is to be commenced; and

(c) Personally delivered or sent by registered or certified mail at least 10 days before the bulk transfer is to be consummated or the sale by auction is to be commenced to the county tax collector in the county or counties in which the property to be transferred is located.

SEC. 6. Section 9102 of the Commercial Code is amended to read:

9102. (1) Except as otherwise provided in Section 9104 on excluded transactions, this division applies

(a) To any transaction (regardless of its form) which is intended to create a security interest in personal property including goods, documents, instruments, general intangibles, chattel paper or accounts; and also

(b) To any sale of accounts or chattel paper; and also

(c) To any transaction (regardless of its form) which is intended to create a security interest in goods which are or later become "fixtures" under the law of this state, but as against third parties having or acquiring an interest in or a lien on the real property, the rights and duties of the parties to the secured transactions are governed by the law of this state relating to real property and fixtures.

(2) This division applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, inventory lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This division does not apply to statutory liens except as provided in Section 9310.

(3) The application of this division to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this division does not apply.

(4) Notwithstanding anything to the contrary in this division, no nonpossessory security interest, other than a purchase money security interest, may be given or taken in or to the inventory of a retail merchant held for sale, except in or to inventory consisting of durable goods having a unit retail value of at least five hundred dollars ($500) or motor vehicles, house trailers, trailers, semitrailers, farm and construction machinery and repair parts thereof, or aircraft. A cooperative association organized pursuant to Chapter 1 (commencing with Section 54001), Division 20 of the Food and Agricultural Code (Agricultural Cooperative Associations) or Part 3 (commencing with Section 13200), Division 3, Title 1 of the Corporations Code (Fish Marketing Act) is not to be deemed a merchant within the meaning of this subdivision. The phrase "purchase money security interest" as used in this subdivision does not extend to any after-acquired property other than the initial

property sold by a secured party or taken by a lender as security as provided in Section 9107. This subdivision does not apply to the inventory of a person whose sales for resale exceeded 75 percent in dollar volume of his total sales of all goods during the 12 months preceding the attachment of the security interest.

SEC. 7. Section 9103 of the Commercial Code is repealed.

SEC. 8. Section 9103 is added to the Commercial Code, to read:

9103. (1) (a) This subdivision applies to documents and instruments and to goods other than those covered by a certificate of title described in subdivision (2), mobile goods described in subdivision (3), and minerals described in subdivision (5), except that as to goods which are or later become fixtures under the law of this state, the application of this subdivision is limited by the provisions of subdivision (1) (c) of Section 9102.

(b) Except as otherwise provided in this subdivision, perfection and the effect of perfection or nonperfection of a security interest in collateral are governed by the law of the jurisdiction where the collateral is when the last event occurs on which is based the assertion that the security interest is perfected or unperfected.

(c) If the parties to a transaction creating a purchase money security interest in goods in one jurisdiction understand at the time that the security interest attaches that the goods will be kept in another jurisdiction, then the law of the other jurisdiction governs the perfection and the effect of perfection or nonperfection of the security interest from the time it attaches until 30 days after the debtor receives possession of the goods and thereafter if the goods are taken to the other jurisdiction before the end of the 30-day period.

(d) When collateral is brought into and kept in this state while subject to a security interest perfected under the law of the jurisdiction from which the collateral was removed, the security interest remains perfected, but if action is required by Chapter 3 of this division to perfect the security interest,

(i) If the action is not taken before the expiration of the period of perfection in the other jurisdiction or the end of four months after the collateral is brought into this state, whichever period first expires, the security interest becomes unperfected at the end of that period and is thereafter deemed to have been unperfected as against a person who became a purchaser after removal;

(ii) If the action is taken before the expiration of the period specified in subparagraph (i), the security interest continues perfected thereafter;

(iii) For the purpose of priority over a buyer of consumer goods (subdivision (2) of Section 9307), the period of the effectiveness of a filing in the jurisdiction from which the collateral is removed is governed by the rules with respect to perfection in subparagraphs (i) and (ii).

(2) (a) This subdivision applies to goods covered by a certificate of title issued under a statute of this state or of another jurisdiction

under the law of which indication of a security interest on the certificate is required as a condition of perfection whether such certificate is designated a "certificate of title," "certificate of ownership," or otherwise.

(b) Except as otherwise provided in this subdivision, perfection and the effect of perfection or nonperfection of the security interest are governed by the law (including the conflict of laws rules) of the jurisdiction issuing the certificate until four months after the goods are removed from that jurisdiction and thereafter until the goods are registered in another jurisdiction, but in any event not beyond surrender of the certificate. After the expiration of that period, the goods are not covered by the certificate of title within the meaning of this section.

(c) Except with respect to the rights of a buyer described in the next paragraph, a security interest, perfected in another jurisdiction otherwise than by notation on a certificate of title, in goods brought into this state and thereafter covered by a certificate of title issued by this state is subject to the rules stated in paragraph (d) of subdivision (1).

(d) If goods are brought into this state while a security interest therein is perfected in any manner under the law of the jurisdiction from which the goods are removed and a certificate of title is issued by this state and the certificate does not show that the goods are subject to the security interest or that they may be subject to security interests not shown on the certificate, the security interest is subordinate to the rights of a buyer of the goods who is not in the business of selling goods of that kind to the extent that he gives value and receives delivery of the goods after issuance of the certificate and without knowledge of the security interest.

(3) (a) This subdivision applies to accounts (other than an account described in subdivision (5) on minerals) and general intangibles and to goods which are mobile and which are of a type normally used in more than one jurisdiction, such as motor vehicles, trailers, rolling stock, airplanes, shipping containers, roadbuilding and construction machinery and commercial harvesting machinery and the like, if the goods are equipment or are inventory leased or held for lease by the debtor to others, and are not covered by a certificate of title described in subdivision (2).

(b) The law (including the conflict of laws rules) of the jurisdiction in which the debtor is located governs the perfection and the effect of perfection or nonperfection of the security interest.

(c) If, however, the debtor is located in a jurisdiction which is not a part of the United States, and which does not provide for perfection of the security interest by filing or recording in that jurisdiction, the law of the jurisdiction in the United States in which the debtor has its major executive office in the United States governs the perfection and the effect of perfection or nonperfection of the security interest through filing. In the alternative, if the debtor is located in a jurisdiction which is not a part of the United States or Canada and

the collateral is accounts or general intangibles for money due or to become due, the security interest may be perfected by notification to the account debtor. As used in this paragraph, "United States" includes its territories and possessions and the Commonwealth of Puerto Rico.

(d) A debtor shall be deemed located at his place of business if he has one, at his chief executive office if he has more than one place of business, otherwise at his residence. If, however, the debtor is a foreign air carrier under the Federal Aviation Act of 1958, as amended, it shall be deemed located at the designated office of the agent upon whom service of process may be made on behalf of the foreign air carrier.

(e) A security interest perfected under the law of the jurisdiction of the location of the debtor is perfected until the expiration of four months after a change of the debtor's location to another jurisdiction, or until perfection would have ceased by the law of the first jurisdiction, whichever period first expires. Unless perfected in the new jurisdiction before the end of that period, it becomes unperfected thereafter and is deemed to have been unperfected as against a person who became a purchaser after the change.

(4) The rules stated for goods in subdivision (1) apply to a possessory security interest in chattel paper. The rules stated for accounts in subdivision (3) apply to a nonpossessory security interest in chattel paper, but the security interest may not be perfected by notification to the account debtor.

(5) Perfection and the effect of perfection or nonperfection of a security interest which is created by a debtor who has an interest in minerals or the like (including oil and gas) before extraction and which attaches thereto as extracted, or which attaches to an account resulting from the sale thereof at the wellhead or minehead are governed by the law (including the conflict of laws rules) of the jurisdiction wherein the wellhead or minehead is located.

SEC. 9. Section 9104 of the Commercial Code is amended to read:

9104. This division does not apply

(a) To a security interest subject to any statute of the United States to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(c) To a lien given by statute or other rule of law for services or materials except as provided in Section 9310 on priority of such liens; or

(d) To a transfer of a claim for wages, salary or other compensation of an employee; or

(e) To a transfer, including creation of a security interest, by a government or governmental subdivision or agency; or

(f) To a sale of accounts or chattel paper as part of a sale of the business out of which they arose, or an assignments of accounts or chattel paper which is for the purpose of collection only, or a transfer of a right to payment under a contract to an assignee who is also to

do the performance under the contract or a transfer of a single account to an assignee in whole or partial satisfaction of a preexisting indebtedness; or

(g) To any loan made by an insurance company pursuant to the provisions of a policy or contract issued by it and upon the sole security of such policy or contract; or

(h) To a right represented by a judgment (other than a judgment taken in a right to payment which was collateral); or

(i) To any right of setoff; or

(j) To the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder and to any interest of a lessor and lessee in any such lease or rents; or

(k) To a transfer in whole or in part of any claim arising out of tort.

(*l*) To any security interest created by the assignment of the benefits of any public construction contract under the Improvement Act of 1911 (Division 7 (commencing with Section 5000), Streets and Highways Code).

SEC. 10. Section 9105 of the Commercial Code is amended to read:

9105. (1) In this division unless the context otherwise requires:

(a) "Account debtor" means the person who is obligated on an account, chattel paper or general intangible;

(b) "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods, but a charter or other contract involving the use or hire of a vessel is not chattel paper. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;

(c) "Collateral" means the property subject to a security interest, and includes accounts and chattel paper which have been sold;

(d) "Debtor" means the person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes the seller of accounts or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the division dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

(e) "Deposit account" means a demand, time, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization, other than an account evidenced by a negotiable certificate of deposit;

(f) "Document" means document of title as defined in the general definitions of Division 1 (Section 1201), and a receipt of the kind described in subdivision (2) of Section 7201;

(g) "Encumbrance" includes real estate mortgages and other liens on real estate and all other rights in real estate that are not ownership interests;

(h) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (other than goods incorporated into a structure in the manner of lumber, bricks, tile, cement, glass, metalwork and the like unless the structure remains personal property under applicable law), but does not include money, documents, instruments, accounts, chattel paper, general intangibles or minerals or the like (including oil and gas) before extraction. "Goods" also includes standing timber which is to be cut and removed under a conveyance or contract for sale, the unborn young of animals, and growing crops;

(i) "Instrument" means a negotiable instrument (defined in Section 3104), or a security (defined in Section 8102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;

(j) "Mortgage" means a consensual interest created by a real estate mortgage, a trust deed on real estate, or the like;

(k) An advance is made "pursuant to commitment" if the secured party has bound himself to make it, whether or not a subsequent event of default or other event not within his control has relieved or may relieve him from his obligation;

(*l*) "Security agreement" means an agreement which creates or provides for a security interest;

(m) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

(n) "Transmitting utility" means any person primarily engaged in the railroad, street railway or trolley bus business, the electric or electronics communications transmission business, the transmission of goods by pipeline, or the transmission or the production and transmission of electricity, steam, gas or water, or the provision of sewer service.

(o) "New value" includes new advances or loans made, or new obligations incurred, or the release of a valid and existing security interest, or the release of a claim to proceeds; but "new value" shall not be construed to include extension or renewals of existing obligations of the debtor, nor obligations substituted for such existing obligations.

(2) Other definitions applying to this division and the sections in which they appear are:

"Account." Section 9106.

"Attach." Section 9203.

"Consumer goods." Section 9109(1).

"Construction mortgage." Section 9313(1).

"Equipment." Section 9109(2).

"Farm products." Section 9109(3).
"General intangibles." Section 9106.
"Inventory." Section 9109(4).
"Lien creditor." Section 9301(3).
"Proceeds." Section 9306(1).
"Purchase money security interest." Section 9107.
"United States." Section 9103.

(3) The following definitions in other divisions apply to this division:
"Check." Section 3104.
"Contract for sale." Section 2106.
"Holder in due course." Section 3302.
"Note." Section 3104.
"Sale." Section 2106.

(4) In addition Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

SEC. 11. Section 9106 of the Commercial Code is amended to read:

9106. "Account" means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper, whether or not it has been earned by performance. "General intangibles" means any personal property (including things in action) other than goods, accounts, chattel paper, documents, instruments, and money. All rights to payment earned or unearned under a charter or other contract involving the use or hire of a vessel and all rights incident to the charter or contract are accounts.

SEC. 12. Section 9109 of the Commercial Code is amended to read:

9109. Goods are

(1) "Consumer goods" if they are used or bought for use primarily for personal, family or household purposes;

(2) "Equipment" if they are used or bought for use primarily in business (including farming or a profession) or by a debtor who is a nonprofit organization or a governmental subdivision or agency or if the goods are not included in the definitions of inventory, farm products or consumer goods;

(3) "Farm products" if they are crops or livestock or supplies used or produced in farming operations or if they are products of crops or livestock in their unmanufactured states (such as ginned cotton, wool clip, maple syrup, milk and eggs), and if they are in the possession of a debtor engaged in raising, fattening, grazing or other farming operations. If goods are farm products they are neither equipment nor inventory;

(4) "Inventory" if they are held by a person who holds them for sale or lease or to be furnished under contracts of service or if he has so leased or furnished them, or if they are raw materials, work in process or materials used or consumed in a business. Inventory of a

person is not to be classified as his equipment.

SEC. 13. Section 9110 of the Commercial Code is amended to read:

9110. For the purposes of this division any description of personal property or real estate is sufficient whether or not it is specific if it reasonably identifies what is described. Personal property may be referred to by general kind or class if the property can be reasonably identified as falling within such kind or class or if it can be so identified when it is acquired by the debtor.

SEC. 14. Section 9112 of the Commercial Code is amended to read:

9112. Unless otherwise agreed, when a secured party knows that collateral is owned by a person who is not the debtor, the owner of the collateral is entitled to receive from the secured party any surplus under Section 9502(2) or under Section 9504(1), and is not liable for the debt or for any deficiency after resale, and he has the same right as the debtor

(a) To receive statements under Section 9208;

(b) To receive notice of and to object to a secured party's proposal to retain the collateral in satisfaction of the indebtedness under Section 9505;

(c) To redeem the collateral under Section 9506;

(d) To obtain injunctive or other relief under Section 9507(1); and

(e) To recover losses caused to him under Section 9208(2).

SEC. 15. Section 9114 is added to the Commercial Code, to read:

9114. (1) A person who delivers goods under a consignment which is not a security interest and who would be required to file under this division by paragraph (3) (c) of Section 2326 has priority over a secured party who is or becomes a creditor of the consignee and who would have a perfected security interest in the goods if they were the property of the consignee, and also has priority with respect to identifiable cash proceeds received on or before delivery of the goods to a buyer, if

(a) The consignor complies with the filing provision of the division on sales with respect to consignments (paragraph (3) (c) of Section 2326) before the consignee receives possession of the goods; and

(b) The consignor gives notification in writing to the holder of the security interest if the holder has filed a financing statement covering the same types of goods before the date of the filing made by the consignor; and

(c) The holder of the security interest receives the notification within five years before the consignee receives possession of the goods; and

(d) The notification states that the consignor expects to deliver goods on consignment to the consignee describing the goods by item or type.

(2) In the case of a consignment which is not a security interest and in which the requirements of the preceding subdivision have not

been met, a person who delivers goods to another is subordinate to a person who would have a perfected security interest in the goods if they were the property of the debtor.

SEC. 16. Section 9203 of the Commercial Code is amended to read:

9203. (1) Subject to the provisions of Section 4208 on the security interest of a collecting bank and Section 9113 on a security interest arising under the division on sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless

(a) The collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned; and

(b) Value has been given; and

(c) The debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subdivision (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by Section 9306.

(4) A transaction, although subject to this division, is also subject to the Retail Installment Sales Act, Title 2 (commencing at Section 1801) of Part 4, Division 3 of the Civil Code; the Automobile Sales Finance Act, Chapter 2b (commencing at Section 2981) of Title 14, Part 4, Division 3 of the Civil Code; the Industrial Loan Law, Division 7 (commencing at Section 18000) of the Financial Code; the Pawnbroker Law, Division 8 (commencing at Section 21000) of the Financial Code; the Personal Property Brokers Law, Division 9 (commencing at Section 22000) of the Financial Code; and the California Small Loan Law, Division 10 (commencing at Section 24000) of the Financial Code, and in the case of conflict between the provisions of this division and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

SEC. 17. Section 9204 of the Commercial Code is amended to read:

9204. (1) Except as provided in subdivision (2) a security agreement may provide that any or all obligations covered by the security agreement are to be secured by afteracquired collateral.

(2) No security interest attaches under an afteracquired property clause to consumer goods other than accessions (Section 9314) when given as additional security unless the debtor acquires rights in them within 10 days after the secured party gives value.

(3) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment (subdivision (1) of Section 9105).

SEC. 18. Section 9205 of the Commercial Code is amended to read:

9205. A security interest is not invalid or fraudulent against creditors by reason of liberty in the debtor to use, commingle or dispose of all or part of the collateral (including returned or repossessed goods) or to collect or compromise accounts or chattel paper, or to accept the return of goods or make repossessions, or to use, commingle or dispose of proceeds, or by reason of the failure of the secured party to require the debtor to account for proceeds or replace collateral. This section does not relax the requirements of possession where perfection of a security interest depends upon possession of the collateral by the secured party or by a bailee.

SEC. 19. Section 9206 of the Commercial Code is amended to read:

9206. (1) Subject to any statute or decision which establishes a different rule for buyers or lessees of consumer goods, an agreement by a buyer or lessee that he will not assert against an assignee any claim or defense which he may have against the seller or lessor is enforceable by an assignee who takes his assignment for value, in good faith and without notice of a claim or defense, except as to defenses of a type which may be asserted against a holder in due course of a negotiable instrument under the division on commercial paper (Division 3). A buyer who as part of one transaction signs both a negotiable instrument and a security agreement makes such an agreement.

(2) When a seller retains a purchase money security interest in goods the division on sales (Division 2) governs the sale and any disclaimer, limitation or modification of the seller's warranties.

SEC. 20. Section 9301 of the Commercial Code is amended to read:

9301. (1) Except as otherwise provided in subdivision (2), an unperfected security interest is subordinate to the rights of

(a) Persons entitled to priority under Section 9312;

(b) A person who becomes a lien creditor before the security interest is perfected;

(c) In the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;

(d) In the case of accounts and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected.

(2) If the secured party files with respect to a purchase money security interest before or within 10 days after the debtor receives possession of the collateral, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches and the time of filing.

(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment.

(4) A person who becomes a lien creditor while a security interest is perfected takes subject to the security interest only to the extent that it secures advances made before he becomes a lien creditor or within 45 days thereafter or made without knowledge of the lien or pursuant to a commitment entered into without knowledge of the lien.

SEC. 21. Section 9302 of the Commercial Code is amended to read:

9302. (1) A financing statement must be filed to perfect all security interests except the following:

(a) A security interest in collateral in possession of the secured party under Section 9305;

(b) A security interest temporarily perfected in instruments or documents without delivery under Section 9304 or in proceeds for a 10-day period under Section 9306;

(c) A security interest created by an assignment of a beneficial interest in a trust or a decedent's estate;

(d) A purchase money security interest in consumer goods; but filing is required for a motor vehicle or boat required to be registered;

(f) A security interest of a collecting bank (Section 4208) or arising under the division on sales (see Section 9113) or covered in subdivision (3) of this section;

(g) An assignment for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder;

(h) A security interest in a deposit account. Such a security interest is perfected:

(1) As to a deposit account maintained with the secured party when the security agreement is executed;

(2) As to a deposit account not described in subparagraph (1) when notice thereof is given in writing to the organization with whom the deposit account is maintained.

(i) A security interest in or claim in or under any policy of insurance including unearned premiums. Such interest shall be perfected when notice thereof is given in writing to the insurer.

(2) If a secured party assigns a perfected security interest, no filing under this division is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing of a financing statement otherwise required by this division is not necessary or effective to perfect a security interest in property subject to

(a) A statute or treaty of the United States which provides for a national or international registration or a national or international

certificate of title or which specifies a place of filing different from that specified in this division for filing of the security interest; or

(b) The provisions of the Vehicle Code which require registration of a vehicle or boat; but during any period in which collateral is inventory held by a person who is in the business of selling such vehicles or boats, or both, as the case may be, the filing provisions of this division (Chapter 4) apply to a security interest in that collateral created by him as debtor; or

(c) A certificate of title statute of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection (subdivision (2) of Section 9103).

(4) Compliance with a statute or treaty described in subdivision (3) is equivalent to the filing of a financing statement under this division and a security interest in property subject to the statute or treaty can be perfected only by compliance therewith except as provided in Section 9103 on multiple state transactions. Duration and renewal of perfection of a security interest perfected by compliance with the statute or treaty are governed by the provisions of the statute or treaty; in other respects the security interest is subject to this division.

SEC. 22. Section 9303 of the Commercial Code is amended to read:

9303. (1) A security interest is perfected when it has attached and when all of the applicable steps required for perfection have been taken. Such steps are specified in Sections 9302, 9304, 9305 and 9306. If such steps are taken before the security interest attaches, it is perfected at the time when it attaches.

(2) If a security interest is originally perfected in any way permitted under this division and is subsequently perfected in some other way under this division, without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this division.

SEC. 23. Section 9304 of the Commercial Code is amended to read:

9304. (1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in money or instruments (other than instruments which constitute part of chattel paper) can be perfected only by the secured party's taking possession, except as provided in subdivisions (4) and (5) of this section and subdivisions (2) and (3) of Section 9306 on proceeds.

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the

bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments or negotiable documents is perfected without filing or the taking of possession for a period of 21 days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of 21 days without filing where a secured party having a perfected security interest in an instrument, a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor

(a) Makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange, but priority between conflicting security interests in the goods is subject to subdivision (3) of Section 9312; or

(b) Delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.

(6) After the 21-day period in subdivisions (4) and (5) perfection depends upon compliance with applicable provisions of this division.

SEC. 24. Section 9305 of the Commercial Code is amended to read:

9305. A security interest in letters of credit and advices of credit (paragraph (2) (a) of Section 5116), goods, instruments, money, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this division. The security interest may be otherwise perfected as provided in this division before or after the period of possession by the secured party.

SEC. 25. Section 9306 of the Commercial Code is amended to read:

9306. (1) "Proceeds" includes whatever is received upon the sale, exchange, collection or other disposition of collateral or proceeds. Insurance payable by reason of loss or damage to the collateral is proceeds, except to the extent that it is payable to a person other than a party to the security agreement. Money, checks, deposit accounts, and the like are "cash proceeds." All other proceeds are "noncash proceeds."

(2) Except where this division otherwise provides, a security interest continues in collateral notwithstanding sale, exchange or other disposition thereof unless the disposition was authorized by the

secured party in the security agreement or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.

(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected 10 days after receipt of the proceeds by the debtor unless

(a) A filed financing statement covers the original collateral and the proceeds are collateral in which a security interest may be perfected by filing in the office or offices where the financing statement has been filed and, if the proceeds are acquired with cash proceeds, the description of collateral in the financing statement indicates the types of property constituting the proceeds; or

(b) A filed financing statement covers the original collateral and the proceeds are identifiable cash proceeds; or

(c) The security interest in the proceeds is perfected before the expiration of the 10-day period.

Except as provided in this section, a security interest in proceeds can be perfected only by the methods or under the circumstances permitted in this division for original collateral of the same type.

(4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest only in the following proceeds

(a) In identifiable noncash proceeds and in a separate deposit account containing only proceeds;

(b) In identifiable cash proceeds in the form of money which is neither commingled with other money nor deposited in a deposit account prior to the insolvency proceedings;

(c) In identifiable cash proceeds in the form of checks and the like which are not deposited in a deposit account prior to the insolvency proceedings; and

(d) In all cash and deposit accounts of the debtor in which proceeds have been commingled with other funds, but the perfected security interest under this paragraph (d) is

(i) Subject to any right of setoff; and

(ii) Limited to an amount not greater than the amount of any cash proceeds received by the debtor within 10 days before the institution of the insolvency proceedings less the sum of (I) the payments to the secured party on account of cash proceeds received by the debtor during such period and (II) the cash proceeds received by the debtor during such period to which the secured party is entitled under paragraphs (a) through (c) of this subdivision (4).

(5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:

(a) If the goods were collateral at the time of sale, for an

indebtedness of the seller which is still unpaid, the original security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to continue the perfected status; in any other case, the secured party must take possession of the returned or repossessed goods or must file.

(b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security interest is prior to a security interest asserted under paragraph (a) to the extent that the transferee of the chattel paper was entitled to priority under Section 9308.

(c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).

(d) A security interest of an unpaid transferee asserted under paragraph (b) or (c) must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

SEC. 26. Section 9307 of the Commercial Code is amended to read:

9307. (1) A buyer in ordinary course of business (subdivision (9) of Section 1201) takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(3) A buyer other than a buyer in ordinary course of business (subdivision (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, unless made pursuant to a commitment entered into without knowledge of the purchase.

SEC. 27. Section 9308 of the Commercial Code is amended to read:

9308. A purchaser of chattel paper or an instrument who gives new value and takes possession of it in the ordinary course of his business has priority over a security interest in the chattel paper or instrument

(a) Which is perfected under Section 9304 (permissive filing and temporary perfection) or under Section 9306 (perfection as to proceeds) if he acts without knowledge that the specific paper or instrument is subject to a security interest; or

(b) Which is claimed merely as proceeds of inventory subject to a security interest (Section 9306) even though he knows that the specific paper or instrument is subject to the security interest.

SEC. 28. Section 9309 of the Commerical Code is amended to read:

9309. Nothing in this division limits the rights of a holder in due course of a negotiable instrument (Section 3302) or a holder to whom a negotiable document of title has been duly negotiated (Section 7501) or a bona fide purchaser of a security (Section 8301) and such

holders or purchasers take priority over an earlier security interest even though perfected. Filing under this division does not constitute notice of the security interest to such holders or purchasers.

SEC. 30. Section 9312 of the Commercial Code is amended to read:

9312. (1) The rules of priority stated in other sections of this chapter and in the following sections shall govern where applicable: Section 4208 with respect to the security interest of collecting banks in items being collected, accompanying documents and proceeds; Section 9103 on security interests related to other jurisdictions; Section 9114 on consignments.

(3) A perfected purchase money security interest in inventory has priority over a conflicting security interest in the same inventory and also has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if

(a) The purchase money security interest is perfected at the time the debtor receives possession of the inventory; and

(b) The purchase money secured party gives notification in writing to the holder of the conflicting security interest if the holder had filed a financing statement covering the same types of inventory (i) before the date of the filing made by the purchase money secured party, or (ii) before the beginning of the 21-day period where the purchase money security interest is temporarily perfected without filing or possession (subdivision (5) of Section 9304); and

(c) The holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(d) The notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within 10 days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subdivisions (3) and (4)), priority between conflicting security interests in the same collateral shall be determined according to the following rules:

(a) Conflicting security interests rank according to priority in time of filing or perfection. Priority dates from the time a filing is first made covering the collateral or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.

(b) So long as conflicting security interests are unperfected, the first to attach has priority.

(6) For the purposes of subdivision (5) a date of filing or perfection as to collateral is also a date of filing or perfection as to

proceeds.

(7) If future advances are made while a security interest is perfected by filing or the taking of possession, the security interest has the same priority for the purposes of subdivision (5) with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made.

SEC. 32. Section 9318 of the Commercial Code is amended to read:

9318. (1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims arising out of a sale as provided in Section 9206 the rights of an assignee are subject to

(a) All the terms of the contract between the account debtor and assignor and any defense or claim arising therefrom; and

(b) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives notification of the assignment.

(2) So far as the right to payment or a part thereof under an assigned contract has not been fully earned by performance, and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith and in accordance with reasonable commercial standards is effective against an assignee unless the account debtor has otherwise agreed but the assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that such modification or substitution is a breach by the assignor.

(3) The account debtor is authorized to pay the assignor until the account debtor receives notification that the amount due or to become due has been assigned and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the account debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the account debtor may pay the assignor.

(4) A term in any contract between an account debtor and an assignor is ineffective if it prohibits assignment of an account or prohibits creation of a security interest in a general intangible for money due or to become due or requires the account debtor's consent to such assignment or security interest.

SEC. 33. Section 9401 of the Commercial Code is amended to read:

9401. (1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is consumer goods, then in the office of the county recorder in the county of the debtor's residence or if the debtor is not a resident of this state, then in the office of the county recorder of the county in which the goods are kept;

(b) When the collateral is crops growing or to be grown, timber to be cut or is minerals or the like (including oil and gas) or accounts subject to subdivision (5) of Section 9103, then in the office where a mortgage on the real estate would be recorded.

(c) In all other cases, in the office of the Secretary of State.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this division and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in Section 9103 determine whether filing is necessary in this state.

(5) Notwithstanding subdivision (1), and subject to subdivision (3) of Section 9302, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the Secretary of State.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

SEC. 34. Section 9401.5 of the Commercial Code is amended and renumbered to read:

10105. (1) A financing statement or a continuation thereof, properly filed and effective pursuant to Section 9401 as it existed prior to January 1, 1971, remains valid and effective after January 1, 1971, until expiration of the usual five-year period from date of filing. Any termination, release, assignment or amendment of such a financing statement prior to expiration of the five-year period of effectiveness shall be filed, as previously required, with the county recorder who has filed the financing statement.

(2) After January 1, 1971, any continuation of a financing statement which had been properly filed with a county recorder prior to January 1, 1971, and which now would be required to be filed with the Secretary of State, shall be filed with the Secretary of State in accordance with Section 9403. Such a continuation statement must be accompanied by a certified copy of the entire record of the county recorder related to the financing statement. After filing of such a continuation statement with the Secretary of State, any termination, release, assignment, amendment, or continuation of the financing statement shall also be filed with the Secretary of State and any such documents affecting the financing statement which are not filed with the Secretary of State shall not be effective.

SEC. 35. Section 9402 of the Commercial Code is amended to read:

9402. (1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement should include the debtor's trade name or style, if any, if known to the secured party, but a failure to include such trade name or style shall not under any circumstances affect the validity of the financing statement. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subdivision (5) of Section 9103, the statement must also comply with subdivision (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A certified copy of a financing statement or security agreement is sufficient as a financing statement if the original thereof was filed in this state.

(2) A financing statement which otherwise complies with subdivision (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) Collateral already subject to a security interest in another jurisdiction when it is brought into this state or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) Proceeds under Section 9306, if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral and give the date of filing and the file number of the prior financing statement; or

(c) Collateral as to which the filing has lapsed. Such a financing statement must include a statement to the effect that the prior financing statement has lapsed and give the date of filing and the file number of the prior financing statement; or

(d) Collateral acquired after a change of name, identity or corporate structure of the debtor (subdivision (6)). Such a financing statement must include a statement that the name, identity or corporate structure of the debtor has been changed and give the date of filing and the file number of the prior financing statement and the name of the debtor as shown in the prior financing statement.

(3) A form substantially as follows is sufficient to comply with subdivision (1):

Name of debtor (or assignor) _____
Address _____
Name of secured party (or assignee) _____
Address _____
Debtor's trade name or style, if any _____
1. This financing statement covers the following types (or items) of property: (Describe) _____
2. (If collateral is crops) The above-described crops are growing or are to be grown on: (Describe real estate) _____
3. (If products of collateral are claimed) Products of the collateral are also covered.

(Use whichever is applicable)

_____
Signature of debtor (or assignor)

_____
Signature of secured party (or assignee)

* Where appropriate substitute either "The above timber is standing on . ." or "The above mineral or the like (including oil and gas) or accounts will be financed at the wellhead or minehead of the well or mine located on . "

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party, or by the secured party alone in the case of an amendment pursuant to subdivision (6). An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this division, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subdivision (5) of Section 9103, must show that it covers this type of collateral, must recite that it is to be recorded in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement or an appropriate amendment to the filed financing statement is filed before the acquisition of the

collateral by the debtor. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(7) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

SEC. 36. Section 9403 of the Commercial Code is amended to read:

9403. (1) Presentation for filing of a financing statement, tender of the filing fee and acceptance of the statement by the filing officer constitutes filing under this division.

(2) Except as provided in subdivision (6), a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such five-year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five-year period, whichever occurs later. Upon such lapse the security interest becomes unperfected unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party of record within six months prior to the expiration of the five-year period specified in subdivision (2). Any such continuation statement must be signed by the secured party of record, identify the original statement by giving the date and the names of the parties thereto and the file number thereof and state that the original statement is continued. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subdivision (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. The filing officer may remove a lapsed financing statement and related filings from the files and destroy them immediately if he has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subdivision (6) shall be retained. The filing officer shall not destroy a financing statement and related filings as to which he has received written notice that

there is an action pending relative thereto or that insolvency proceedings have been commenced by or against the debtor.

(4) Except as provided in subdivision (7) a filing officer shall mark each financing statement with a consecutive file number and with the date and time of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statement according to the name of the debtor and shall note in the index the file number and the address of the debtor given in this statement. The filing officer shall mark each continuation statement with the date and time of filing and shall index the same under the file number of the original financing statement.

(5) The uniform fee for filing, indexing and furnishing filing data (subdivision 1 of Section 9407) for an original financing statement, an amendment or a continuation statement shall be three dollars ($3) if the statement is in the standard form prescribed by the Secretary of State and otherwise shall be four dollars ($4).

(6) If the debtor is a transmitting utility (subdivision (5) of Section 9401) and a filed financing statement so states, it is effective until a termination statement is filed.

(7) A financing or continuation statement covering collateral described in paragraph (b) of subdivision (1) of Section 9401 shall be recorded and indexed by the filing officer in the real property index of grantors under the name of the debtor. A financing or continuation statement so recorded and indexed and containing a description of real property affected thereby shall constitute constructive notice from the time of its acceptance for recording to any purchaser or encumbrancer of the real property of the security interest in such collateral.

SEC. 37. Section 9404 of the Commercial Code is amended to read:

9404. (1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party of record must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by date, names of parties thereto and file number. If the affected secured party of record fails to send such a termination statement within 10 days after proper demand therefor he shall be liable to the debtor for all actual damages suffered by the debtor by reason of such failure, and if the failure is in bad faith for a penalty of one hundred dollars ($100).

(2) The filing officer shall mark each such termination statement with the date and time of filing and shall index the same under the name of the debtor and under the file number of the original financing statement. If the filing officer has a microfilm or other photographic record of the financing statement and related filings, he may remove the originals from the files at any time after receipt of the termination statement and destroy them, or if he has no such

record, he may remove them from his files at any time after one year after receipt of the termination statement and destroy them.

(3) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a termination statement shall be three dollars ($3) if the statement is in the standard form prescribed by the Secretary of State and otherwise shall be four dollars ($4).

SEC. 39. Section 9407 of the Commercial Code is amended to read:

9407. (1) If the person filing any financing statement, amendment, termination statement, statement of assignment, continuation statement, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy of a financing statement the file number and upon the copy of any of such statements the date and time of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and time stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and time of filing of each such statement and the names and addresses of each secured party therein. The certificate shall not include any statement as to the possibility of insolvency proceedings which might have the effect of preventing the lapse of effectiveness of a filed financing statement pursuant to Section 9403 whether actual insolvency proceedings are known or unknown to the filing officer. The uniform fee for such a certificate shall be five dollars ($5). Upon request the filing officer shall furnish a copy of any filed financing statement or related filings for a uniform fee of one dollar ($1) for the first page and fifty cents ($0.50) for each page thereafter.

(3) Fees to be charged by the Secretary of State for daily or less frequent summaries or compilations of filings, which he may furnish, shall be sufficient to pay at least the actual cost of such service. Fees shall be determined by the Secretary of State with the approval of the Department of Finance. Such summaries or compilations may be in the form of microfilm copies or such other form as may be provided for the required information.

SEC. 40. Section 9408 of the Commercial Code is repealed.

SEC. 41. Section 9408 is added to the Commercial Code, to read:

9408. A consignor or lessor of goods may file a financing statement using the terms "consignor," "consignee," "lessor," "lessee" or the like instead of the terms specified in Section 9402. The provisions of this part shall apply as appropriate to such a financing statement but its filing shall not of itself be a factor in determining whether or not the consignment or lease is intended as security (Section 1201(37)). However, if it is determined for other reasons that the consignment or lease is so intended, a security interest of the consignor or lessor which attaches to the consigned or leased goods is perfected by such filing.

SEC. 42. Section 9501 of the Commercial Code is amended to read:

9501. (1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this chapter and except as limited by subdivision (3) those provided in the security agreement. He may reduce his claim to judgment, foreclose or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies and duties provided in Section 9207. The rights and remedies referred to in this subdivision are cumulative.

(2) After default, the debtor has the rights and remedies provided in this chapter, those provided in the security agreement and those provided in Section 9207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the rules stated in the subdivisions referred to below may not be waived or varied except as provided with respect to compulsory disposition of collateral (subdivision (3) of Section 9504 and Section 9505) and with respect to redemption of collateral (Section 9506) but the parties may by agreement determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

(a) Subdivision (2) of Section 9502 and subdivision (2) of Section 9504 insofar as they require accounting for surplus proceeds of collateral;

(b) Subdivision (3) of Section 9504 and subdivision (1) of Section 9505 which deal with disposition of collateral;

(c) Subdivision (2) of Section 9505 which deals with acceptance of collateral as discharge of obligation;

(d) Section 9506 which deals with redemption of collateral; and

(e) Subdivision (1) of Section 9507 which deals with the secured party's liability for failure to comply with this chapter.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this chapter as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property in which case the provisions of this chapter do not apply.

(5) When a secured party has reduced his claim to judgment the lien of any levy which may be made upon his collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial procedure within the meaning of this section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this division.

SEC. 43. Section 9502 of the Commercial Code is amended to

read:

9502. (1) When so agreed and in any event on default the secured party is entitled to notify an account debtor or the obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral, and also to take control of any proceeds to which he is entitled under Section 9306.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors must proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. If the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed, the debtor is liable for any deficiency. But, if the underlying transaction was a sale of accounts or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

SEC. 44. Section 9504 of the Commercial Code is amended to read:

9504. (1) A secured party after default may sell, lease or otherwise dispose of any or all of the collateral in its then condition or following any commercially reasonable preparation or processing. Any sale of goods is subject to the division on sales (Division 2). The proceeds of disposition shall be applied in the order following to

(a) The reasonable expenses of retaking, holding, preparing for sale or lease, selling, leasing and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;

(b) The satisfaction of indebtedness secured by the security interest under which the disposition is made;

(c) The satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his interest, and unless he does so, the secured party need not comply with his demand.

(2) If the security interest secures an indebtedness, the secured party must account to the debtor for any surplus, and, unless otherwise agreed, the debtor is liable for any deficiency. But if the underlying transaction was a sale of accounts or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

(3) A sale or lease of collateral may be as a unit or in parcels, at wholesale or retail and at any time and place and on any terms, provided the secured party acts in good faith and in a commercially reasonable manner. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a

recognized market, the secured party must give to the debtor, if he has not signed after default a statement renouncing or modifying his right to notification of sale, and to any other person who has a security interest in the collateral and who has filed with the secured party a written request for notice giving his address (before that secured party sends his notification to the debtor or before debtor's renunciation of his rights), a notice in writing of the time and place of any public sale or of the time on or after which any private sale or other intended disposition is to be made. Such notice must be delivered personally or be deposited in the United States mail postage prepaid addressed to the debtor at his address as set forth in the financing statement or as set forth in the security agreement or at such other address as may have been furnished to the secured party in writing for this purpose, or, if no address has been so set forth or furnished, at his last known address, and to any other secured party at the address set forth in his request for notice, at least five days before the date fixed for any public sale or before the day on or after which any private sale or other disposition is to be made. Notice of the time and place of a public sale shall also be given at least five days before the date of sale by publication once in a newspaper of general circulation published in the county in which the sale is to be held. Any public sale shall be held in the county or place specified in the security agreement, or if no county or place is specified in the security agreement, in the county in which the collateral or any part thereof is located or in the county in which the debtor has his residence or chief place of business, or in the county in which the secured party has his residence or a place of business if the debtor does not have a residence or chief place of business within this state. If the collateral is located outside of this state or has been removed from this state, a public sale may be held in the locality in which the collateral is located. Any public sale may be postponed from time to time by public announcement at the time and place last scheduled for the sale. The secured party may buy at any public sale and if the collateral is customarily sold in a recognized market or is the subject of widely or regularly distributed standard price quotations he may buy at private sale. Any sale of which notice is delivered or mailed and published as herein provided and which is held as herein provided is a public sale

(4) When collateral is disposed of by a secured party after default, the disposition transfers to a purchaser for value all of the debtor's rights therein, discharges the security interest under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interest even though the secured party fails to comply with the requirements of this chapter or of any judicial proceedings

(a) In the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the secured party, other bidders or the person conducting the sale; or

(b) In any other case, if the purchaser acts in good faith

(5) A person who is liable to a secured party under a guaranty, indorsement, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party. Such a transfer of collateral is not a sale or disposition of the collateral under this division.

SEC. 45. Section 9505 of the Commercial Code is repealed.

SEC. 46. Section 9505 is added to the Commercial Code, to read:

9505. (1) If the debtor has paid 60 percent of the cash price in the case of a purchase money security interest in consumer goods or 60 percent of the loan in the case of another security interest in consumer goods, and has not signed after default a statement renouncing or modifying his rights under this chapter a secured party who has taken possession of collateral must dispose of it under Section 9504 and if he fails to do so within 90 days after he takes possession or within a reasonable time after such 90-day period, the debtor at his option may recover in conversion or under Section 9507(1) on secured party's liability.

(2) In any other case involving consumer goods or any other collateral a secured party in possession may, after default, propose to retain the collateral in satisfaction of the obligation. Written notice of such proposal shall be sent to the debtor if he has not signed after default a statement renouncing or modifying his rights under this subdivision. In the case of consumer goods no other notice need be given. In other cases notice shall be sent to any other secured party from whom the secured party has received (before sending his notice to the debtor or before the debtor's renunciation of his rights) written notice of a claim of an interest in the collateral. If the secured party receives objection in writing from a person entitled to receive notification within 21 days after the notice was sent, the secured party must dispose of the collateral under Section 9504. In the absence of such written objection the secured party may retain the collateral in satisfaction of the debtor's obligation.

SEC. 47. Section 9506 of the Commercial Code is amended to read:

9506. At any time before the secured party has disposed of collateral or entered into a contract for its disposition under Section 9504 or before the obligation has been discharged under Section 9505(2) the debtor or any other secured party may unless otherwise agreed in writing after default redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the secured party in retaking, holding and preparing the collateral for disposition, in arranging for the sale, and to the extent provided in the agreement and not prohibited by law, his reasonable attorneys' fees and and legal expenses.

SEC. 47.5. Section 9508 is added to the Commercial Code, to read:

9508. No renunciation or modification by the debtor of any of his rights under this chapter as to consumer goods shall be valid or

enforceable unless the renunciation or modification is in consideration of a waiver by the secured party of any right to a deficiency on the debt.

SEC. 48. Division 11 (commencing with Section 11101) is added to the Commercial Code, to read:

DIVISION 11. EFFECTIVE DATE AND TRANSITION PROVISIONS

11101. The amendments to this code, as adopted by the Legislature at the 1973–74 Regular Session, shall become effective at 12:01 a.m. on January 1, 1976.

11102. The provisions of Division 10 shall continue to apply to this code, as amended by the Legislature at the 1973–74 Regular Session, and for this purpose this code as it existed prior to January 1, 1976, and this code, as amended by the Legislature at the 1973–74 Regular Session, shall be considered one continuous statute.

11103. Transactions validly entered into after January 1, 1965, and before January 1, 1976, and which were subject to the provisions of this code and which would be subject to this code as amended by the Legislature at the 1973–74 Regular Session if they had been entered into after January 1, 1976, and the rights, duties and interests flowing from such transactions remain valid after January 1, 1976, and may be terminated, completed, consummated or enforced as required or permitted by this code as amended by the Legislature at the 1972 Regular Session. Security interests arising out of such transactions which are perfected on January 1, 1976 shall remain perfected until they lapse as provided in this code as amended by the Legislature at the 1973–74 Regular Session, and may be continued as permitted by this code as amended by the Legislature at the 1973–74 Regular Session, except as stated in Section 11105.

11104. A security interest for the perfection of which filing or the taking of possession was required under this code and which attached prior to January 1, 1976, but was not perfected shall be deemed perfected on January 1, 1975, if this code as amended by the Legislature at the 1973–74 Regular Session permits perfection without filing or authorizes filing in the office or offices where a prior ineffective filing was made.

11105. (1) A financing statement or continuation statement filed prior to January 1, 1976, which shall not have lapsed prior to January 1, 1976, shall remain effective for the period provided in this code as it existed prior to January 1, 1976, but not less than five years after the filing.

(2) With respect to any collateral acquired by the debtor subsequent to January 1, 1976, any effective financing statement or continuation statement described in this section shall apply only if the filing or filings are in the office or offices that would be appropriate to perfect the security interests in the new collateral under this code as amended by the Legislature at the 1973–74

Regular Session.

(3) The effectiveness of any financing statement or continuation statement filed prior to January 1, 1976, may be continued by a continuation statement as permitted by this code as amended by the Legislature at the 1973–74 Regular Session, except that if this code, as amended by the Legislature at the 1973–74 Regular Session, requires a filing in an office where there was no previous financing statement, a new financing statement conforming to Section 11106 shall be filed in that office.

11106. (1) If a security interest is perfected or has priority on January 1, 1976, as to all persons or as to certain persons without any filing or recording, and if the filing of a financing statement would be required for the perfection or priority of the security interest against those persons under this code, as amended by the Legislature at the 1973–74 Regular Session, the perfection and priority rights of the security interest continue until January 1, 1979. The perfection will then lapse unless a financing statement is filed as provided in subdivision (4) or unless the security interest is perfected otherwise than by filing.

(2) If a security interest is perfected on January 1, 1976, under a law other than this code which requires no further filing, refiling or recording to continue its perfection, perfection continues until and will lapse January 1, 1979, unless a financing statement is filed as provided in subdivision (4) or unless the security interest is perfected otherwise than by filing, or unless under subdivision (3) of Section 9302 the other law continues to govern filing.

(3) If a security interest is perfected by a filing, refiling or recording under a law repealed by this code as amended by the Legislature at the 1973–74 Regular Session which required further filing, refiling or recording to continue its perfection, perfection continues and will lapse on the date provided by the law so repealed for such further filing, refiling or recording unless a financing statement is filed as provided in subdivision (4) or unless the security interest is perfected otherwise than by filing.

(4) A financing statement may be filed within six months before the perfection of a security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It must identify the security agreement, statement or notice (however denominated in any statute or other law repealed or modified by this code as amended by the Legislature at the 1973–74 Regular Session), state the office where and the date when the last filing, refiling or recording, if any, was made with respect thereto, and the filing number, if any, was made with respect thereto, and the filing number, if any, or book and page, if any, of recording and further state that the security agreement, statement or notice, however denominated, in another filing office under this code or under any statute or other law repealed or modified by this code as amended by the Legislature at the 1973–74 Regular Session is still effective. Section 9401 and Section 9103 determine the proper

place to file such a financing statement. Except as specified in this subdivision, the provisions of Section 9403(3) for continuation statements apply to such a financing statement.

11107. Except as otherwise provided in this division, this code as it existed prior to January 1, 1976, shall apply to any questions of priority if the positions of the parties were fixed prior to January 1, 1976. In other cases questions of priority shall be determined by this code as amended by the Legislature at the 1973–74 Regular Session.

11108. Unless a change in law has clearly been made, the provisions of this code as amended by the Legislature at the 1973–74 Regular Session shall be deemed declaratory of the meaning of this code as it existed prior to January 1, 1976. The amendments to subdivision (38) of Section 1201 and to subdivision (j) of Section 9104 of this code as amended by the Legislature at the 1973–74 Regular Session shall be deemed declaratory of the meaning of this code as it existed prior to January 1, 1976.

CHAPTER 998

An act to add Section 1557 to, and to repeal Section 1557 of, the Penal Code, relating to fugitives from justice.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1557 of the Penal Code is repealed.

SEC. 2. Section 1557 is added to the Penal Code, to read:

1557. (a) This section shall apply when this state, or a city, county, or city and county employs a person to travel to a foreign jurisdiction outside this state for the express purpose of returning a fugitive from justice to this state when the Governor of this state, in the exercise of the authority conferred by Section 2, Article IV, of the Constitution of the United States, or by the laws of this state, has demanded the surrender of such fugitive from the executive authority of any state of the United States, or of any foreign government.

(b) Upon the approval of the Governor, the State Controller shall audit and pay out of the State Treasury as provided in subdivision (c) or (d) the accounts of the person employed to bring back such fugitive, including any money paid by such person for all of the following:

(1) Money paid to the authorities of a sister state for statutory fees in connection with the detention and surrender of such fugitive.

(2) Money paid to the authorities of the sister state for the subsistence of the fugitive while detained by such sister state without payment of which, the authorities of such state refuse to surrender

such fugitive.

(3) Where it is necessary to present witnesses or evidence in the sister state, without which the sister state would not surrender the fugitive, the cost of producing such witnesses or evidence in the sister state.

(4) Where the appearance of witnesses has been authorized in advance by the Governor, who may authorize such appearance in unusual cases where the interests of justice would be served, the cost of producing witnesses to appear in the sister state on behalf of the fugitive in opposition to his extradition.

(c) No amount shall be paid out of the State Treasury to a city, county, or city and county except as specified herein.

(1) When a warrant has been issued by any magistrate after the filing of a complaint or the finding of an indictment and its presentation to the court and filing by the clerk, and the person named therein as defendant is a fugitive from justice, who has been found and arrested in any state of the United States or in any foreign government, the county auditor shall draw his warrant and the county treasurer shall pay to the person designated to return the fugitive, the amount of expenses estimated by the district attorney to be incurred in the return of such fugitive.

(2) If the person designated to return the fugitive is a city officer, the city officer authorized to draw warrants on the city treasury shall draw his warrant and the city treasurer shall pay to such person the amount of expenses estimated by the district attorney to be incurred in the return of such fugitive.

(3) The person designated to return the fugitive shall make no disbursements from any such fund so advanced without a receipt being obtained therefor showing the amount, the purpose for which the sum is expended, place, date, and to whom paid.

(4) Such receipts must be filed by such person with the county auditor or appropriate city officer or State Controller, as the case may be, together with an affidavit by such person that the expenditures represented by the receipts were necessarily made in the performance of duty, and when such advance has been made by the county or city treasurer to the person designated to return the fugitive, and has thereafter been audited by the State Controller, the payment thereof shall be made by the State Treasurer to the county or city treasury, which has advanced the funds.

(5) In every case where the expenses of such person so employed to bring back such fugitive as herein provided, are less than the amount advanced on the recommendation of the district attorney, such persons so employed to bring back such fugitive shall return to the county or city treasurer, as appropriate, the difference in amount between the aggregate amount of receipts so filed by him, as herein employed, and the amount advanced to such person upon the recommendation of the district attorney.

(6) When no advance has been made to the person designated to return the fugitive, the sums expended by him, when audited by the

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State Controller, shall be paid by the State Treasurer to the person so designated.

(7) Any payments made out of the State Treasury pursuant to the provisions of this section shall be made from appropriations for the fiscal year in which such payments are made.

(d) Payments to state agencies will be made in accord with the rules of the Board of Control.

CHAPTER 999

An act to add Chapter 3 (commencing with Section 653.55) to Title 15 of Part 1 of the Penal Code, relating to immigration matters.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 653.55) is added to Title 15 of Part 1 of the Penal Code, to read:

CHAPTER 3. IMMIGRATION MATTERS

653.55. It is a misdemeanor for any person for compensation to knowingly make a false or misleading material statement or assertion of fact in the preparation of an immigration matter which statement or assertion is detrimentally relied upon by another.

653.56. For purposes of this chapter:

(a) "Compensation" means money, property, or anything else of value.

(b) "Immigration matter" means any proceeding, filing, or action affecting the immigration or citizenship status of any person which arises under immigration and naturalization law, executive order or presidential proclamation, or action of the United States Immigration and Naturalization Service, the United States Department of State or the United States Department of Labor.

(c) "Person" means any individual, firm, partnership, corporation, association, other organization, or any employee or agent thereof.

(d) "Preparation" means giving advice on an immigration matter and includes drafting an application, brief, document, petition or other paper, or completing a form provided by a federal or state agency in an immigration matter.

653.57. Any person violating the provisions of this chapter may be enjoined by any superior court of competent jurisdiction upon an action for injunction, brought by the Attorney General, or any district attorney, county counsel, city attorney, or city prosecutor in this state, and the superior court shall, after proof of violation, issue

an injunction or other appropriate order restraining such conduct.

653.58. Any person who intentionally violates any injunction issued pursuant to Section 653.57 shall be liable for a civil penalty not to exceed one thousand dollars ($1,000) for each violation. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation.

653.59. Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, or any district attorney, county counsel, city attorney, or city prosecutor in this state in any court of competent jurisdiction. If the civil action was brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State General Fund. If the civil action was brought by a district attorney or county counsel, the entire amount of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the civil action was brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county in which the judgment was entered and one-half to the city.

The action may be brought upon the complaint of any person acting for the interests of itself, or members, or the general public.

653.60. Any person injured by violation of this chapter may recover: (a) his actual damages or five hundred dollars ($500), whichever is greater; and (b) the costs of the suit, including reasonable attorney's fees.

653.61. The remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this state.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in identifiable cost changes.

CHAPTER 1000

An act to amend Sections 31676.15 and 31855 of the Government Code, relating to County Employees Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 31676.15 of the Government Code, as added by Chapter 415 of the Statutes of 1974, is amended to read:

31676.15. This section may be made applicable in any county which has implemented the provisions of Article 15.6 (commencing with Section 31855). The provisions of this section shall be applicable if a majority of all the members of the board of supervisors vote to adopt a resolution so to do and a majority of the members of the affected class or classes voting at an election held during 1974, with more than 50 percent of the members participating, favor the termination of retirement benefits under social security. Such resolution may specify a date subsequent to the date of adoption of the resolution as the operative date for this section. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-fiftieth of the member's final compensation set forth opposite the age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to the member's sex, multiplied by the number of years of current service or years of current and prior service with which the member is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation.

Age at Retirement	Fraction	
	Men	Women
50	.7279	.7454
50¼	.7393	.7561
50½	.7506	.7668
50¾	.7619	.7775
51	.7732	.7882
51¼	.7885	.7998
51½	.7978	.8114
51¾	.8102	.8230
52	.8225	.8346
52¼	.8360	.8472
52½	.8494	.8598
52¾	.8629	.8724
53	.8764	.8850
53¼	.8911	.8987
53½	.9059	.9125
53¾	.9206	.9262
54	.9353	.9399
54¼	.9515	.9549
54½	.9676	.9699
54¾	.9838	.9849

55	1.0000	1.0000
55¼	1.0110	1.0111
55½	1.0221	1.0223
55¾	1.0332	1.0335
56	1.0443	1.0447
56¼	1.0591	1.0597
56½	1.0739	1.0747
56¾	1.0887	1.0898
57	1.1035	1.1048
57¼	1.1191	1.1207
57½	1.1348	1.1367
57¾	1.1504	1.1526
58	1.1660	1.1686
58¼	1.1826	1.1855
58½	1.1991	1.2025
58¾	1.2157	1.2195
59	1.2322	1.2365
59¼	1.2498	1.2547
59½	1.2673	1.2729
59¾	1.2849	1.2911
60	1.3025	1.3093
60¼	1.3153	1.3221
60½	1.3282	1.3350
60¾	1.3411	1.3479
61	1.3540	1.3608
61¼	1.3668	1.3736
61½	1.3797	1.3865
61¾	1.3926	1.3994
62	1.4055	1.4123
62¼	1.4183	1.4251
62½	1.4312	1.4380
62¾	1.4441	1.4509
63	1.4570	1.4638
63¼	1.4698	1.4766
63½	1.4827	1.4895
63¾	1.4956	1.5024
64	1.5085	1.5153
64¼	1.5213	1.5281
64½	1.5342	1.5410
64¾	1.5471	1.5539
65	1.5600	1.5668

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Whenever in this chapter reference is made to survivorship and other benefits and rights under Section 31676.1, the same shall apply to this section.

SEC. 2. Section 31855 of the Government Code, as added by

Chapter 415 of the Statutes of 1974, is amended to read:

31855. It is the intent of the Legislature to provide by this article a means by which any county which has provided all or any of officers and employees with both retirement benefits pursuant to this chapter and federal social security benefits on a nonintegrated basis may provide the benefits set forth herein as an alternative to survivorship benefits under social security. Accordingly, this article shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote and specifying the class or classes of employees to which it applies, make the provisions of this article applicable in such county, and a majority of the members of the affected class or classes voting at an election held during 1974 with more than 50 percent of the members participating favor the termination of supplemental survivorship benefits under social security. Any such resolution may specify a date subsequent to the date of adoption as the operative date for implementation of this article.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Public employees of various counties have voted to withdraw from the social security system in reliance to the provisions of Senate Bill 1699, Chapter 415, Statutes of 1974. In order to correct an error in that chapter, and to validate actions already taken, it is necessary that this act take effect immediately.

CHAPTER 1001

An act relating to ballot pamphlets, and making an appropriation therefor.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The sum of six hundred thousand dollars ($600,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse them for costs incurred pursuant to Chapter 1177 of the Statutes of 1973.

Payment shall be made to local agencies in accordance with the following provisions:

Each local agency to which the mandate is applicable shall submit to the State Controller, within 45 days of the operative date of this act, a claim for reimbursement based upon its estimate of the units of work performed during the 1973–74 fiscal year.

Computation of amounts claimed for units of work shall be on the basis of a unit cost in the amount of $0.0557 per state ballot pamphlet mailed which shall be the unit of work. The State Controller shall pay each claimant as reimbursement for units of work an amount determined by multiplying:

(1) The unit cost of work as specified herein, by

(2) The number of units of work estimated to be performed by the claimant.

Any payment, adjustment, or audit of claims by the State Controller shall be on the basis of units of work, rounded to the nearest whole unit, and at the unit costs specified herein rather than actual costs. The State Controller

(1) May reduce any claim which he determines is excessive or unreasonable,

(2) May audit the records of any local agency to verify the actual units of work performed, and

(3) Shall make any adjustments necessary to correct for underpayments or overpayments which occurred in the 1973–74 fiscal year.

Claims for reimbursement shall be prepared in the form, and payments made at the time, specified by the State Controller. No claim or amendment to a claim shall be accepted by the State Controller after the time prescribed herein for filing of claims.

In the event that the amount appropriated for reimbursement purposes pursuant to this act is not sufficient to pay all claims filed timely, the State Controller shall pay such claims on a pro rata basis and notify the Director of Finance of the deficiency.

CHAPTER 1002

An act to amend Section 7261.6 of the Government Code, relating to relocation assistance.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 7261.6 of the Government Code is amended to read:

7261.6. Notwithstanding any other provision of this chapter, any city, county, or city and county may establish a central relocation office to coordinate all relocation activities within the jurisdiction of the local agency. A county relocation office shall have jurisdiction only over those relocation activities which take place within the unincorporated areas of the county. Every public entity within the local agency's jurisdiction (required to do so) shall file the relocation rules and regulations, which it is required to adopt pursuant to

Section 7267.8, with the central relocation office and shall file annually its relocation plans by June 1st of each year for the subsequent fiscal year. The central relocation office shall approve or disapprove the public entity's relocation plan by July 1 or the plan will automatically become effective.

If the office disapproves the plan or finds that the plan conflicts in the use of relocation resources with those plans filed by other public entities or that adequate resources are not available in places and at times necessary to meet the relocation needs as set forth in one or more of the plans it shall call a meeting of the public entities concerned as soon as possible. At such meeting the office shall try to resolve such conflicts as exist or insure that adequate relocation resources are developed to meet such needs.

The office may direct modifications of a plan in the case of unresolved conflicts and may extend its approval deadline by 30 days to determine whether such modifications affect such relocation plans. Additional extensions may be granted for periods of 30 days with the consent of all affected parties. Where modification to a relocation plan is directed by the office, the public entity may appeal to the relocation appeals board established pursuant to Section 33417.5 of the Health and Safety Code. If no such relocation appeals board has been established, the public entity may appeal to the legislative body creating the central relocation office.

Approval of a relocation plan will constitute a finding by the office that it has reasonable assurance that adequate relocation resources exist within the requirements of law which will be available at the times required by the plan.

The central relocation office shall coordinate the execution of each public entity's relocation plans and shall share with each public entity making a request the relocation information of all other public entities. The central relocation office may contract with adjoining cities or counties to perform relocation and central relocation services.

State agencies, public entities with displacement of less than 5 percent of the local agency's total local annual displacement based on all relocation plans filed, and public utilities regulated by the Public Utilities Commission with displacement of less than 5 percent of the local agency's total local annual displacement based on all relocation plans filed, shall be exempt from the requirement of approval of their relocation plan prior to its execution. Public utilities regulated by the Public Utilities Commission not otherwise exempted by this paragraph shall also be exempt from such requirement where there is an overriding state interest, as determined by the Director of Housing and Community Development.

A public entity may amend its relocation plan during any fiscal year by filing an amended plan with the central relocation office and obtaining its approval. All amended plans must have approval before execution may occur and the central relocation office shall approve

or disapprove amended plans within 30 days or approval will be automatic.

Execution of any relocation plan must be in accordance with the approved relocation plan or the public entity may not displace any persons. Failure to file a relocation plan and obtain approval when required, prior to displacement, may subject the public entity to an order from the central relocation office to desist from any displacement.

SEC. 2. In the event that any of the provisions of this act conflict with any provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, then the provisions of the federal act shall prevail.

CHAPTER 1003

An act to amend Sections 16142 and 51050 of, and to add Chapter 6.6 (commencing with Section 51070) to Part 1 of Division 1 of Title 5 of, the Government Code, and to amend Sections 421, 422, and 426 of, and to add Sections 17299.1, 18052.2, 24441, and 24916.2 to, the Revenue and Taxation Code, relating to open space.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 16142 of the Government Code is amended to read:

16142. The Secretary of the Resources Agency shall direct the Controller to pay annually out of the funds appropriated by Section 16140, to each eligible county, city, or city and county the following amounts for each acre of land within its regulatory jurisdiction that is assessed pursuant to Section 423 or 423.5 of the Revenue and Taxation Code:

(a) Three dollars ($3) for prime agricultural land as defined in Section 51201 of this code which is:

(1) Within an incorporated city,

(2) Within three miles of the boundaries of an incorporated city with 1,500 or more registered voters, or

(3) Within one mile of the boundaries of an incorporated city with less than 1,500 registered voters.

(b) One dollar and fifty cents ($1.50) for all other prime agricultural land.

(c) Fifty cents ($0.50) for all land, other than prime agricultural land, which is devoted to open-space uses of statewide significance defined in Section 16143.

Notwithstanding any other provision of this chapter no payment shall be made with respect to land subject to an open-space easement

accepted pursuant to the Open-Space Easement Act of 1974.

SEC. 1.5. Section 51050 of the Government Code is amended to read:

51050. Any city or county which has adopted a general plan may accept grants of open-space easements on privately owned lands lying within the city or county in the manner provided in this chapter, provided no city or county shall accept any grants of open-space easements pursuant to this chapter on or after January 1, 1975.

SEC. 2. Chapter 6.6 (commencing with Section 51070) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 6.6. OPEN-SPACE EASEMENT ACT OF 1974

Article 1. Declaration

51070. It is the intent of the Legislature in enacting this chapter to provide a means whereby any county or city may acquire an open-space easement in perpetuity or for a term of years for the purpose of preserving and maintaining open space.

51071. The Legislature finds that the rapid growth and spread of urban development is encroaching upon, or eliminating open-space lands which are necessary not only for the maintenance of the economy of the state, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation and for the use and conservation of natural resources.

51072. The Legislature hereby declares that open-space lands, if preserved and maintained, would constitute important physical, social, economic or aesthetic assets to existing or pending urban development.

51073. The Legislature further declares that the acquisition of open-space easements is in the public interest and constitutes a public purpose for which public funds may be expended or advanced.

Article 2. Definitions

51075. As used in this chapter, unless otherwise apparent from the context:

(a) "Open-space land" means any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in Section 65560 of the Government Code.

(b) "City" means any city or city and county.

(c) "Landowner" includes a lessee or trustee, if the expiration of the lease or trust occurs at a time later than the expiration of the open-space restriction or any extension thereof.

(d) "Open-space easement" means any right or interest in perpetuity or for a term of years in open-space land acquired by a

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county or city pursuant to this chapter where the deed or other instrument granting such right or interest imposes restrictions which, through limitation of future use, will effectively preserve for public use or enjoyment the natural or scenic character of such open-space land. An open-space easement shall contain a covenant with the county or city running with the land, either in perpetuity or for a term of years, that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument provided that such reservation would not be inconsistent with the purposes of this chapter and which would not be incompatible with maintaining and preserving the natural or scenic character of the land. Any such covenant shall not prohibit the construction of either public service facilities installed for the benefit of the land subject to such covenant or public service facilities installed pursuant to an authorization by the governing body of the county or city or the Public Utilities Commission.

(e) "Open-space plan" means the open-space element of a county or city general plan adopted by the local governing body pursuant to Section 65560 of the Government Code.

Article 3. General Provisions

51080. Any county or city which has an adopted open-space plan may accept a grant of an open-space easement on privately owned lands lying within the county or city in the manner provided in this chapter.

51081. The execution and acceptance of a deed or other instrument described in subdivision (d) of Section 51075 shall constitute a dedication to the public of the open-space character of the lands for the term specified. Any such easement and covenant shall run for a term of not less than 10 years. An open-space easement for a term of years shall provide that on the anniversary date of the acceptance of the open-space easement or on such other annual date as specified by the contract, a year shall be added automatically to the initial term unless a notice of nonrenewal is given as provided in Section 51091.

51082. A county or city may require a deed or other instrument described in subdivision (d) of Section 51075 to contain any such restrictions, conditions or convenants as are necessary or desirable to maintain the natural or scenic character of the land or to prevent any activity, use or action which could impair the open-space character of the land.

51083. No deed or other instrument described in subdivision (d) of Section 51075 shall be effective until it has been accepted by resolution of the governing body of the county or city and its acceptance endorsed thereon.

51084. No grant of an open-space easement shall be accepted by a county or city, unless the governing body, by resolution, finds:

(a) That the preservation of the land as open space is consistent with the general plan of the county or city; and

(b) That the preservation of the land as open space is in the best interest of the county or city and specifically because one or more of the following reasons exist:

(1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.

(2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.

(3) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Article XXVIII of the Constitution of the State of California.

The resolution of the governing body shall establish a conclusive presumption that the conditions set forth in subdivisions (a) and (b) have been satisfied.

51085. The governing body of the county or city may not accept any grant of an open-space easement until the matter has first been referred to the county or city planning department or planning commission and a report thereon has been received from the planning department or planning commission.Within 30 days after receiving the proposal to accept a grant of an open-space easement, the planning department or planning commission shall submit its report to the governing body. The governing body may extend the time for submitting such a report for an additional period not exceeding 30 days. The report shall specify whether the proposal is consistent with the general plan of the jurisdiction.

51086. From and after the time when an open-space easement has been accepted by the county or city and its acceptance endorsed thereon, no building permit may be issued for any structure which would violate the easement and the county or city shall seek by appropriate proceedings an injunction against any threatened construction or other development or activity on the land which would violate the easement and shall seek a mandatory injunction requiring the removal of any structure erected in violation of the easement.

In the event the county or city fails to seek an injunction against any threatened construction or other development or activity on the land which would violate the easement or to seek a mandatory injunction requiring the removal of any structure erected in violation of the easement, or if the county or city should construct any structure or development or conduct or permit any activity in violation of the easement, the owner of any property within the county or city, or any resident thereof, may, by appropriate proceedings, seek such an injunction.

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Nothing in this chapter shall limit the power of the state, or any department or agency thereof, or any county, city, school district, or any other local public district, agency or entity, or any other person authorized by law, to acquire land subject to an open-space easement by eminent domain.

51087. Upon the acceptance of any instrument creating an open-space easement the clerk of the governing body shall record the same in the office of the county recorder and file a copy thereof with the county assessor. From and after the time of such recordation such easement shall impart such notice thereof to all persons as is afforded by the recording laws of this state.

Article 4. Termination of an Open-Space Easement

51090. An open-space easement for a term of years may be terminated only in accordance with the provisions of this article. An open-space easement may be terminated only by:

(a) Nonrenewal, or

(b) Abandonment.

51091. If either the landowner or the county or city desires in any year not to renew the open-space easement, that party shall serve written notice of nonrenewal of the easement upon the other party at least 90 days in advance of the annual renewal date of the open-space easement. Unless such written notice is served at least 90 days in advance of the renewal date, the open-space easement shall be considered renewed as provided in Section 51081.

Upon receipt by the owner of a notice from the county or city of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The county or city may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

51092. If the county or city or the landowner serves notice of intent in any year not to renew the open-space easement, the existing open-space easement shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the open-space easement, as the case may be.

51093. (a) The landowner may petition the governing body of the county or city for abandonment of any open-space easement as to all of the subject land. The governing body may approve the abandonment of an open-space easement only if, by resolution, it finds:

(1) That no public purpose described in Section 51084 will be served by keeping the land as open space; and

(2) That the abandonment is not inconsistent with the purposes of this chapter; and

(3) That the abandonment is consistent with the local general plan; and

(4) That the abandonment is necessary to avoid a substantial financial hardship to the landowner due to involuntary factors unique to him.

No resolution abandoning an open-space easement shall be finally adopted until the matter has been referred to the county or city planning commission, the commission has held a public hearing thereon and furnished a report on the matter to the governing body stating whether the abandonment is consistent with the local general plan and the governing body has held at least one public hearing thereon after giving 30 days' notice thereof by publication in accordance with Section 6061 of the Government Code, and by posting notice on the land.

(b) Prior to approval of the resolution abandoning an open-space easement, the county assessor of the county in which the land subject to the open-space easement is located shall determine the full cash value of the land as though it were free of the open-space easement. The assessor shall multiply such value by 25 percent, and shall certify the product to the governing body as the abandonment valuation of the land for the purpose of determining the abandonment fee.

(c) Prior to giving approval to the abandonment of any open-space easement, the governing body shall determine and certify to the county auditor the amount of the abandonment fee which the landowner must pay the county treasurer upon abandonment. That fee shall be an amount equal to 50 percent of the abandonment valuation of the property.

(d) Any sum collected pursuant to this section shall be transmitted by the county treasurer to the State Controller and be deposited in the State General Fund.

(e) An abandonment shall not become effective until the abandonment fee has been paid in full.

51094. Upon the recording in the office of the county recorder of a certified copy of a resolution abandoning an open-space easement and reciting compliance with the provisions of Section 51093, the land subject thereto shall be deemed relieved of the easement and the covenants of the owner contained therein shall be deemed terminated; provided, however, that no certified copy of any resolution abandoning an open-space easement shall be recorded until the abandonment fee has been paid in full.

Article 5. Eminent Domain and Other Provisions

51095. If any land or a portion thereof as to which any city or county has accepted an open-space easement is thereafter sought to be condemned for public use and the county or city received the easement as a gift without the payment of any compensation therefor, the easement shall terminate as of the time of the filing of the complaint in condemnation as to the land or portion thereof sought to be taken for public use, and the owner shall be entitled to such compensation for the taking as he would have been entitled to had the land not been burdened by the easement.

51096. The grant of an open-space easement executed and accepted in accordance with this chapter shall be deemed to be an

enforceable restriction within the meaning of Article XXVIII of the Constitution of the State of California.

51097. Nothing in this chapter shall be deemed to prevent or restrict the right or power of any county or city to acquire by purchase, gift, grant, bequest, devise, lease or otherwise any right or interest in real property for the purpose of preserving open space or for any other purpose under any other provisions of law.

SEC. 3. Section 421 of the Revenue and Taxation Code is amended to read:

421. For the purposes of this article:

(a) "Agricultural preserve" means an agricultural preserve created pursuant to the California Land Conservation Act of 1965 (Williamson Act) (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code).

(b) "Contract" means a contract executed pursuant to the California Land Conservation Act.

(c) "Agreement" means an agreement executed pursuant to the California Land Conservation Act prior to the 61st day following the final adjournment of the 1969 Regular Session of the Legislature and which, taken as a whole, provides restrictions, terms, and conditions which are substantially similar or more restrictive than those required by statute for a contract.

(d) "Scenic restriction" means any interest or right in real property acquired by a city or county pursuant to Chapter 12 (commencing with Section 6950) of Division 7 of Title 1 of the Government Code, where the deed or other instrument granting such right or interest imposes restrictions which, through limitation of their future use, will effectively preserve for public use and enjoyment, the character of open spaces and areas as defined in Section 6954 of the Government Code.

A scenic restriction shall be for an initial term of 10 years or more, and shall either:

(1) Provide a method whereby the term may be extended by mutual agreement of the parties, or

(2) Provide that the initial term shall be subject to annual automatic one-year extensions as provided for contracts in Sections 51244, 51244.5, and 51246 of the Government Code, unless notice of nonrenewal is given as provided in Section 51245 of the Government Code.

A scenic restriction may not be terminated prior to the expiration of the initial term, and any extension thereof, except as provided for cancellation of contracts in Sections 51281, 51282, 51283 and 51283.3 of the Government Code, and subject to the provisions therein for payment of the cancellation fee.

(e) "Open-space easement" means an open-space easement granted to a county or city pursuant to Chapter 6.5 (commencing with Section 51050) of Part 1 of Division 1 of Title 5 of the Government Code if the easement is acquired prior to January 1, 1975, or an open-space easement granted to a county or city pursuant

to Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5 of the Government Code if the easement is acquired after January 1, 1975.

(f) "Wildlife habitat contract" means any contract or amended contract or covenant involving 150 acres or more of land entered into by a landowner with any agency or political subdivision of the federal or state government limiting the use of lands for a period of 10 or more years by the landowner to habitat for native or migratory wildlife and native pasture. Such lands shall, by contract, be eligible to receive water for waterfowl or waterfowl management purposes from the federal government.

(g) "Open-space land ' means any of the following:

(1) Land within an agricultural preserve and subject to a contract or an agreement.

(2) Land subject to a scenic restriction.

(3) Land subject to an open-space easement.

(h) "Typical rotation period" means a period of years during which different crops are grown as part of a plant cultural program. Typical rotation period does not mean the rotation period of timber.

(i) "Wildlife" means waterfowl of every kind and any other undomesticated mammal, fish, or bird.

SEC. 4. Section 422 of the Revenue and Taxation Code is amended to read:

422. For the purposes of this article and within the meaning of Article XXVIII of the State Constitution, "enforceable restriction" is any of the following:

(a) A contract;

(b) An agreement;

(c) A scenic restriction entered into prior to January 1, 1975;

(d) An open-space easement; or

(e) A wildlife habitat contract.

For the purposes of this article no restriction upon the use of land other than those enumerated in this section shall be considered to be an enforceable restriction.

SEC. 5. Section 426 of the Revenue and Taxation Code is amended to read:

426. Notwithstanding any provision of Section 423 to the contrary, if either the county or city or the owner of land subject to contract, agreement, or open-space easement has served notice of nonrenewal as provided in Sections 51091 or 51245 of the Government Code, the board, for purposes of surveys required by Section 1815, and the county assessors shall value such land as provided in this section.

(a) If the owner of land serves notice of nonrenewal or the county or city serves notice of nonrenewal and the owner fails to protest as provided in Section 51091 or 51245 of the Government Code, subdivision (b) shall apply immediately. If the county or city serves notice of nonrenewal and the owner does protest as provided in Sections 51091 or 51245 of the Government Code, subdivision (b)

shall apply when less than six years remain until the expiration of the enforceable restriction.

(b) Where any of the conditions in subdivision (a) apply, the board or assessor in each year until the termination of the enforceable restriction shall:

(1) Determine the full cash value of the land as if it were not subject to enforceable restriction;

(2) Determine the value of the land by capitalization of income as provided in Section 423 and without regard to the existence of any of the conditions in subdivision (a);

(3) Subtract the value determined in subdivision (b) (2) by capitalization of income from the full cash value determined in subdivision (b) (1);

(4) Using the rate announced by the board pursuant to subdivision (b) (1) of Section 423, discount the amount obtained in subdivision (b) (3) of this section for the number of years remaining until the termination of the enforceable restriction;

(5) Determine the value of the land by adding the value determined by capitalization of income as provided in subdivision (b) (2) and the value obtained in subdivision (b) (4); and

(6) Apply the ratio prescribed in Section 401 to the value of the land determined in subdivision (b) (5) to obtain its assessed value.

SEC. 6. Section 17299.1 is added to the Revenue and Taxation Code, to read:

17299.1. In computing taxable income no deduction shall be allowed for abandonment fees paid under Sections 51061 and 51093 of the Government Code.

SEC. 7. Section 18052.2 is added to the Revenue and Taxation Code, to read:

18052.2. Notwithstanding the provisions of Section 18052, no adjustment shall be made for abandonment fees paid in respect of property on which the open-space easement is terminated under Sections 51061 and 51093 of the Government Code.

SEC. 8. Section 24441 is added to the Revenue and Taxation Code, to read:

24441. In computing net income no deduction shall be allowed for abandonment fees paid under Sections 51061 and 51093 of the Government Code.

SEC. 9. Section 24916.2 is added to the Revenue and Taxation Code, to read:

24916.2. Notwithstanding the provisions of Section 24916 no adjustment shall be made for abandonment fees paid in respect of property on which the open-space easement is terminated under Sections 51061 and 51093 of the Government Code.

SEC. 10. Notwithstanding Section 2229 of the Revenue and Taxation Code, there shall be no reimbursement for any classification or exemption of property made under this act.

SEC. 11. The provisions of this act shall be given prospective application only and shall not be construed in a manner which would

impair the obligation of any existing open-space easement or scenic restriction entered into prior to January 1, 1975. Land subject to any such easement or restriction on such date shall continue to be assessed under Article 1.5 (commencing with Section 421) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code so long as such land otherwise qualifies for assessment under such article and qualifies under Chapter 6.5 (commencing with Section 51050) of Part 1 of Division 1 of Title 5 of, or under Chapter 12 (commencing with Section 6950) of Division 7 of Title 1 of, the Government Code.

SEC. 12. Sections 6 to 9, inclusive, of this act shall be applicable to abandonment fees paid after the effective date of this act.

CHAPTER 1004

An act to amend Sections 27510 and 27551 of the Food and Agricultural Code, relating to eggs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 27510 of the Food and Agricultural Code is amended to read:

27510. "Egg dealer" means a person engaged in the business of producing, candling, grading, packing, or otherwise preparing shell eggs for market or selling or distributing shell eggs.

SEC. 2. Section 27551 of the Food and Agricultural Code is amended to read:

27551. The following persons shall pay to the director a maximum fee of one mill ($0.001) for each dozen of eggs sold or purchased as provided below:

(a) The first egg dealer who produced the eggs shall pay the fee when eggs are sold to any retail store or consumer, commodity exchange or clearinghouse, breaking plant for eggs products, or out-of-state purchaser, including any eggs sold to the federal government or its agencies which are not accompanied by a federal certificate of grade.

(b) A retailer shall pay the fee for eggs received when he transports the eggs into this state from out of state.

(c) On any other sale of eggs, the egg dealer who is the first purchaser of the eggs shall pay the fee, except that this subdivision shall not apply to any person selling eggs at retail.

The assessment provided for in this section shall only be paid once on any particular eggs.

SEC. 2. This act is an urgency statute necessary for the

immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to alleviate the confusion in the reporting and payment requirements of the provisions imposing assessment fees on eggs as soon as possible, it is necessary that this act, which modifies such provisions, become effective immediately.

CHAPTER 1005

An act to amend Section 66504.1 of the Government Code, relating to the Metropolitan Transportation Commission.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 66504.1 of the Government Code is amended to read:

66504.1. The members shall serve without compensation and shall receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties; provided, however, that in lieu of such reimbursement for attendance at commission or committee meetings, each member of the commission shall receive a per diem of fifty dollars ($50) not to exceed a combined total of five such meetings in any one calendar month, plus the necessary traveling expenses as may be authorized by the commission. The commission shall pay all costs pursuant to this section.

CHAPTER 1006

An act to amend Sections 830.4, 832.1, and 832.4 of the Penal Code, relating to housing authorities.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Navigation and Ocean Development and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of a state university or college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene or, on or after July 1, 1973, the State Department of Health, and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) (A) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(B) Any such officer so commissioned on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any officer so commissioned after July 6, 1973 shall have completed the course of instruction within 60 days after such commissioning. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Transportation on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose

jurisdiction such property is situated.

(15) Security guards of the County of Los Angeles.

(16) (A) Persons regularly employed and designated by the board of directors of the Monterey Peninsula Airport District as airport policemen.

(B) Any such person employed on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any person so employed after July 6, 1973, shall have completed the course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(17) Any person regularly employed as an airport security officer by any airport operated by the City and County of San Francisco, Orange County, or the County of San Joaquin if he meets the following requirements:

(A) If employed by the City and County of San Francisco or Orange County on or before July 6, 1973, he shall have completed the course of instruction required by Section 832 by September 1, 1973; or if employed after July 6, 1973, he shall have completed such course of instruction within 60 days after such employment. If employed by the County of San Joaquin on or before September 25, 1973, he shall have completed the course of instruction required by Section 832 by December 1, 1973; or if employed after September 25, 1973, he shall have completed such course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(B) He shall be commissioned as a peace officer by the police commission or the board of supervisors of the city and county, or county, as the case may be, operating the airport.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(D) The provisions of this paragraph relating to airport security officers of any airport operated by the County of San Joaquin shall have no force and effect on and after April 30, 1975.

(E) In the case of any person regularly employed as an airport security officer by any such airport located in the County of San Mateo, he shall either be deputized by, or have the written consent of, the Sheriff of San Mateo County.

(18) Housing authority patrol officers employed by the City of Los

Angeles.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

SEC. 2. Section 832.1 of the Penal Code is amended to read:

832.1. Any airport security officer, airport policeman, airport special officer, or housing authority patrol officer regularly employed and paid by a city, county, city and county, or district who is a peace officer shall have completed a course of training relative to airport security approved by the Commission on Peace Officers Standards and Training. Any such airport officer so employed on the effective date of this section shall have completed the course of instruction required by this section by September 1, 1973. Any airport officer so employed after such effective date shall have completed the course of instruction within 90 days after such employment. Any housing authority patrol officer so employed on the effective date of Assembly Bill No. 2914 of the 1973–74 Regular Session shall have completed the course of instruction required by this section by September 1, 1975. Any housing authority patrol officer so employed after such effective date shall have completed the course of instruction within 90 days after such employment.

Any officer who has not satisfactorily completed such course within such prescribed time shall not continue to have the powers of a peace officer until they have satisfactorily completed such course.

SEC. 3. Section 832.4 of the Penal Code is amended to read:

832.4. (a) Any undersheriff or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1974, and is responsible for the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall obtain the basic certificate issued by the Commission on Peace Officer Standards and Training within 18 months of his employment in order to continue to exercise the powers of a peace officer after the expiration of such 18-month period.

(b) Housing authority patrol officers of the City of Los Angeles shall be and shall remain a part of the Los Angeles City Housing Authority Retirement System and shall not become a part of any other peace officer retirement system or plan.

SEC. 4. It is the intent of the Legislature that the changes effected by this legislation shall serve only to define peace officers, and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workmen's compensation or similar injury or death benefits, or other employee benefits.

CHAPTER 1007

An act to amend Sections 29005, 29023, 29025, and 29026 of, to add Sections 29026.5 and 30133.5 to, and to repeal and add Section 29027 to, the Education Code, relating to private schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 29005 of the Education Code is amended to read:

29005. (a) There is in the Department of Education a Council for Private Postsecondary Educational Institutions consisting of the Director of Education, or his designee, and 12 additional members who shall be appointed by the Director of Education, subject to the concurrence of the State Board of Education, as follows:

(1) Six members who shall be administrative heads of institutions operating under the authority of Section 29023 or Section 29025. One such member shall be selected from a school or college operating under paragraph (1) of subdivision (a) of Section 29023 and one shall be the administrative head of a school or college operating under subdivision (b), (c), or (d) of Section 29023. Except as provided elsewhere in this section, no person shall be eligible for appointment if he is the administrative head of an institution authorized exclusively under the provisions of paragraph (3) of subdivision (a) of Section 29023.

(2) Six shall represent the public. Four members shall be appointed who have a strong interest in developing private postsecondary academic, vocational, technical, and professional education; two members representing the public shall be representatives of business and labor that employ substantial numbers of persons in positions requiring vocational and technical skills.

(3) In addition, the following shall serve as ex officio members of the council:

(i) The Director of the Department of Consumer Affairs.

(ii) The Chief of the Division of Apprenticeship Standards.

(iii) One adminstrative head of an institution operating exclusively under the provisions of paragraph (3) of subdivision (a) of Section 29023 appointed by the Director of Education; such appointment shall no longer be made when all such institutions have qualified under other provisions of the code.

Ex officio members have no vote.

(b) The first members shall be appointed on or before January 15, 1973, and the Director of Education shall designate the date of the first meeting of the council.

The terms of office of the members of the council shall commence on January 15, 1973, and the members shall enter upon their terms of office by lot so that the terms of four members shall expire on January 15, 1974; the terms of four members shall expire on January 15, 1975; and the terms of four members shall expire on January 15, 1976.

Thereafter, the terms of the members of the council shall be three years. No appointee shall serve on the council for more than six consecutive years.

No person shall be deemed to be a member of the council until his appointment has been concurred in by the State Board of Education, which shall take action regarding such appointment at the board meeting next following the appointment.

At the first meeting of the council, and annually thereafter, the members shall select one of their number to serve as chairman and one to serve as vice chairman. The vice chairman shall preside over all meetings of the council in the absence of the chairman.

(c) Any vacancy on the council shall be filled in the same manner as provided for appointment of council members in subdivision (a). The appointee to fill a vacancy shall hold office only for the balance of the unexpired term.

(d) Appointed members of the council shall receive no compensation but shall receive their actual expenses for attendance at official council meetings, and when on official council business approved by the Director of Education, not to exceed Board of Control expense allowances.

(e) The council shall determine the time and place of council meetings which shall not be fewer than six times in each calendar year.

(f) The council shall advise the Director of Education on the establishment of policy for the administration of this article and on the adoption of regulations governing the exercise of authority conferred on the Director of Education by this article and on any action by the Director of Education to grant, deny, suspend, or withdraw recognition of courses or schools pursuant to this article. All advice communicated to the Director of Education shall be adopted by an affirmative vote of a majority of the membership of the council, and shall be in writing.

(g) The Director of Education, with the advice of the council, shall:

(1) Establish policy for the administration of this chapter.

(2) Adopt regulations not inconsistent with this chapter governing the exercise of authority conferred by this article which shall be adopted in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(3) Prepare, annually, a proposed budget for the support of the activities of the Department of Education pursuant to this article. The proposed budget shall be presented to the council for its review

and recommendations.

(h) The Director of Education shall:

(1) Advise the council prior to promulgating any rules or regulations pursuant to this section and prior to instituting any action to deny, suspend, or withdraw recognition of courses or schools pursuant to this article.

(2) Take into consideration the advice of the council on all matters where the council is authorized by this section to communicate advice to the Director of Education.

(i) The Director of Education may impanel special committees of technically qualified persons to assist him and the council in the development of standards for courses and the evaluation of any course or school applying for recognition pursuant to subdivision (a) (2) of Section 29023 and Section 29025. The special committees shall make such inspections and studies as may be necessary to enable them to advise the council and the Director of Education in regard to action to be taken in any particular situation. Members of these special committees shall not be connected in any way with a school which is the subject of inspection or investigation. The members of the special committees shall serve at no expense to the state.

SEC. 2. Section 29023 of the Education Code is amended to read:

29023. Except as otherwise provided by law, no person, firm, association, partnership or corporation may issue, confer or award an academic or honorary "degree" or "title" (meaning any designation, mark, appellation, series of letters or words such as, but not limited to, associate, bachelor, master, doctor or fellow) which signifies, purports or is generally taken to signify satisfactory completion of the requirements of an academic, technological, or professional program of study beyond the secondary school level unless such person, firm, association, partnership or corporation meets the requirements of any one of the three subdivisions of subdivision (a) of this section.

No person, firm, association, partnership or corporation may issue, confer, or award any "diploma" bearing the words diploma, certificate, transcript, document or other writing, other than the awarding of a "degree" title, representing that any person has completed any course of study beyond high school unless such person, firm, association, partnership or corporation meets the requirements of paragraph (2) of subdivision (a) of this section or one of the subdivisions (b), (c), or (d) of this section or Section 29025.

(a) (1) A person, firm, association, partnership or corporation which at the time of the issuance of a "degree" has full accreditation of the institution, program, or specific course of study upon which the "degree" is based by a national or applicable regional accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education, and provided further that the educational institution has filed with the Superintendent of Public Instruction an affidavit by the administrative head of the institution stating that the institution is so accredited.

(2) A person, firm, association, partnership or corporation

approved by the Superintendent of Public Instruction to award or issue specified degrees. Such permission shall be granted by the Superintendent of Public Instruction for one year upon the initial approval and shall be granted for periods of three years upon each subsequent renewal, subject to the payment of an annual fee pursuant to paragraph (2) of subdivision (a) of Section 29027. Application for such authorization shall be on forms furnished by the State Department of Education. The Superintendent of Public Instruction shall not approve an institution to issue degrees until it is determined, based on information submitted to him, that the institution has the facilities, financial resources, administrative capabilities, faculty, and other necessary educational expertise and resources to afford students and require of students the completion of a program of education which will prepare them for the attainment of a recognized professional, vocational, or educational objective, including, but not limited to, a degree; and the curriculum is consistent in quality with curricula offered by established institutions that issue the appropriate degree upon the satisfactory completion thereof. For the purpose of this subdivision the Superintendent of Public Instruction may compare with the requirements and standards of an accrediting agency generally accepted by the class of institution concerned. This shall include the determination that the course for which the degree is granted achieves its professed or claimed objective for higher education. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this subdivision.

Those institutions authorized to confer degrees pursuant to this subdivision may also be authorized by the Superintendent of Public Instruction to issue diplomas for the completion of courses of study, within their approved degree program, but which do not fully meet the degree requirements.

(3) A corporation which has filed with the Superintendent of Public Instruction an affidavit by the president or other head of the corporation, stating that the corporation owns an interest in real or personal property or both real and personal property used exclusively for the purpose of education, of a fair market value of not less than fifty thousand dollars ($50,000). Such affidavit shall be accompanied by an appraisal by a state inheritance tax appraiser appointed for the county in which the institution is located, describing the real or personal property or both, and showing the value of the interest of the corporation therein to be at least fifty thousand dollars ($50,000). The value of the interest of the property required to be owned by the corporation for the purposes of this section shall be deemed to be the appraised value of the interest owned by the corporation less the unpaid balance on any note secured by a mortgage or deed of trust thereon or the unpaid balance on a contract of sale thereof. Such a corporation shall file a statement

of "full disclosure" by recording with the county recorder, in the county in which the school operates, an affidavit describing the institutional objectives and proposed methods of achieving them, the curriculum, instruction, faculty (with qualifications), physical facilities, administrative personnel, educational records, tuition and fee schedule, scholastic regulations, diplomas and degrees to be conferred, graduation requirements and financial stability. Certified copies of all statements and affidavits required to be filed by this section shall be forwarded by United States mail to the Department of Education within 48 hours after the filings are made with the county recorder. Filing pursuant to this section shall not be interpreted to mean, and it shall be unlawful for any corporation to expressly or impliedly represent by any means whatsoever, that the State of California, the Superintendent of Public Instruction, the State Board of Education, the California State Department of Education, or any division or bureau thereof, has made any evaluation, recognition, accreditation, approval, or endorsement of the course of study.

(b) A hospital licensed under the provisions of Division 2, Chapter 2 (commencing with Section 1400) of the Health and Safety Code, which issues diplomas in connection with the operation of a hospital.

(c) A person, firm, association, partnership or corporation which is accredited, approved, or licensed by a state board or agency as a school and which issues or confers diplomas in the profession, vocation or occupation controlled by the board or agency accrediting, approving, or licensing it; provided, that this subdivision shall not be construed as authorizing the issuing of a diploma which is not customarily granted for the training given and which is limited to the profession, vocation or occupation controlled by the accrediting, approving, or licensing board.

(d) A person, firm, association, partnership, or corporation which at the time of the issuance of a "diploma," as defined in Section 29002, has accreditation of the institution, program or specific course of study upon which the "diploma" is based by a national or applicable regional accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education and the administrative head of the institution has filed with the Superintendent of Public Instruction during the current calendar year the following affidavits:

(1) Verification that each course of study for which a diploma is issued is so accredited.

(2) Verification that the institution is financially capable of fulfilling its commitments for its accredited courses.

(3) Verification that the institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation.

(4) Verification that the institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or

withdraws therefrom at any time prior to completion of the course. Such a policy shall set forth a minimum standard of refunds in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

Affidavits required by this subdivision shall be filed on an annual basis.

SEC. 3. Section 29025 of the Education Code is amended to read:

29025. Except as otherwise provided for in this code, no course of education or training leading to an educational, technological, professional or vocational objective shall be offered, and no diploma or honorary degree shall be issued or conferred, by any person, firm, association, partnership, or corporation which has not been approved by the Superintendent of Public Instruction. Application for such approval shall be made in writing on application forms provided by the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction may issue a temporary approval upon submission of the complete application. A temporary approval shall be for a period of one year, subject to prior termination or conversion to annual approval basis by the Superintendent of Public Instruction. Any extension of a temporary approval on an annual basis shall require an annual fee. Courses offered for adults by any parochial or denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses for a period of one year and shall grant subsequent approvals on an annual basis when an institution is found by the Department of Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the state, with recognized accepted standards; or that the course, curriculum, and instruction meet recognized accepted standards for reaching the professed or claimed objective for that particular course.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment.

(6) The institution maintains adequate records to show

attendance, progress, and grades.

(7) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Department of Education may require evidence of compliance.

(8) The institution is financially capable of fulfilling its commitments for its approved courses.

(9) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(10) The institution does not exceed enrollment facilities and equipment.

(11) The institution's administrator, director, owner, and instructors are of good reputation and character.

(12) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course. Such a policy shall set forth a minimum standard of refunds in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

Upon completion of training, the institution may award a "diploma," as defined in Section 29002, to the student indicating the training and attendance completed.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this section.

Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work experience education programs established pursuant to this section, provided there is continuous and competent supervision by a qualified person.

SEC. 3.5. Section 29025 of the Education Code is amended to read:

29025. Except as otherwise provided for in this code, no course of education or training leading to an educational, technological, professional or vocational objective shall be offered, and no diploma or honorary degree shall be issued or conferred, by any person, firm, association, partnership, corporation, or other entity which has not been approved by the Superintendent of Public Instruction. Application for such approval shall be made in writing on application forms provided by the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction may issue a temporary approval upon submission of the complete application. A temporary approval shall be for a period of one year, subject to prior termination or conversion to annual approval basis by the Superintendent of Public Instruction.

Any extension of a temporary approval on an annual basis shall require an annual fee. Courses offered for adults by any parochial or denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses for a period of one year and shall grant subsequent approvals on an annual basis when an institution is found by the Department of Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the state, with recognized accepted standards; or that the course, curriculum, and instruction meet recognized accepted standards for reaching the professed or claimed objective for that particular course.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment.

(6) The institution maintains adequate records to show attendance, progress, and grades.

(7) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Department of Education may require evidence of compliance.

(8) The institution is financially capable of fulfilling its commitments for its approved courses.

(9) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(10) The institution does not exceed enrollment facilities and equipment.

(11) The institution's administrator, director, owner, and instructors are of good reputation and character.

(12) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom

at any time prior to completion of the course. Such a policy shall set forth a minimum standard of refunds in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

(13) The institution designates an agent for service of process within the state.

(14) In any written contract or agreement for a course of study with an institution there shall be included on the first page of such agreement or contract, in 14-point boldface print or larger, the following statement:

"Any questions or problems concerning this school which have not been satisfactorily answered or resolved by the institution should be directed to the Director of Education, Department of Education, Sacramento, California, 95814."

In addition, such written contracts or agreements shall specify, on the same page of the contract or agreement in which the student's signature is required, the total financial obligation that the student will incur upon enrollment in the institution in numbers or letters, or both, which are of larger print than the rest of the contract or agreement.

Upon completion of training, the institution may award a "diploma," as defined in Section 29002, to the student indicating the training and attendance completed.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this section.

Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work experience education programs established pursuant to this section, provided there is continuous and competent supervision by a qualified person.

SEC. 4. Section 29026 of the Education Code is amended to read:

29026. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board of Education. The State Board of Education may delegate its authority to issue this permit to the Superintendent of Public Instruction.

The State Board of Education, or the Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of

satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted on forms to be furnished by the Department of Education. The original application, renewal applications when renewed on a continuous basis, and applications for additional sales permits shall be accompanied by an application fee in an amount established pursuant to subdivision (e) of Section 29027. Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be engaged as representatives of a correspondence school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of correspondence courses of study.

Any contract for or in connection with a course of study with a

correspondence school, or representative thereof, shall be voidable at the option of the purchaser if the representative of any person selling or administering such course of study, or the representative of such firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

SEC. 4.5. Section 29026 of the Education Code is amended to read:

29026. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board of Education. The State Board of Education may delegate its authority to issue this permit to the State Superintendent

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of Public Instruction.

The State Board of Education, or the State Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activit.es as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted on forms to be furnished by the Department of Education. The original application, renewal applications when renewed on a continuous basis, and app.ications for additional sales permits shall be accompanied by an application fee in an amount established pursuant to subdivision (e) of Section 29027. Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be engaged as representatives of a correspondence school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of

one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of correspondence courses of study.

Any contract for or in connection with a course of study with a correspondence school, or representative thereof, shall be voidable at the option of the purchaser if the representative of any person selling or administering such course of study, or the representative of such firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

In any written contract or agreement for a course of study with a correspondence school there shall be included on the first page of such agreement or contract in 14-point bold fact print or larger, the following statement:

"Any questions or problems concerning this school which have not been satisfactorily answered or resolved by the school should be directed to the Director of Education, Department of Education, Sacramento, California, 95814."

In addition, such written contracts or agreements shall specify, on the same page of the contract or agreement in which the student's signature is required, the total financial obligation that the student will incur upon enrollment in the correspondence school in numbers or letters, or both, which are of larger print than the rest of the contract or agreement.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section and for any salesman, agent or representative of such individual to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by

the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in membership in any union or similar organization or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

SEC. 5. Section 29026.5 is added to the Education Code, to read:

29026.5. No person, either on his own behalf or as the representative of any privately conducted resident school located within or outside of California or of any private person, firm, association, partnership or corporation whatever, shall, by personal contact with any persor in California at a place away from the instructional site of the school, solicit or sell enrollment in any course of study leading to an educational, technological, professional, or vocational objective beyond high school, to or for adults, for a remuneration or other consideration to be provided for such course unless he holds a valid permit to engage in such activity issued by the State Board of Education. The State Board of Education may delegate its authority to issue such permit to the State Superintendent of Public Instruction.

The State Board of Education, or the State Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study away from the premises of the school.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its

representative. Applications shall be submitted on forms to be furnished by the Department of Education. The original application, renewal applications when renewed on a continuous basis, and applications for additional sales permits shall be accompanied by an application fee in an amount established pursuant to subdivision (f) of Section 29027. Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage to all persons to be engaged as representatives of a school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of courses of study away from the premises of the school.

Any contract for or in connection with a course of study with a school, or representative thereof, shall be voidable at the option of the purchaser if the representative of any person selling or administering such course of study, or the representative of such firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study away from the premises of the school shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education

made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education has made, any evaluation, recognition, accreditation or endorsement of any course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

SEC. 5.5. Section 29027 of the Education Code is repealed.

SEC. 6. Section 29027 is added to the Education Code, to read:

29027. The Superintendent of Public Instruction shall charge, commencing during the 1974–75 fiscal year, the fees listed herein for the approval of private institutions operating under this division. For ensuing fiscal years, the Superintendent of Public Instruction, with the advice of the council, may annually increase such fees by an amount which reflects an increase in the Consumer Price Index, all items, of the Bureau of Labor Statistics of the United States Department of Labor, measured for the calendar year next preceding the fiscal year to which it applies. The Superintendent of Public Instruction shall annually publish a schedule of the current fees to be charged pursuant to this section and shall make such schedule generally available to the public.

The following fee schedule shall govern the fees to be paid by private institutions operating under this division:

(a) For approval to issue degrees pursuant to paragraph 2 of subdivision (a) of Section 29023:

(1) Five hundred dollars ($500) for an original application.

(2) One hundred fifty dollars ($150) annually during the duration of the approval period renewal of such application.

(3) One hundred dollars ($100) for any of the following: approval to grant additional degrees, approval of additional major fields of study in approved degrees, for change of location, or auxiliary facilities in a new location.

(4) One hundred fifty dollars ($150) change of ownership.

(5) Eight dollars ($8) evaluation and approval of directors,

administrators, and instructors subsequent to the original application.

(b) For filing an original affidavit and appraisal and a copy of the full disclosure required to issue degrees pursuant to paragraph 3 of subdivision (a) of Section 29023, the original affidavit shall be accompanied by a three-hundred-dollar ($300) fee. Each annual affidavit filed thereafter pursuant to Section 29031 shall be accompanied by a one-hundred-fifty-dollar ($150) renewal fee.

(c) For filing affidavits to meet the requirements of subdivision (d) of Section 29023, the original affidavit shall be accompanied by a one-hundred-fifty-dollar ($150) fee. Affidavits filed annually thereafter pursuant to subdivision (d) of Section 29023 shall each be accompanied by one hundred fifty dollars ($150).

(d) For approval to issue diplomas or offer courses of education or training pursuant to Section 29025:

(1) Three hundred dollars ($300) for an original application.

(2) One hundred fifty dollars ($150) for a renewal of a temporary approval or annual approval of courses.

(3) One hundred dollars ($100) for approval of any of the following: change of location, major change or revisions in curriculum of course, auxiliary facilities in a new location, or additional courses.

(4) One hundred fifty dollars ($150) for change of ownership.

(5) Eight dollars ($8) for evaluation and approval of directors, administrators, and instructors subsequent to the original application.

(e) For approval of an applicant to solicit or sell correspondence courses of study pursuant to Section 29026, the original application shall be accompanied by a twenty-dollar ($20) fee. Each applicant shall pay an annual renewal fee of fifteen dollars ($15). Application for additional sales permits shall be accompanied by a fifteen-dollar ($15) fee.

(f) For approval of an applicant to solicit or sell enrollment in courses of study at a resident school away from the instructional site of such institution pursuant to Section 29026.5, the original application shall be accompanied by a twenty-dollar ($20) fee. Each applicant shall pay an annual renewal fee of fifteen dollars ($15). Applications for additional sales permits shall be accompanied by a fifteen-dollar ($15) fee.

"Auxiliary facilities" as used in this section shall be defined pursuant to regulations adopted by the Director of Education.

SEC. 7. Section 30133.5 is added to the Education Code, to read:

30133.5. The provisions of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 shall not apply to any building which is used by a private postsecondary school for purposes of providing vocational skill training for pupils pursuant to a contract under Section 30133 entered into by a public school entity and a private educational institution; provided that all of the following requirements are met:

(a) The building is not owned, leased, rented, or being purchased by, nor situated on property owned or being purchased by, a public school entity, and

(b) The only public school purpose for which such building is used is pursuant to a contract entered into pursuant to Section 30133, and

(c) Such building is not reconstructed, altered, or added to by a public school entity at a cost exceeding ten thousand dollars ($10,000).

SEC. 7.5. It is the intent of the Legislature, if this bill and Assembly Bill No. 1492 are both chaptered and become effective on or before January 1, 1975, both bills amend Sections 29025 and 29026 of the Education Code, and this bill is chaptered after Assembly Bill No. 1492, that Sections 29025 and 29026 of the Education Code, as amended by Sections 3 and 4 of this act, shall remain operative until the effective date of Assembly Bill No. 1492, and that on the effective date of Assembly Bill No. 1492 Sections 29025 and 29026 of the Education Code, as amended by Sections 3 and 4 of this act, be further amended in the form set forth in Sections 3.5 and 4.5 of this act to incorporate the changes in Sections 29025 and 29026 proposed by Assembly Bill No. 1492. Therefore, if this bill and Assembly Bill No. 1492 are both chaptered and become effective on or before January 1, 1975, and Assembly Bill No. 1492 is chaptered before this bill and amends Sections 29025 and 29026, Sections 3.5 and 4.5 of this act shall become operative on the effective date of Assembly Bill No. 1492.

SEC. 8. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Confusion has arisen over the authority of the Superintendent of Public Instruction and the State Board of Education to regulate certain activities undertaken by certain private postsecondary educational institutions. In order to more clearly delineate the authority of these public entities, it is necessary that this act take immediate effect.

CHAPTER 1008

An act to amend Section 5992 of the Education Code, and Section 3368 of the Labor Code, relating to student work-experience programs.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5992 of the Education Code is amended to read:

5992. Notwithstanding any provisions of this code or the Labor Code to the contrary, the school district or county superintendent of schools under whose supervision work-experience education, or occupational training classes held in the community, as defined by regulations adopted by the State Board of Education, are provided shall be considered the employer under Division 4 (commencing with Section 3201) of the Labor Code of persons receiving such training unless such persons during such training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work-experience or occupational training elects to provide workmen's compensation insurance. Whenever such work-experience education, or occupational training classes held in the community, are under the supervision of a regional occupational center or program operated by two or more school districts pursuant to Section 7451 of the Education Code, the district of residence of the persons receiving such training shall be deemed the employer for the purposes of this section.

SEC. 1.5. Section 5992 of the Education Code is amended to read:

5992. Notwithstanding any provisions of this code or the Labor Code to the contrary, the school district or county superintendent of schools under whose supervision work-experience education, or occupational training classes held in the community, as defined by regulations adopted by the State Board of Education, are provided shall be considered the employer under Division 4 (commencing with Section 3201) of the Labor Code of persons receiving such training unless such persons during such training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work-experience or occupational training elects to provide workers' compensation insurance. Whenever such work-experience education, or occupational training classes held in the community, are under the supervision of a regional occupational center or program operated by two or more school districts pursuant to Section 7451 of the Education Code, the district of residence of the persons receiving such training shall be deemed the employer for the purposes of this section.

SEC. 2. Section 3368 of the Labor Code is amended to read:

3368. Notwithstanding any provision of this code or the Education Code to the contrary, the school district or county superintendent of schools under whose supervision work-experience education, or occupational training classes held in the community, as defined by regulations adopted by the State Board of Education, are provided shall be considered the employer under Division 4 (commencing with Section 3201) of persons receiving such training

unless such persons during such training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work-experience or occupational training elects to provide workmen's compensation insurance. Whenever such work-experience education, or occupational training classes held in the community, are under the supervision of a regional occupational center or program operated by two or more school districts pursuant to Section 7451 of the Education Code, the district of residence of the persons receiving such training shall be deemed the employer for the purposes of this section.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 3109 are both chaptered and become effective January 1, 1975, both bills amend Section 5992 of the Education Code, and this bill is chaptered after Assembly Bill No. 3109, that the amendments to Section 5992 proposed by both bills be given effect and incorporated in Section 5992 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 3109 are both chaptered and become effective January 1, 1975, both amend Section 5992, and this bill is chaptered after Assembly Bill No. 3109, in which case Section 1 of this act shall not become operative. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 1009

An act to amend Sections 185, 262, 1071, 1072, 1075.4, 5702, 6750, 6801, 6901, 6902, 6903, 6931, 6932, 7488 8077, 11258, 12911, 12912.5, 13169.1, 13264, 13275, 13309, 13311, 13312, 13324, 13332, 13409, 13593, 17506, 17507, 19682, 19682.5, 20105.5, 22501.5, 22533, 23455, 23582.13, 25451, 31001, 31751, 31752, and 32122 of, to amend and renumber Sections 13274 and 25424.7 of, to amend and renumber the heading of Chapter 1.6 (commencing with Section 22520) of Division 16.5 of, to repeal Sections 373, 1004, 3132, 3141.5, 5015, 5799.4, 7451.2, 8704, 10814, 13251, 13324.5, 13355.10, 17551.1, 17601.5, 20751, 20752, 20800, 20801.5, 20802.6, 20802.8, 20815, 20816, 23754.4, and 30133 of, and to repeal Article 11 (commencing with Section 1090) of Chapter 3 of Division 4 of, the Education Code, relating to education.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 185 of the Education Code is amended to read:

185. There is in the state government a Board of Governors of the California Community Colleges, consisting of 15 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

SEC. 2. Section 262 of the Education Code is amended to read:

262. The Director of Education may conduct experimental work in education through various media, including radio and television.

SEC. 2.3. Section 373 of the Education Code is repealed.

SEC. 2.7. Section 1004 of the Education Code is repealed.

SEC. 2.8. Section 1071 of the Education Code is amended to read:

1071. The governing board of any school district may:

(a) Conduct studies through research and investigation as are determined by it to be required in connection with the present and future management, conditions, needs, and financial support of the schools; or join with other school district governing boards in the conduct of such studies.

(b) Install and maintain exhibits of educational programs and activities of the school district at any county fair held in the county in which the district is located in whole or in part, or at any agricultural district fair held in the county in which the school district is located in whole or in part.

(c) Inform and make known to the citizens of the district, the educational programs and activities of the schools therein.

(d) Subscribe for membership for any school under its jurisdiction in any society, association, or organization which has for its purpose the promotion and advancement of public or private education.

(e) Subscribe for membership in, or otherwise become a member of, any national, state or local organization of governing boards of school districts or members thereof which has for its purposes the promotion and advancement of public education through research and investigation, and the cooperation with persons and associations whose interests and purposes are the betterment of the educational opportunities of the children of the state.

(f) Select a member or members of the board to attend meetings of any society, association, or organization for which the school district has subscribed for membership, or any convention to which it may pay the expenses of any employee.

SEC. 2.9. Section 1072 of the Education Code is amended to read:

1072. The actual expenses of the member or members selected to attend a meeting or convention pursuant to subdivision (f) of Section 1071 of this code shall be allowed and paid out of the funds of the district, and the governing board of the district may authorize an advance of funds to cover such expenses, with the advance to be repaid or adjusted upon the filing of a regular claim for the actual expenses incurred. Except as otherwise provided in this section, the governing board of any school district may pay out of the same funds the actual and necessary expenses incurred in connection with

activities pursuant to subdivisions (a), (b), and (d) of Section 1071 of this code.

If any studies are undertaken jointly by two or more school districts pursuant to subdivision (a) of Section 1071, the costs thereof shall be apportioned among the participating districts as determined by the agreement of the governing boards. Expenses, including transportation expenses, incurred in connection with installing, maintaining and returning exhibits provided pursuant to subdivision (b) of Section 1071 of this code may be paid only out of funds of the district not required to be used for other purposes.

SEC. 3. Section 1075.4 of the Education Code is amended to read:

1075.4. Money in the fund shall be deposited in a bank or other institution whose accounts are insured by the Federal Deposit Insurance Corporation, and any money so deposited shall be in an account or accounts fully covered by such insurance.

The committee shall establish and maintain procedures to identify clearly all money in the fund and its separate and distinct impressed trusts, if any, and from whom and to whom such money was received and disbursed.

SEC. 3.5. Article 11 (commencing with Section 1090) of Chapter 3 of Division 4 of the Education Code is repealed.

SEC. 4. Section 3132 of the Education Code is repealed.

SEC. 5. Section 3141.5 of the Education Code is repealed.

SEC. 6. Section 5015 of the Education Code is repealed.

SEC. 6.3. Section 5702 of the Education Code is amended to read:

5702. The governing board of any school district maintaining secondary schools shall have power with the approval of the State Department of Education to establish and maintain classes for adults, except programs and classes in outdoor science education and conservation education as the term is employed in Section 6011, for the purpose of providing instruction in civic, vocational, literacy, health, homemaking, technical and general education.

SEC. 6.5. Section 5799.4 of the Education Code is repealed.

SEC. 7. Section 6750 of the Education Code is amended to read:

6750. As used in this chapter, "educationally handicapped pupils" are pupils under the age of 21 years who, by reason of marked learning or behavior disorders, or both, cannot benefit from the regular educational program, and who, as a result thereof, require the special education programs authorized by this chapter. Such learning or behavior disorders shall be associated with a neurological handicap or emotional disturbance and shall not be attributable to mental retardation.

SEC. 8. Section 6801 of the Education Code is amended to read:

6801. Subject to the provisions of this article and Section 894, the governing board of any school district may make such special provisions as in its judgment may be necessary for the education of physically handicapped pupils. "Physically handicapped pupil," as used in this article means a physically defective or handicapped person under the age of 21 years who is in need of education.

SEC. 9. Section 6901 of the Education Code is amended to read:

6901. "Mentally retarded pupils" means all pupils under the age of 21 years who because of retarded intellectual development as determined by individual psychological examination are incapable of being educated efficiently and profitably through ordinary classroom instruction.

SEC. 10. Section 6902 of the Education Code is amended to read:

6902. The education of mentally retarded pupils who are of compulsory school age and who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted shall be provided all eligible pupils in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive. Such special education may be provided to mentally retarded pupils who are between five years nine months and six years of age and those above compulsory school age and less than 21 years of age.

An annual report shall be made by each school district or county superintendent of schools to the Department of Education indicating the numer of eligible pupils for whom no such special education is provided and the reason therefor.

SEC. 11. Section 6903 of the Education Code is amended to read:

6903. The education of mentally retarded pupils who do not come within the provisions of Section 6902, who are six or more, and less than 18 years of age and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive. The education of such mentally retarded pupils who are three or more and less than six years of age may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive.

Any such pupil who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

Notwithstanding other provisions of this section any such pupil who is participating regularly in an approved occupational training program in the manner set forth in Sections 6931 and 6932 may be permitted by the governing board of the district or county superintendent of schools, as the case may be, maintaining such training program to continue thereon until his 21st birthday.

SEC. 12. Section 6931 of the Education Code is amended to read:

6931. The State Board of Education may adopt rules and regulations governing the establishment and conduct of programs for preparing physically handicapped and mentally retarded pupils enrolled in special day classes for suitable occupations. Such programs shall provide for physically handicapped and mentally

retarded pupils under the age of 21 years who are unable to profit by courses of work experience education as provided in Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6.

SEC. 13. Section 6932 of the Education Code is amended to read:

6932. School districts and county superintendents of schools may contract with sheltered workshops and other work establishments approved for supervised occupational training of physically handicapped and mentally retarded pupils under the age of 21 years, and reimburse such sheltered workshops and work establishments for the expenses incurred in the training of such pupils.

SEC. 14. Section 7451.2 of the Education Code, as added by Chapter 985 of the Statutes of 1973, is repealed.

SEC. 14.5. Section 7488 of the Education Code is amended to read:

7488. The governing board of each selected school district shall prescribe a separate salary schedule for the certificated employees of the district who are employed at a school maintained pursuant to this chapter, and who, because of such employment, will be engaged in rendering services for the district for a greater number of total days during the academic year than would be the case for a regular academic year.

SEC. 15. Section 8077 of the Education Code is amended to read:

8077. The State Board of Education shall establish application procedures and select a school district to undertake an individualized instruction program pursuant to this article. The specific goal of the individualized instruction program authorized by this article shall be to convert at least one high school and the network of elementary and junior high schools which provide students to that high school to a program of individualized instruction based upon performance criteria, including the full integration of vocational education with the regular coursework, and to articulate this program with a community college. In authorizing this program, the Legislature recognizes that conversion of the entire network of schools may require incremental development beginning, for example, with a high school, one junior high school, and one elementary school.

SEC. 16. Section 8704 of the Education Code is repealed.

SEC. 16.3. Section 10814 of the Education Code is repealed.

SEC. 16.5. Section 11258 of the Education Code is amended to read:

11258. Notwithstanding any other provision of law, the average daily attendance of pupils enrolled in summer schools shall be credited to the school district in the fiscal year in which the last day of the summer school falls.

SEC. 16.8. Section 12911 of the Education Code is amended to read:

12911. A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury is deemed to be a conviction within the meaning of Sections 13175, 13207, 13218, 13220.16, 13255, and 13586 of this code, irrespective of a subsequent order under the provisions of

Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information. The record of such conviction of a sex offense as defined in Section 12912 or of a narcotics offense defined in Section 12912.5 shall be sufficient proof of conviction of a crime involving moral turpitude for the purposes of Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, of this code, relating to the dismissal of permanent employees.

SEC. 17. Section 12912.5 of the Education Code is amended to read:

12912.5. "Narcotics offense" as used in Sections 13175, 13207, 13220.16, 13218, 13255, and 13586 means any one or more of the following offenses:

(a) Any offense in Sections 11350 to 11355, inclusive, 11366, 11368, and 11550 of the Health and Safety Code.

(b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.

(c) Any attempt to commit any of the above-mentioned offenses.

SEC. 18. Section 13169.1 of the Education Code is amended to read:

13169.1. Each applicant for a credential, or for the renewal of a credential, shall submit with his application duplicate personal identification cards provided by the commission or by the Board of Governors of the California Community Colleges, as the case may be, upon which shall appear the legible fingerprints and a personal description of the applicant.

The commission, or the Board of Governors of the California Community Colleges, as the case may be, is authorized to, and shall adopt such regulations as may in its judgment be necessary for the administration of this section.

SEC. 18.2. Section 13251 of the Education Code is repealed.

SEC. 18.5. Section 13264 of the Education Code is amended to read:

13264. The following general provisions shall apply regardless of date of employment:

The order once determined by lot shall be permanent, and shall be entered on the permanent records of the district.

Records showing date of employment, whether kept by the district or by the county, shall be accessible, on demand, to any certificated employee of the district or to his designated representative.

In the absence of records as to any of the matters referred to in the two preceding sections, the board, in accordance with evidence presented, shall determine the order of employment after giving employees a reasonable opportunity to present such evidence.

The governing board of every community college district shall establish the order of employment of all probationary and

permanent employees of the district in the manner prescribed by Sections 13251 to 13273, inclusive, and shall keep a roster of same as a public record.

Whether or not such a roster is kept in other districts, the order of employment in all districts, when required, shall be determined as prescribed by Sections 13251 to 13273, inclusive.

The board shall have power and it shall be its duty to correct any errors discovered from time to time in its records showing the order of employment.

SEC. 18.8. Section 13274 of the Education Code is amended and renumbered to read:

13251. Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by said governing boards, with the responsibility of recommending such persons for employment by said boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of said applicants for such employment.

SEC. 19. Section 13275 of the Education Code is amended to read:

13275. Each person employed by the governing board of a school district for a position requiring certification qualifications must, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, register in the manner prescribed by Section 13163 a valid certification document, issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, register the renewed certification document in the manner prescribed by Section 13163. If any person so employed is the holder of a California state college, or state teachers college, diploma accompanied by the certificate of the State Board of Education, or of an educational or life diploma of this state, and has presented the same to, and has had his name recorded by, the county superintendent of schools of the county as heretofore provided by this code, such person shall be deemed to have registered such diploma under Section 13163.

SEC. 20. Section 13309 of the Education Code is amended to read:

13309. When a teacher of classes for adults serves sufficient probationary time as provided in Sections 13304 to 13307 and 13328 to be eligible for election to permanent classification in that district, his tenure shall be for such service as is equivalent to the average number of hours per week which he has served during his probationary years. In no case shall such an employee be classified as permanent for more than one full-time assignment. The service for which such a person has acquired tenure may be reduced in conformity with Sections 13447 and 13448.

Notwithstanding any other provision to the contrary, in a district which has, or in a district which is one of two or more districts governed by governing boards of identical personnel which have a

combined, average daily attendance of 400,000 or more, as shown by the annual report of the county superintendent of schools for the preceding fiscal year, no person who is assigned 10 hours or less a week in adult classes in such a district shall be eligible for election to permanent classification in such district on account of such assignment in adult classes.

SEC. 21. Section 13311 of the Education Code is amended to read:

13311. Nothing in Sections 13304 to 13307, inclusive, shall be construed to give permanent classification to a person in the adult school who is already classified as a permanent employee in the day school. In case a teacher obtains permanent classification in the evening school and later is eligible for the same classification in the day school by reason of having served the probationary period therein, he shall be given his choice as to which he shall take.

Notwithstanding any other provision to the contrary, service in the evening school shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee in the day school, except service in the evening school rendered by a person rendering services in the day school who is directed or specifically requested by the school district to render services in the evening school either in addition to, or instead of, rendering service in the day school. Service in the day school shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee in the evening school, except service in the day school rendered by a person rendering services in the evening school who is directed or specifically requested by the school district to render service in the day school either in addition to, or instead of, rendering service in the evening school.

SEC. 22. Section 13312 of the Education Code is amended to read:

13312. Nothing in Sections 13304 to 13311, inclusive, shall be construed as affecting the classification of any employee as it existed on September 13, 1941.

SEC. 23. Section 13324 of the Education Code is amended to read:

13324. Nothing in Sections 13304 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive, shall be construed as affecting any permanent employee classified as such on August 14, 1931. No decrease in the average daily attendance of any school district shall operate to deprive any permanent employee of the district of his classification.

SEC. 23.5. Section 13324.5 of the Education Code is repealed.

SEC. 24. Section 13332 of the Education Code is amended to read:

13332. Nothing in Sections 13304 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive, shall be construed as permitting a certificated employee to acquire permanent classification with respect to employment in a summer school maintained by a school district, and service in connection with any such employment shall

not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of the district. The provisions of this section do not constitute a change in, but are declaratory of, the preexisting law.

SEC. 25. Section 13355.10 of the Education Code is repealed.

SEC. 25.5. Section 13409 of the Education Code is amended to read:

13409. Whenever any certificated employee of a school district is charged with the commission of any sex offense as defined in Section 12912 by complaint, information or indictment filed in a court of competent jurisdiction, the governing board of the school district shall immediately place the employee upon compulsory leave of absence for a period of time extending for not more than 10 days after the date of the entry of the judgment in the proceedings. The governing board of the school district may extend the compulsory leave of absence of the employee beyond such period by giving notice to the employee within 10 days after the entry of judgment in the proceedings that the employee will be dismissed at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in this article.

Any employee placed upon compulsory leave of absence pursuant to this section shall continue to be paid his regular salary during the period of his compulsory leave of absence if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the compulsory leave of absence in case the employee is convicted of such charges, or fails or refuses to return to service following an acquittal of the offense or dismissal of the charges. If the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall reimburse the employee for the cost of the bond upon his return to service in the school district.

If the employee does not elect to furnish bond, or other security acceptable to the governing board of the district, and if the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall pay to the employee his full compensation for the period of the compulsory leave of absence upon his return to service in the school district.

Whenever any certificated employee of a school district is charged with the commission of any narcotics offense as defined in Section 12912.5, or a violation of subdivision 1 of Section 261 of the Penal Code, Sections 11357 to 11361, inclusive, 11363, or 11377 to 11381 inclusive, and Section 11364, insofar as such sections relate to subdivision (d) of Section 11054, subdivision (d) of Section 11055, subdivision (b) of Section 11056, or subdivision (b) of Section 11507 of the Health and Safety Code, by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the school district may immediately place the employee

upon compulsory leave in accordance with the procedure in this section.

SEC. 26. Section 13593 of the Education Code is amended to read:

13593. All probationary and permanent part-time classified employees shall be entitled to sick leave, and all other benefits conferred by law on classified employees. Part-time employees shall be entitled to all leaves and benefits granted by the governing board to a majority of the regular full-time employees in the classified service of the district or to regular full-time employees in the same classified positions or general class of positions; but such leaves and benefits may be prorated in the same ratio as the regular work hours per day, days per week, weeks per month, or months per year of such part-time employees bear to eight hours per day, 40 hours per calendar week, four calendar weeks per month, or 12 calendar months during the school year.

Except for prorating benefits for part-time employees as herein authorized, the governing board shall provide at least the same benefits for all regular employees in the classified service as it provides for the majority of such employees.

Nothing in this section shall be construed to prohibit the granting of additional benefits for some employees in recognition of nature of work, level of classification, or length of service.

This section shall not apply to employees properly designated as substitute, short-term, or limited-term employees, as defined in Sections 13581 and 13726 of this code, unless such employees are specifically included by a governing board, or by a personnel commission for those districts included under the provisions of Article 5 (commencing with Section 13701) of this chapter.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

This section shall not apply to those benefits authorized under the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1, of Division 2 of Title 5 of the Government Code.

SEC. 26.5. Section 17506 of the Education Code is amended to read:

17506. It is the intent and purpose of the Legislature to encourage, by every means possible, the reduction of class sizes and the ratio of pupils to teachers in all grade levels in the public schools, and to urge every effort to this end to be undertaken by the local school administrative authorities. It is the intent of the Legislature that the allowances provided by Section 17674 shall be for the purpose of assisting school districts in meeting the minimum class size standards prescribed for grades 1 to 3, inclusive, by Section 17507. The Legislature shall undertake studies directed to the establishment of effective programs by which the attainment of decreased class sizes through local action may be encouraged. Such programs may involve financial rewards for demonstrated achievement, as well as other forms of preferential consideration

afforded as an integral part of the state's public school financial support programs.

SEC. 27. Section 17507 of the Education Code is amended to read:

17507. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported

for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 17601.1 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964–65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification

qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964–65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 17601.1 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

SEC. 27.5. Section 17551.1 of the Education Code is repealed.

SEC. 28. Section 17601.5 of the Education Code is repealed.

SEC. 29. Section 19682 of the Education Code is amended to read:

19682. As used in this article, "exceptional children" means physically handicapped pupils, mentally retarded pupils, educationally handicapped pupils, multihandicapped pupils, or pupils enrolled in development centers for the handicapped required or allowed to be educated pursuant to Sections 6801 to 6855, inclusive, Sections 6880 to 6880.50, inclusive, Sections 6901 to 6919, inclusive, and Sections 6750 to 6761, inclusive.

SEC. 30. Section 19682.5 of the Education Code is amended to read:

19682.5. Allocations under this article for assistance to school districts in providing necessary housing and equipment for the education of pupils enrolled in development centers for the handicapped may be made only to those school districts which receive state funds for the operation of such development centers pursuant to the provisions of Chapter 8.7 (commencing with Section 6880) of Division 6.

SEC. 30.1. Section 20105.5 of the Education Code is amended to read:

20105.5. A county superintendent of schools may, with the approval of the county board of education, lend funds from the county school service fund to a unified school district which was organized in 1970 and whose average daily attendance for the 1971–72 school year was between 39,000 and 41,000, if such a loan is required to enable the school district to complete its educational program for the then current school year and the governing board of the district requests such a loan. The county board of education shall determine the amount of the loan.

The amount of the loan, together with interest at a rate determined by the county treasurer, shall be repaid by the school district to the county superintendent of schools over not more than a three-year period. The county superintendent of schools may withhold from the apportionments to be made to the district from the State School Fund in each year the amount which is to be repaid in that year.

After disbursement of funds to the district and until the loan is fully repaid the county superintendent of schools with the cooperation of the Superintendent of Public Instruction shall from time to time review the financial management of the district and may make recommendations to the governing board of the district to correct or avoid financial problems of the district.

This section shall be in effect only until July 1, 1977, and as of that date is repealed.

SEC. 30.2. Section 20751 of the Education Code is repealed.

SEC. 30.3. Section 20752 of the Education Code is repealed.

SEC. 30.4. Section 20800 of the Education Code is repealed.

SEC. 30.5. Section 20801.5 of the Education Code is repealed.

SEC. 30.6. Section 20802.6 of the Education Code is repealed.

SEC. 30.7. Section 20802.8 of the Education Code is repealed.

SEC. 30.8. Section 20815 of the Education Code is repealed.

SEC. 30.9. Section 20816 of the Education Code is repealed.

SEC. 31. Section 22501.5 of the Education Code is amended to read:

22501.5. The provisions of Section 22713 concerning community colleges shall not be applicable to a community college constructed in a territory annexed to an existing community college district, where such annexation became effective, for all purposes, on July 1, 1968.

SEC. 32. The heading of Chapter 1.6 (commencing with Section 22520) of Division 16.5 of the Education Code is amended and renumbered to read:

CHAPTER 1.65. ADMISSIONS

SEC. 32 5. Section 22533 of the Education Code is amended to read:

22533. Actions for injunction under the provisions of this chapter may be brought in the name of the people of the State of California upon their own complaint or upon the complaint of any person, or in the name of any public or private college, university, or other institution of higher learning, acting for the interest of itself, its students, or the general public.

SEC. 32.6. Section 23455 of the Education Code is amended to read:

23455. The business of the college, which includes the power to incur indebtedness, shall be managed by the board of directors. Five directors constitute a quorum for the transaction of all business. The directors shall serve without compensation.

SEC. 32.65. Section 23582.13 of the Education Code is amended to read:

23582.13. Title to all property acquired by the regents, and the revenues and income from such property, is in the regents. The title to any moneys, revenues, sinking funds, reserve funds, and other funds of the regents and the income from such moneys, revenues, and funds pledged to the payment of the principal or interest or any bonds issued thereunder is subject to trusts declared in favor of the bondholders. All such property, including such property and facilities belonging to the college affiliated with the University of California pursuant to Section 23452, and the income from such property are exempt from all taxation by the state or by any county, city and county, city, district, political subdivision, or public corporation of any such entity. The management, operation, and control of all improvements acquired, constructed, or completed by the regents are vested in the regents.

SEC. 32.7. Section 23754.4 of the Education Code is repealed.

SEC. 33. Section 25424.7 of the Education Code, as amended and renumbered by Chapter 195 of the Statutes of 1973, is amended and renumbered to read:

25424.9. The governing board of a school district maintaining a community college may impose a fee on a participating student for the additional expenses incurred when physical education courses are required to use nondistrict facilities.

SEC. 34. Section 25451 of the Education Code is amended to read:

25451. Where a unified school district maintains one or more community colleges, a community college district may, pursuant to this article, be formed for purposes of maintaining the one or more community colleges. The provisions of Article 1 (commencing with Section 25430) of this chapter shall not apply to proceedings to form a community college district under this article. Proceedings to form a community college district pursuant to this article shall not require approval by the State Board of Education or the Board of Governors of the California Community Colleges.

SEC. 35. Section 30133 of the Education Code, as added by Chapter 984 of the Statutes of 1973, is repealed.

SEC. 35.2. Section 31001 of the Education Code is amended to

read:

31001. The Governor is hereby authorized and directed to execute a compact on behalf of this state with each or all of the 11 western states and the States of Alaska and Hawaii for the purpose of cooperating with such states in the formation of a Western Interstate Commission for Higher Education. Notice of intention to withdraw from such compact shall be executed and transmitted by the Governor.

SEC. 35.3. Section 31751 of the Education Code is amended to read:

31751. As used in this chapter:

(a) "Educational institution" means a school district of any kind or class, a state university or college, the University of California, and Department of Education special schools.

(b) "Governing board" means the governing board of a school district, the Trustees of the California State University and Colleges, and the Regents of the University of California.

(c) "Member of an athletic team" means member of any extramural athletic team engaged in athletic events on or outside the school grounds, maintained or sponsored by the educational institution or a student body organization thereof. "Member of an athletic team" also includes members of school bands or orchestras, cheerleaders and their assistants, pompon girls, team managers and their assistants, and any student or pupil selected by the school or student body organization to directly assist in the conduct of the athletic event, including activities incidental thereto, but only while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from a school or other place of instruction and the place at which the athletic event is being conducted.

Organized rooting sections, student body members who are spectators, and other spectator students, who are not actually participating in the conduct of the athletic event, are not members of an athletic team. Participants in a playday or field day activity occurring occasionally during a school year, in which students of one or more particular grade levels from two or more schools of a school district participate in athletic contests, are not members of an athletic team. Nothing in this section shall be construed as prohibiting a governing board from extending the applicability of the provisions of this article to any such persons, should the governing board elect so to do.

(d) "Student body organization" means any student organization under supervision of the educational institution or its officers.

SEC. 35.5. Section 31752 of the Education Code is amended to read:

31752. The governing board of any educational institution, except a school district of any kind or class and Department of Education special schools as defined in Sections 25551, 25751, and 26401, shall provide accidental death insurance in an amount of at

least five thousand dollars ($5,000) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in an amount of at least five thousand dollars ($5,000) for all such services for each member of an athletic team, through group, blanket or individual policies of accident insurance from authorized insurers, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from school or other place of instruction and the place of the athletic event; provided that the Trustees of the California State University and Colleges and the Regents of the University of California may authorize and require the student body organizations designated pursuant to this section, to be responsible for such medical and hospital expenses in any amount the trustees or the regents may specify, up to two hundred fifty dollars ($250), in which event such insurance protection for the health and accident expenses may include a deductible clause in the same amount.

The governing board of each school district of any kind or class and the Department of Education special schools as defined in Sections 25551, 25751, and 26401 shall provide accidental death insurance in an amount of at least one thousand five hundred dollars ($1,500) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in one of the following amounts:

(a) A group or individual medical plan with accidental benefits of at least two hundred dollars ($200) for each occurrence and major medical coverage of at least ten thousand dollars ($10,000), with no more than one hundred dollars ($100) deductible and no less than eighty percent (80%) payable for each occurrence.

(b) Group or individual medical plans which are certified by the Insurance Commissioner to be equivalent to the required coverage of at least one thousand five hundred dollars ($1,500).

(c) At least one thousand five hundred dollars ($1,500) for all such medical and hospital expenses.

Insurance protection in either of the above amounts shall be provided through group, blanket or individual policies of accident insurance from authorized insurers or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being

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transported by or under the sponsorship or arrangements of the school districts or a student body organization thereof to or from school or other place of instruction and the place of the athletic event. Minimum medical benefits under any insurance required by this paragraph shall be equivalent to the three dollars and fifty cents ($3.50) conversion factor as applied to the unit values contained in the minimum fee schedule adopted by the Division of Industrial Accidents of the State of California, effective October 1, 1966.

The Trustees of the California State University and Colleges and the Board of Regents of the University of California shall designate such student body organizations as they deem appropriate to bear the entire cost of the insurance under this article, in such proportions as they deem equitable, and shall make appropriate deductions from any such student body organization funds held by such institutions, or otherwise take such measures, as will assure the payment thereof.

The governing boards of the various school districts and the Department of Education special schools shall require that each member of an athletic team have insurance protection as prescribed by this section, with the costs of such insurance protection to be paid either out of the funds of the district, the funds of the student body, or by any other persons on behalf of, the individual team members or students covered by such insurance. In the event that the governing board of a school district should determine that a member of an athletic team or the parents, guardians or other person having charge or control of a member of an athletic team are financially unable to pay the costs of such insurance protection, then the governing board shall require the costs of such protection to be paid either out of funds of the district or funds of the student body.

The insurance required by this article shall be issued by an admitted insurer, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code.

The insurance otherwise required by this section shall not be required for any individual team member or student who has such insurance or a reasonable equivalent of health benefits coverage provided for him in any other way or manner, including, but not limited to, purchase by himself, or by his parent or guardian.

SEC. 35.7. Section 32122 of the Education Code is amended to read:

32122. The governing board of any school district operating the continuous school program pursuant to this chapter shall prescribe a separate salary schedule for the certificated employees of the district who are employed at any school maintaining the continuous school program pursuant to this chapter, and who, because of such employment, will be engaged in rendering services for the district for a greater number of total days during the academic year than would be the case for a regular academic year.

SEC. 36. Any section or heading of any other act enacted by the Legislature at its 1973–74 Regular Session, which takes effect on or

after January 7, 1974, and which amends, amends and renumbers, or repeals a section or heading amended, amended and renumbered, or repealed by this act, shall prevail over this act whether such act is enacted prior or subsequent to this act.

CHAPTER 1010

An act to add and repeal Section 6388.2 of the Revenue and Taxation Code, relating to sales and use taxes, and making an appropriation therefor.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6388.2 is added to the Revenue and Taxation Code, to read:

6388.2. Where a new camp trailer, or housecar is purchased from a dealer located outside this state for use without this state and is delivered by the manufacturer to the purchaser within this state, and such purchaser drives or moves such vehicle from the manufacturer's place of business in this state to any point outside this state within 30 days from and after the date of the delivery, there are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use or other consumption of such vehicle within the state, provided that the purchaser furnishes the following to the manufacturer:

(a) Written evidence of an out-of-state registration for such vehicle.

(b) The purchaser's affidavit attesting that he is not a resident of California and that he purchased such vehicle from a dealer at a specified location without the state for use outside this state.

(c) The purchaser's affidavit that such vehicle has been moved or driven to a point outside this state within 30 days of the date of the delivery of the vehicle to him.

(d) For purposes of this section, "housecar" means a motor vehicle originally designed, or permanently altered, and equipped for human habitation.

(e) This act shall go into effect on July 1, 1975, and shall remain in effect until June 30, 1978, on which date it is repealed unless a later enacted statute deletes or extends such date of June 30, 1978.

SEC. 2. The sum of thirty thousand dollars ($30,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to cities and counties pursuant to Section 2230 of the Revenue and Taxation Code to reimburse cities and counties for the sales tax revenues lost pursuant to Section 1 of this act for the 1975–76 fiscal year.

SEC. 3. On or before December 1, 1977, the Legislative Analyst shall report to the Legislature on the revenue and economic effects of Section 1 of this act and include his recommendation as to the continuance of the exemption provided by Section 1. The report shall include, but not be limited to, the change in tax revenue from the exemption of previously taxable sales, economic activity by the manufacturers of camp trailers and housecars and the economic multiple effect of such activity, the economic activity and tax revenue generated from nonresidents accepting delivery at a manufacturer's place of business in this state where those changes are attributable to Section 1 of this act.

CHAPTER 1011

An act to amend Section 771 of the Insurance Code, relating to insurance.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 771 of the Insurance Code is amended to read:

771. Sections 770 and 770.1 shall not prevent:

(a) The exercise by any person engaged in such business of his right to approve or disapprove, for reasonable cause, as determined by appropriate regulatory authority, of the insurer selected to underwrite the insurance, nor of his right to furnish such insurance or to renew any insurance required by the contract of sale or trust deed or other loan agreement if the borrower or purchaser shall have failed to furnish the insurance or renewal thereof within such reasonable time or form as may be specified in the sale or loan agreement. The lender shall not refuse to accept insurance provided by an acceptable insurer on the ground that such insurance provides more coverage than is required in the sale or loan agreement, unless the additional coverage consists of automobile, life or disability insurance.

The Savings and Loan Commissioner, the Superintendent of Banks, and the Corporations Commissioner, in conjunction with the Insurance Commissioner, shall issue appropriate regulations defining "reasonable cause."

(b) Any lender from recommending to any borrower or prospective borrower the placing of insurance with a specified insurer or through a specified insurance agent or broker as long as such recommendation, with respect to a sale of real property or a loan upon the security of real property, clearly sets forth both the name and the mailing address of the recommended insurer or

insurance agent or broker and does not violate the provisions of Section 770 or of any other section of this code. On and after July 1, 1972, such recommendation clearly setting forth the name and the mailing address of the recommended insurer or insurance agent or broker, shall be in writing.

(c) The free choice of insurance agent or broker by any borrower or purchaser at any time, and he may revoke any designation of insurance agent or broker at any time irrespective of the provisions of any loan or purchase agreement or trust deed.

(d) The exercise of any person engaged in such business of his right to furnish such insurance or to renew such insurance, and to charge the account of the borrower or purchaser with the costs thereof, if the borrower or purchaser fails to deliver to the lender such insurance at least 30 days prior to the expiration of the policy. If an insurance policy renewing or replacing, at expiration time, the policy then in force is received by the lender less than 15 days prior to the expiration of the policy held by the lender, or if an insurance policy procured by the borrower or purchaser is subsequently substituted for that then in force, the lender may impose a reasonable service charge as determined by the Insurance Commissioner for the transaction, the payment of which charge by the agent or broker is not a violation of any other provision of this code. No service charges shall be imposed for normal insurance changes made during the term of the policy.

(e) The commissioner is authorized to adopt a uniform statewide schedule of permissive maximum charges for the substitution of policies authorized in subdivision (d).

CHAPTER 1012

An act to amend Sections 39071, 39126, and 39177 of, and to add Section 39083 to, the Health and Safety Code, and to amend Section 5004 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 39071 of the Health and Safety Code is amended to read:

39071. The California Environmental Protection Program Fund is hereby created in the State Treasury consisting of the moneys deposited in the fund pursuant to any provisions of law. Amounts equal to the actual costs incurred by the Department of Motor Vehicles in performing its duties pursuant to Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code are hereby continuously appropriated from the

moneys deposited in the fund pursuant to Article 8.5 to the department, and shall be transferred to, and in augmentation of, the appropriation from which such costs were paid. The balance of the moneys in such fund shall be available for expenditure for the purposes and uses of the California Environmental Protection Program upon appropriation by the Legislature.

SEC. 2. Section 39083 is added to the Health and Safety Code, to read:

39083. No motor vehicle of historic interest shall be required to have any motor vehicle pollution control device, except for such devices that were required by this chapter for such vehicles prior to the time that special identification plates were issued for that vehicle pursuant to Section 5004 of the Vehicle Code.

SEC. 3. Section 39126 of the Health and Safety Code is amended to read:

39126. The board may exempt classifications of motor vehicles subject to this article for which certified devices are not available, motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, motor-driven cycles, and implements of husbandry.

SEC. 4. Section 39177 of the Health and Safety Code is amended to read:

39177. The board may exempt classifications of motor vehicles for which accredited devices were not intended or are not available, motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, motor-driven cycles, and implements of husbandry.

SEC. 5. Section 5004 of the Vehicle Code is amended to read:

5004. (a) Notwithstanding any other provision of this code, any owner of a motor vehicle described in paragraph (1), (2), or (3) which is operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special identification plates for the motor vehicle:

(1) A motor vehicle with an engine of 16 or more cylinders manufactured prior to 1965.

(2) A motor vehicle manufactured in the year 1922 or prior thereto.

(3) A motor vehicle which was manufactured after 1922, is at least 25 years old, and is of historic interest.

(b) The special identification plates assigned to motor vehicles with an engine of 16 or more cylinders manufactured prior to 1965 and to any motor vehicle manufactured in the year 1922 and prior thereto shall run in a separate numerical series, commencing with "Horseless Carriage No. 1".

The special identification plates assigned to motor vehicles manufactured after 1922 which are at least 25 years old and are motor vehicles of historic interest shall run in a separate numerical series,

commencing with "Historical Vehicle No. 1."

Each series of plates shall have different and distinguishing colors.

(c) A fee of twenty-five dollars ($25) shall be charged for the initial issuance of the special identification plates. Such plates shall be permanent and shall not be required to be replaced. If such special identification plates become damaged or unserviceable in any manner, replacement for the plates may be obtained from the department upon proper application and upon payment of such fee as is provided for in Section 9265.

(d) All funds received by the department in payment for such identification plates or the replacement thereof shall be deposited in the California Environmental Protection Program Fund.

(e) These vehicles shall not be exempt from the equipment provisions of Sections 26709, 27150, and 27600.

(f) As used in this section, a motor vehicle of historic interest is one which is collected, restored, maintained, and operated by a collector or hobbyist principally for purposes of exhibition and historic vehicle club activities.

CHAPTER 1013

An act to amend Sections 31452.6 and 31595.3 of the Government Code, relating to County Employees Retirement System.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 31452.6 of the Government Code, as added by Chapter 471 of the Statutes of 1974, is amended to read:

31452.6. The board shall comply with and give effect to a revocable written authorization signed by a retired member or beneficiary of a retired member entitled to a retirement allowance or benefit under this chapter, authorizing the treasurer to forward a member's retirement allowance warrant or a beneficiary's benefit warrant to a specified bank, savings and loan association, or credit union in this state for deposit to the member's or beneficiary's specified account. A power of attorney, on a form prescribed by the board, shall be filed with the treasurer and a copy with the financial institution holding the account and thereafter on the first day of July of each year, if required by the board, a new power of attorney shall be executed and filed.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution, make the provision of this section applicable in such county.

SEC. 2. Section 31595.3 of the Government Code is amended to read:

31595.3. The board shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the board's investment program and shall pay for such service as provided in subdivision (d) of Section 31596.

If it does not restrict the necessary flexibility which must exist for successful retention of investment counsel, or trust companies or trust departments of banks to render such services, the board shall give primary consideration to dealing with those firms which maintain offices and staffs in the State of California.

The Legislature makes the following declaration in order that the intent of the Legislature may be made clear to retirement boards, with respect to employment of investment counsel or trust companies or trust departments of banks to render service in connection with the boards' investment program, or with respect to investments authorized in this article, but without restricting the necessary flexibility that must exist for successful employment of such firms or for successful investing of the retirement fund:

Retirement boards shall give primary consideration to dealing with counseling firms, brokerage firms, trust companies and trust departments of banks which maintain offices and staffs in the State of California so that the investment program may make a meaningful contribution to the economy of the state. Retirement funds should be used as much as reasonably possible to benefit and expand the business and economic climate within the State of California, so long as such use would be consistent with sound investment policy.

CHAPTER 1014

An act to amend Section 1000.4 of the Penal Code, relating to criminal procedure.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1000.4 of the Penal Code is amended to read:

1000.4. This chapter shall remain in effect until January 1, 1977, and on such date is repealed.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 1015

An act to add Chapter 7.9 (commencing with Section 21150) to Division 8 of the Business and Professions Code, relating to franchises.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.9 (commencing with Section 21150) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 7.9. HOURS OF BUSINESS

21150. As used in this chapter:

(a) A "franchise" is any contractual or written agreement between a petroleum corporation or distributor and a gasoline dealer under which the gasoline dealer is granted the right to use a trademark, trade name, service mark, or other identifying symbol or name owned by the corporation or distributor, or any agreement between a petroleum corporation or distributor and a gasoline dealer under which the gasoline dealer is granted the right to occupy premises owned, leased, or controlled by the corporation or distributor for the purposes of engaging in the retail sale of petroleum and other products of the corporation or distributor.

(b) A "franchisee" is any person who, pursuant to a franchise, receives petroleum products from the franchisor and who sells such products at retail.

(c) A "franchisor" is any person or corporation which refines, processes, or distributes petroleum products.

21150.1. In all future franchise agreements, no retail gasoline dealer who operates pursuant to a franchise shall be precluded by the franchisor from establishing his own hours of business or operation at any time that an adequate supply of gasoline is not available.

CHAPTER 1016

An act to amend Sections 37911, 37912, and 37922 of, to add Section 37913 to, the Health and Safety Code, and to repeal Section 2 of Chapter 1201 of the Statutes of 1973, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 37911 of the Health and Safety Code is amended to read:

37911. The Legislature hereby finds and declares that it is necessary and essential that cities, counties, and cities and counties, and redevelopment agencies and housing authorities within such cities, counties, and cities and counties, be authorized to make long-term, low-interest loans to finance residential rehabilitation in depressed residential areas in order to encourage the upgrading of property in such areas. Unless such local agencies intervene to provide some form of assistance to finance residential rehabilitation, many depressed residential areas will deteriorate at an accelerated pace because property owners are not able to obtain rehabilitation loans from private sources.

SEC. 2. Section 37912 of the Health and Safety Code is amended to read:

37912. Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by a local agency pursuant to this part and which are payable exclusively from the revenues, as defined in subdivision (i), and from any other funds specified in this part upon which the bonds may be made a charge and from which they are payable.

(b) "Financing" means the lending of moneys or any other thing of value for the purpose of residential rehabilitation and includes refinancing of outstanding indebtedness of the participating party with respect to property which is subject to residential rehabilitation or the purchase of structures rehabilitated by a redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(c) "Legislative body" means the city council, board of supervisors, or other legislative body of the local agency.

(d) "Local agency" means any of the following:

(1) Any city, county, or city and county.

(2) Any redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(3) Any housing authority functioning pursuant to Part 2 (commencing with Section 34200) of this division.

(e) "Participating party" means any person, company, corporation, partnership, firm, local agency, political subdivision of the state, or other entity or group of entities requiring financing for residential rehabilitation pursuant to the provisions of this part. No elective officer of the state or any of its political subdivisions shall be eligible to be a participating party under the provisions of this part.

(f) "Residential rehabilitation" means the construction, reconstruction, renovation, replacement, extension, repair, betterment, equipping, developing, embellishing, or otherwise improving residences consistent with standards of strength, effectiveness, fire resistance, durability, and safety, so that such

structures are satisfactory and safe to occupy for residential purposes and are not conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime because of any one or more of the following factors:

(1) Defective design and character of physical construction.

(2) Faulty interior arrangement and exterior spacing.

(3) Inadequate provision for ventilation, lighting, and sanitation.

(4) Obsolescence, deterioration, and dilapidation.

(g) "Residence" means a residential structure and means a commercial structure which, in the judgment of the local agency, is an integral part of a residential neighborhood.

(h) "Rehabilitation standards" means the applicable local or state standards for the rehabilitation of buildings located in rehabilitation assistance areas, including any higher standards adopted by the local agency as part of its residential rehabilitation financing program.

(i) "Revenues" means all amounts received as repayment of principal, interest, and all other charges received for, and all other income and receipts derived by, the local agency from the financing of residential rehabilitation, including moneys deposited in a sinking, redemption, or reserve fund or other fund to secure the bonds or to provide for the payment of the principal of, or interest on, the bonds and such other moneys as the legislative body may, in its discretion, make available therefor.

(j) "Residential rehabilitation area" means the geographical area designated by the local agency as one for inclusion in a comprehensive residential rehabilitation financing program pursuant to the provisions of this part.

SEC. 3. Section 37913 is added to the Health and Safety Code, to read:

37913. Local agencies operating rehabilitation programs pursuant to this part shall submit an annual progress report to the Department of Housing and Community Development. The department shall incorporate such reports into its annual report to the Legislature pursuant to Section 37100.

Local agencies may contract with the department for technical assistance in the operation of rehabilitation programs conducted pursuant to this part.

SEC. 3.5. Section 37922 of the Health and Safety Code is amended to read:

37922. Prior to the issuance of any bonds or bond anticipation notes of the local agency for residential rehabilitation, the local agency shall by ordinance or resolution adopt a comprehensive residential rehabilitation financing program which shall include, but is not limited to, the following items:

(a) Criteria for selection of residential rehabilitation areas by the local agency which shall include findings by the local agency that:

(1) There are a substantial number of deteriorating structures in the area which do not conform to community standards for decent, safe, sanitary housing.

(2) Financial assistance from the local agency for residential rehabilitation is necessary to arrest the deterioration of the area.

(3) Financing of residential rehabilitation in the area is economically feasible.

However, these findings are not required when the residential rehabilitation area is a redevelopment project area that the provisions of the Community Redevelopment Law (Part 1 (commencing with Section 33000)) apply to.

(b) Procedures for selection of residential rehabilitation areas by the local agency which shall include:

(1) Provisions for citizen participation in selection of residential rehabilitation areas.

(2) Provisions for a public hearing by the governing body of the local agency prior to selection of any particular residential rehabilitation area by the local agency.

(c) A commitment that, subject to budgeting and fiscal limitations of the local agency, rehabilitation standards will be enforced in 95 percent of the residences in each residential rehabilitation area.

(d) Guidelines for financing residential rehabilitation which shall be subject to the following limitations:

(1) Outstanding loans on the property to be rehabilitated, including the amount of the loans for rehabilitation, shall not exceed 80 percent of the anticipated after-rehabilitation value of the property to be rehabilitated, except that the local agency may authorize loans of up to 95 percent of the anticipated after-rehabilitation value of the property if such loans are made for the purpose of rehabilitating the property for residential purposes, there is demonstrated need for such higher limit, and there is a high probability that the value of the property will not be impaired during the term of the loan.

(2) The maximum repayment period for residential rehabilitation loans shall be 20 years or three-fourths of the economic life of the property, whichever is less. However, with regard to loans made by a redevelopment agency for rehabilitation within a redevelopment project area from the proceeds of any bonds or bond anticipation notes issued on or after the effective date of the amendments to this section enacted by the Statutes of 1974, the maximum repayment period shall be 30 years or three-fourths of the economic life of the property, whichever is less.

(3) The maximum amount loaned for rehabilitation for each dwelling unit and for each commercial unit which is, or is part of, a "residence" within the meaning of that term as defined in this part, shall be seventeen thousand five hundred dollars ($17,500). However, with regard to loans made by a redevelopment agency for rehabilitation within a redevelopment project area from the proceeds of any bonds or bond anticipation notes issued on or after the effective date of the amendments to this section enacted by the Statutes of 1974, the maximum amount loaned per dwelling unit shall be thirty thousand dollars ($30,000).

(4) No more than 20 percent of any loan for residential rehabilitation shall be used for residential rehabilitation which is not required under the local agency's rehabilitation standards except that in the case of owner-occupied one-to-four-dwelling unit properties, up to 40 percent of the loan for residential rehabilitation may be used for residential rehabilitation not required under the local agency's rehabilitation standards.

(5) Loans shall not be made for the purpose of refinancing the outstanding indebtedness of the participating party with respect to property which is subject to residential rehabilitation, unless the cost, including in such costs any amounts previously expended for residential rehabilitation of that property by a participating party, within a residential rehabilitation area or a redevelopment project area established at the time of such expenditure, of meeting the rehabilitation standards is at least 20 percent of the principal amount of the loan.

(e) A requirement that a plan for public improvements necessary to successful rehabilitation of the residential rehabilitation area be developed, with citizen participation, for each residential rehabilitation area and that the plan for public improvements be adopted by the local agency prior to the financing of residential rehabilitation in any residential rehabilitation area, together with a commitment that, subject to budgetary and fiscal limitations, such plan will be carried out by the local agency.

SEC. 4. Section 2 of Chapter 1201 of the Statutes of 1973 is repealed.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act, because there are savings as well as costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Priority in the allocation of federal funds becoming available for residential rehabilitation will be given to communities which are independently pursuing programs of residential rehabilitation. In order to provide all cities, counties, cities and counties, redevelopment agencies, and housing authorities in the state with the opportunity to obtain such funds during 1974 and to provide for necessary residential rehabilitation throughout the state, it is necessary that this act go into immediate effect.

CHAPTER 1017

An act to add and repeal Section 25507.1 of the Education Code, relating to community colleges.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 25507.1 is added to the Education Code, to read:

25507.1. The Chancellor of the California Community Colleges may designate one community college district to provide, on a pilot basis for three years, the maintenance of community college classes for credit on Sunday. Attendance at classes conducted on Sunday shall be at the election of the student. Attendance in classes conducted on Sunday shall be counted for purposes of computing average daily attendance. The district shall report to the chancellor's office at the end of each fiscal year the number of separate courses conducted on Sunday, and the number of students enrolled.

Any class which is required for attainment of an associate of arts degree or a certificate, which is offered on Sunday, shall also be offered during the regular Monday-through-Friday school week.

In the district designated to provide community college classes for credit on Sunday, no full-time contract or regular certificated employee shall, without his or her written consent, be required to perform his or her duties on Sunday, or for more than five days per workweek.

No classified school employee currently employed by such district shall, without his or her written consent, be required to change his or her workweek to include Sunday. Enactment of this section shall not be construed to require or cause any change or disruption in the present workweek of any classified employee, as defined in Section 13590.1, without written consent of such employee.

Enactment of this section shall not be construed as limiting the powers of any governing board of any community college district to govern the colleges of the district, including the assignment of certificated or classified personnel employed by such district.

The Board of Governors of the California Community Colleges shall evaluate the pilot program, if one is established, and the feasibility of maintaining such classes on a statewide basis and shall report its findings and recommendations to the Legislature on or before September 1, 1978.

This section shall remain in effect until July 1, 1978, and as of that date is repealed.

CHAPTER 1018

An act to amend Section 1238.3 of the Code of Civil Procedure, relating to condemnation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1238.3 of the Code of Civil Procedure is amended to read:

1238.3. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

Property immediately adjacent to and necessary for the operation or expansion of a nonprofit hospital then in existence and engaged in scientific research or an educational activity and the acquisition of which has been certified as necessary by the Director of the State Department of Health, except that property devoted to use for the relief, care, or treatment of the spiritual, mental, or physical illness or ailment of humans shall not be taken under this section. The director shall adopt reasonable regulations which will provide for a public hearing to be conducted by a hearing officer in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code in the area in which the hospital is located to determine the necessity of any acquisition of property under this section prior to certifying such necessity. Written notice of such hearing shall be given to the voluntary area health planning agency, if one exists, in the area in which the hospital is located. The voluntary area health planning agency so notified shall make its recommendations to the hearing officer within 90 days from the receipt of notice and no hearing shall be held prior to the expiration of such 90-day period unless the hearing officer has received the recommendations of the voluntary area health planning agency. At such public hearing, the hearing officer shall insure that the hearing shall, in part at least, consider the proposed expansion's impact upon the delivery of health care services in the community and upon the environment, as gathered from an environmental impact report. The applicant and all interested parties to the acquisition, including the voluntary area health planning agency, shall have the right to representation by counsel, the right to present oral and written evidence and confront and cross-examine opposing witnesses. A transcript of the public hearing shall be filed with the State Department of Health as a public record.

As used in this section, "nonprofit hospital" means any health center or general, tuberculosis, mental, chronic disease, or other type of hospital holding a license in good standing issued under the provisions of Chapter 2 of Division 2 of the Health and Safety Code and owned and operated by a fund, foundation or corporation, no

part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

SEC. 2. It is the intent of the Legislature that, whenever a proposed expansion of a nonprofit hospital is to be certified as necessary pursuant to Section 1238.3 of the Code of Civil Procedure, that the certification reflect the fact there has been a determination of the community's need for the proposed expansion. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The law does not presently provide for public discussion at the local level of the necessity for the acquisition of property by nonprofit hospitals. In order that future expansion may take place only after there is an airing of local opinion as to the necessity of each acquisition of property by means of condemnation, it is necessary that this act shall go into immediate effect.

CHAPTER 1019

An act to add Section 13139 to the Education Code, relating to a clinical credential.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13139 is added to the Education Code, to read:

13139. The minimum requirements for a services credential in a specialization in clinical or rehabilitative services are:

(a) A baccalaureate degree or higher degree from an institution approved by the commission.

(b) A fifth year, or its equivalent, of college or university education.

(c) Such specialized and professional preparation as the commission may require.

The services credential with a specialization in clinical or rehabilitative services shall authorize the holder to perform, at all grade levels, the service approved by the commission as designated on the credential. Clinical or rehabilitative services which may be designated by the commission include, but need not be limited to, speech, language, and hearing services.

CHAPTER 1020

An act to add Section 25514.2 to the Education Code, relating to vocational education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 25514.2 is added to the Education Code, to read:

25514.2. Notwithstanding any provision in this code to the contrary, the governing board of a community college district and a proprietary or nonprofit organization, a public entity, or a proprietary or nonprofit private corporation may enter into a contract for the education of community college students whose capacity to function is impaired by physical deficiency or injury, in vocational education classes to be conducted for such students by the proprietary or nonprofit organization, the public entity, or the proprietary or nonprofit private corporation maintaining the vocational education classes. All instruction pursuant to this section shall be approved of and supervised by the governing board of the community college school district and shall be conducted by credentialed instructors. The average daily attendance of such community college students attending classes, under the provisions of this section, shall be credited to the community college district and college credit may be granted students who satisfactorily complete the course of instruction in such classes.

SEC. 2. This act shall not affect, modify, or eliminate existing contracts for the education of community college students.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that specialized instruction not readily available may be offered to community college students by a nonprofit organization, a public entity, or nonprofit private corporation pursuant to a contract with the governing board of a community college district and with state support, commencing at the earliest possible time, it is necessary that this act go into immediate effect.

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CHAPTER 1021

An act to amend Section 3.7 of, and to add Section 3.6 to, Chapter 491 of the Statutes of 1971, relating to the transfer of the real property of the DeWitt State Hospital facility.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3.6 is added to Chapter 491 of the Statutes of 1971, to read:

Sec. 3.6. In view of the fact that the state has, in this unique case, assumed a responsibility to assist the local economy to compensate for the negative economic impact resulting from closure of a major state facility, and due to the fact that negotiated leases are the established method of providing industrial, commercial, office and storage facilities, a use for which said property is particularly suited, the provisions of Article 8 (commencing with Section 25520) of Chapter 5, Part 2, Division 2, Title 3 of the Government Code requiring competitive bidding shall not be applicable for the limited purposes of this chapter and amendments thereto.

SEC. 2. Section 3.7 of Chapter 491 of the Statutes of 1971 is amended to read:

Sec. 3.7. The County of Placer shall not convey to any third person, other than by lease or utility easement, its interest in the property transferred by this act. Leases entered into under this act shall not include any provision whereby the lessee may purchase the leased premises. If the total rental payable under any lease exceeds fifty thousand dollars ($50,000), such lease shall be subject to the approval of the Department of General Services.

CHAPTER 1022

An act to amend Section 564 of the Welfare and Institutions Code, and Section 42050 of the Vehicle Code, relating to traffic violations.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and take no further action, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code.

(b) That the minor attend traffic school over a period not to exceed 60 days.

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50), and to the Driver Training Penalty Assessment Fund a penalty assessment in the amount fixed at the discretion of the judge, referee, or traffic hearing officer, but in no event to exceed the amount of five dollars ($5) for each twenty dollars ($20) of the sum to be paid to the general fund of the county, or fraction thereof, for offenses not relating to parking or registration or offenses by pedestrians. Any judge, referee, or traffic hearing officer may waive a penalty assessment if the amount the minor is ordered to pay to the general fund of the county is less than ten dollars ($10).

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(e) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 2. Section 42050 of the Vehicle Code is amended to read:

42050. To reimburse the General Fund for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 17305 of the Education Code, and to augment the Peace Officers' Training Fund to the extent designated in Section 42052, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance or resolution relating to vehicles or their operators or owners, except offenses relating to parking or registration or offenses by pedestrians, in the following amounts:

(a) Where a fine is imposed	$5 for each $20 of fine, or fraction thereof.
(b) If sentence is suspended	$5 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
(c) If bail is forfeited	$5 for each $20 of bail, or fraction thereof.

(d) Where multiple offenses are involved ..... The penalty assessment shall be based on the total fine or bail for all offenses, or $5 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SEC. 3. Section 42050 of the Vehicle Code is amended to read:

42050. To reimburse the General Fund for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 17305 of the Education Code, and to augment the Peace Officers' Training Fund to the extent designated in Section 42052, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or any local ordinance or resolution adopted pursuant to this code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, in the following amounts:

(a) Where a fine is imposed .. $5 for each $20 of fine, or fraction thereof.

(b) If sentence is suspended $5 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).

(c) If bail is forfeited ..... $5 for each $20 of bail, or fraction thereof.

(d) Where multiple offenses are involved ..... The penalty assessment shall be based on the total fine or bail for all offenses, or $5 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 2296 are both chaptered and become effective January 1, 1975, both bills amend Section 42050 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 2296, that the amendments to Section 42050 proposed by both bills be given effect and incorporated in Section 42050 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 2296 are both chaptered and become effective January 1, 1975, both amend Section 42050, and this bill is chaptered after Senate Bill No. 2296, in which case Section 2 of this act shall not become operative.

CHAPTER 1023

An act to amend Section 475a of the Penal Code, relating to crimes.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 475a of the Penal Code is amended to read:

475a. Every person who has in his possession a completed check, money order, traveler's check, controller's warrant for the payment of money at the treasury, or county order or warrant, whether the parties thereto are real or fictitious, with intention to utter or pass the same, or to permit, cause, or procure the same to be uttered or passed, to defraud any person, is punishable by imprisonment in the state prison for not less than one nor more than five years, or by imprisonment in the county jail for not more than one year.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1024

An act to amend Sections 5170.5, 5174, and 5176 of, and to add Section 5170.1 to, the Welfare and Institutions Code, relating to alcoholism and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5170.1 is added to the Welfare and Institutions Code, to read:

5170.1. A 72-hour treatment and evaluation facility shall include one or more of the following:

(1) A screening, evaluation, and referral facility which may be accomplished by a mobile crisis unit, first aid station or ambulatory detoxification unit;

(2) A detoxification facility for alcoholic and acutely intoxicated persons.

(3) An alcohol recovery house.

SEC. 2. Section 5170.5 of the Welfare and Institutions Code is amended to read:

5170.5. Any person placed in an evaluation facility has, immediately after he is taken to an evaluation facility and except where physically impossible, no later than three hours after he is placed in such facility or taken to such unit, the right to make, at his own expense, at least two completed telephone calls. If the person placed in the evaluation facility does not have money upon him with which to make such calls, he shall be allowed free at least two completed local toll free or collect telephone calls.

SEC. 3. Section 5174 of the Welfare and Institutions Code is amended to read:

5174. It is the intent of the Legislature (a) that facilities for 72-hour treatment and evaluation of inebriates be subject to state funding under Part 2 (commencing with Section 5600) of this division only if they provide screening, evaluation and referral services and have available medical services in the facility or by referral agreement with an appropriate medical facility, and would normally be considered an integral part of a community health program; (b) that state reimbursement under Part 2 (commencing with Section 5600) for such 72-hour facilities and intensive treatment facilities, under this article shall not be included as priority funding as are reimbursements for other county expenditures under this part for involuntary treatment services, but may be provided on the basis of new and expanded services if funds for new and expanded services are available; that while facilities receiving funds from other sources may, if eligible for funding under this division, be designated as 72-hour facilities, or intensive treatment facilities for the purposes of this article, funding of such facilities under this division shall not be substituted for such previous funding.

No 72-hour facility, or intensive treatment facility for the purposes of this article shall be eligible for funding under Part 2 (commencing with Section 5600) of this division until approved by the Director of Health in accordance with standards established by the State Department of Health in regulations adopted pursuant to this part. To the maximum extent possible, each county shall utilize services provided for inebriates and persons impaired by chronic alcoholism by federal and other funds presently used for such services, including federal and other funds made available to the State Department of Rehabilitation and the State Department of Health. McAteer funds shall not be utilized for the purposes of the 72-hour involuntary holding program as outlined in this chapter.

SEC. 4. Section 5176 of the Welfare and Institutions Code is amended to read:

5176. This article shall apply only to those counties wherein the board of supervisors has adopted a resolution stating that suitable facilities exist within the county for the care and treatment of inebriates and persons impaired by chronic alcoholism, designating the facilities to be used as facilities for 72-hour treatment and

evaluation of inebriates and for the extensive treatment of persons impaired by chronic alcoholism, and otherwise adopting the provisions of this article.

Each county Short-Doyle plan for a county to which this article is made applicable shall designate the specific facility or facilities for 72-hour evaluation and detoxification treatment of inebriates and for intensive treatment of persons impaired by chronic alcoholism and for the treatment of such persons on a voluntary basis under this article, and shall specify the maximum number of patients that can be served at any one time by each such facility.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The Department of Health has classified 72-hour involuntary detoxification facilities as "medical models" for the purposes of licensing, resulting in the inability of detoxification centers to be licensed under these more stringent regulations. In order to permit detoxification facilities to be licensed at the earliest possible time, it is necessary this act take effect immediately.

CHAPTER 1025

An act to amend Section 11705 of, and to add Section 11713.5 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11705 of the Vehicle Code is amended to read:

11705. (a) The department, after notice and hearing, may suspend or revoke the license issued to a dealer, transporter, manufacturer, manufacturer branch, distributor, or distributor branch upon determining that the person to whom the license was issued is not lawfully entitled thereto, or has committed any of the following acts:

(1) Filed an application for the license thereafter issued using a false or fictitious name not registered with the proper authorities, or knowingly made any false statement or knowingly concealed any material fact, in the application for such license.

(2) Has made, or knowingly or negligently permitted, any illegal use of the special plates issued to such license.

(3) Has used a false or fictitious name, knowingly made any false statement, or knowingly concealed any material fact, in any application for the registration of a vehicle, or otherwise committed

a fraud in such application.

(4) Failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership.

(5) Has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle.

(6) Failed to provide and maintain a clear physical division between the type of business licensed pursuant to this chapter and any other type of business conducted at the established place of business.

(7) Has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000) or a rule or regulation adopted pursuant thereto, or Section 1651.

(8) Has violated one or more of the terms and conditions of Division 4 (commencing with Section 10500) or the rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(9) Has violated one or more of the provisions of Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(10) Has violated any of the terms or provisions of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651 of this code.

(11) Has violated any of the terms or provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code or the rules and regulations adopted pursuant thereto under the authority of Section 1651 of this code.

(12) Has committed and has been convicted of a crime of a felony or a crime of moral turpitude.

(13) Has submitted a check, draft, or money order to the department for any obligation or fee due the state and it is thereafter dishonored or refused payment upon presentation.

(14) Has caused any person to suffer any loss or damage by reason of any fraud or deceit practiced on him or fraudulent representations made to such person in the sale or purchase of a vehicle or parts or accessories thereof.

(15) Has violated any of the provisions of Section 11713.5.

For the purposes of this subdivision, the term "fraud" includes any act or omission which is included within the definition of either "actual fraud" or "constructive fraud" as defined in Sections 1572 and 1573 of the Civil Code, and the term "deceit" has the same meaning as defined in Section 1710 of the Civil Code. In addition, the terms "fraud" and "deceit" include, but are not limited to, the following: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; an intentional failure to disclose a material fact; any act falling within the provisions of Section 484 of the Penal Code.

(b) Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer applicant shall be cause to suspend or revoke a license and certificate issued to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 11713.5 is added to the Vehicle Code, to read:

11713.5. (a) It is unlawful and a violation of this code, for the holder of any license issued under this article to display for sale, offer for sale, or sell, a motor vehicle, representing such motor vehicle to be of a year model different from the year model designated at the time of manufacture or assembly.

(b) It is unlawful and a violation of this code, for the holder of any license issued under this article to directly or indirectly authorize or advise another holder of a license issued under this article to change the year model of a motor vehicle in the inventory of such other holder.

(c) The provisions of this section shall not apply to the displaying or offering for sale, or selling, of any new motor truck or truck tractor weighing over 10,000 pounds.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1026

An act to amend Section 6006 of, to add Sections 6005 and 6007 to, to add and repeal Section 6005.5 of, and to repeal Section 6005 of, the Food and Agricultural Code, and to repeal Section 5 of Chapter 170 of the Statutes of 1967, relating to pest control, making an appropriation therefor, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6005 of the Food and Agricultural Code is repealed.

SEC. 2. Section 6005 is added to the Food and Agricultural Code,

to read:

6005. On and after February 1, 1975, every grower of cotton in the state shall pay to the director a fee of seventy-five cents ($0.75) for each bale of cotton ginned.

The fee is a maximum fee. Between February 1 and June 30 of each year, the Cotton Pest Control Board shall recommend to the director the amount of such fee, as it determines to be necessary to carry out the provisions of this article. The director may fix such fee at a less amount, when he finds that the cost of administering this article can be defrayed with such below-maximum fee. The amount of such fee shall be effective for the next fiscal year. The amount of the fee shall be paid to the director at the time the cotton is ginned. The amount so received by the director shall be paid into the Department of Agriculture Fund and shall be used for the control of pink bollworm or other related cotton pests.

The revenue from the fee shall be used to pay the cost of carrying out this article.

The director shall refund any fees which have not been expended by the termination date of this article.

The director is authorized to receive moneys from other sources for this program, which will be deposited into the Department of Agriculture Fund, and used to carry out the purposes of this article.

This section shall become operative on February 1, 1975.

SEC. 3. Section 6005.5 is added to the Food and Agricultural Code, to read:

6005.5. Until February 1, 1975, every grower of cotton in the state shall pay to the director a fee of fifty cents ($0.50) for each bale of cotton ginned.

The fee is a maximum fee. The director may fix such fee at a less amount, and may adjust such fee from time to time, whenever he finds that the cost of administering this article can be defrayed with such below-maximum fee. The amount of the fee shall be paid to the director at the time the cotton is ginned. The amount so received by the director shall be paid into the Department of Agriculture Fund and shall be used for the control of and eradication of pink bollworm or other related cotton pests.

The revenue from the fee shall be used to pay the cost of carrying out this article.

The director shall refund any fees which have not been expended pursuant to this section within two years.

The director is authorized to receive moneys from other sources for this program, which will be deposited into the Department of Agriculture Fund, and used to carry out the purposes of this article.

This section shall remain in effect only until February 1, 1975, and as of that date is repealed.

SEC. 4. Section 6006 of the Food and Agricultural Code is amended to read:

6006. The director shall appoint a Cotton Pest Control Board, consisting of nine members, to assist and advise him on matters

which pertain to the control of cotton pests.

The membership shall consist of at least one cottongrower from each of the major cotton-growing counties in the state.

Any member of the board who misses two meetings of the board, without the permission of the board, is deemed to have resigned as a member of such board.

The board may meet in regular session each month. The chairman of the board or director may call any other meeting of the board at any time. Each member shall be allowed twenty-eight dollars ($28) per diem and mileage in accordance with the Board of Control rules for attending any meeting of the board.

The board shall annually review the effectiveness of the cotton pest control program.

The amendments to this section enacted at the 1973–74 Regular Session of the Legislature shall become operative February 1, 1975.

SEC. 5. Section 5 of Chapter 170 of the Statutes of 1967 is repealed.

SEC. 6. Section 6007 is added to the Food and Agricultural Code, to read:

6007. This article shall remain in effect only until July 1, 1977, and as of that date is repealed.

SEC. 7. There is hereby appropriated from the Department of Agriculture Fund the sum of three hundred thirty-one thousand nine hundred thirty-eight dollars ($331,938), in augmentation of the 1974–75 support budget of the Department of Food and Agriculture, for the purposes of carrying out the provisions of Article 5 (commencing with Section 6001), Chapter 9, Part 1, Division 4 of the Food and Agricultural Code.

SEC. 8. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1027

An act to add Section 1720.2 to the Labor Code, relating to the payment of prevailing wage rates.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1720.2 is added to the Labor Code, to read:

1720.2. For the limited purposes of Article 2 (commencing with Section 1770) of this chapter, "public works" also means any construction work done under private contract when all of the following conditions exist:

(a) The construction contract is between private persons.

(b) The property subject to the construction contract is privately owned, but, upon completion of the construction work, more than 50 percent of the assignable square feet of the property is leased to the state or a political subdivision for its use.

(c) The lease agreement between the lessor and the state or political subdivision, as lessee, was entered into prior to the construction contract.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 1028

An act to amend Section 13810 of the Penal Code, relating to the California Council on Criminal Justice, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 13810 of the Penal Code is amended to read:

13810. There is hereby created in the state government the California Council on Criminal Justice, which shall be composed of the following members: the Attorney General; the Administrative Director of the Courts; 14 members appointed by the Governor, three of whom shall be the Commissioner of the Department of the Highway Patrol, the Director of the Department of Corrections, and the Director of the Youth Authority; five members appointed by the Senate Rules Committee; and six members appointed by the Speaker of the Assembly.

The appointees of the Governor shall include: a chief of police, a district attorney, a sheriff, a public defender, a county probation officer, one member of a city council, one member of a county board of supervisors, a representative of the Commission on Peace Officer Standards and Training, a faculty member of a college or university qualified in the field of criminology, police science, or law, and a person qualified in the general field of research, development, and systems technology. The Speaker of the Assembly and Senate Committee on Rules shall include among their appointments a judge designated by the Judicial Council, one private citizen, a representative of the cities and a representative of the counties, and seven persons who shall be elected officials of county or city government or appointed officials of county or city criminal justice

agencies.

The Governor shall select a chairman from among the members of the council.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to insure efficient functioning of the council at the earliest date, it is necessary that this act take effect immediately.

CHAPTER 1029

An act to add Sections 20044 and 31840.3 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 20044 is added to the Government Code, to read:

20044. The provisions of this part extending rights to a member of this system by reason of his membership in a retirement system established under the County Employees Retirement Law of 1937 shall also apply to members who terminated state employment on or after June 30, 1971, but because of county budget problems were not employed in the permanent positions to which they would otherwise have been assigned and did not become permanent county employees until on or before January 4, 1972.

SEC. 2. Section 31840.3 is added to the Government Code, to read:

31840.3. The provisions of this chapter extending rights to a member of a county retirement system established under this chapter by reason of his membership in the Public Employees' Retirement System shall also apply to members who terminated state employment on or after June 30, 1971, but because of county budget problems were not employed in the permanent positions to which they would otherwise have been assigned and did not become permanent county employees until on or before January 4, 1972.

This section shall not be operative in any county until it is adopted by a majority vote of the board of supervisors.

CHAPTER 1030

An act to add Sections 16475.5 and 16480.9 to the Government Code, relating to state funds.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 16475.5 is added to the Government Code, to read:

16475.5. Notwithstanding the provisions of Section 16475, as of December 31 and June 30 each year all interest earned and other increment derived from the investment pursuant to this article of money of the Fish and Game Preservation Fund, less the expenses incurred by the State Treasurer under this article in investing such money, shall be transferred to the Fish and Game Preservation Fund.

SEC. 2. Section 16480.9 is added to the Government Code, to read:

16480.9. Notwithstanding the provisions of Section 16480.6, as of December 31 and June 30 each year all interest earned and increment derived from the investment pursuant to this article of money of the Fish and Game Preservation Fund shall be transferred to the Fish and Game Preservation Fund.

CHAPTER 1031

An act to amend Section 25817 of the Health and Safety Code, relating to radiation control.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 25817 of the Health and Safety Code is amended to read:

25817. The department shall provide by regulation a schedule of fees which shall be paid by persons possessing sources of ionizing radiation which are subject to registration in accordance with subdivision (b) of Section 25815, and regulations adopted pursuant thereto. The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of carrying out any inspections of such sources of ionizing radiation required by this chapter or regulations adopted pursuant thereto. The fee shall be ten dollars ($10) annually for each source of ionizing radiation. The department may, however, increase the fee annually by an amount not in excess of 10 percent of the fee for the previous year,

but in no event may the fee be increased to exceed the cost of administering this chapter. Persons who pay fees shall not be required to pay, directly or indirectly, for the share of the costs of administering this chapter of those persons for whom fees are waived. Any agreement made pursuant to Section 25810 shall include provisions for the distribution of funds provided for this program proportionate to the services performed by each participating agency. The provisions for the distribution of funds to the participating agencies shall be subject to approval by the Director of Finance for the purpose of insuring an equitable allocation proportionate to the services performed.

CHAPTER 1032

An act to add Section 75090.3 to the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 75090.3 is added to the Government Code, to read:

75090.3. Any person who is a judge on the effective date of this section may elect to come within the provisions of this article on or before February 1, 1975, provided he pays into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary under Section 75092 had he made the contribution from the date he was first eligible to make such election.

CHAPTER 1033

An act to amend Section 227 of the Labor Code, relating to employment regulations.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 227 of the Labor Code is amended to read:

227. Whenever an employer has agreed with any employee to make payments to a health or welfare fund, pension fund or vacation plan, or other such plan for the benefit of the employees, or a negotiated industrial promotion fund, or has entered into a collective bargaining agreement providing for such payments, it shall be

unlawful for such an employer willfully or with intent to defraud to fail to make the payments required by the terms of any such agreement. A violation of any provision of this section where the amount the employer failed to pay into the fund or funds exceeds five hundred dollars ($500) shall be punishable by imprisonment in the state prison for a period of not more that five years or in the county jail for a period of not more than one year, by a fine of not more than one thousand dollars ($1,000), or by both such imprisonment and fine. All other violations shall be punishable as a misdemeanor.

CHAPTER 1034

An act to amend Sections 11703 and 11705 of the Vehicle Code, relating to vehicle dealers' licenses.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 11703 of the Vehicle Code, as amended by Chapter 996 of the Statutes of 1973, is amended to read:

11703. The department may refuse to issue a license and special plates to a manufacturer, manufacturer branch, distributor, distributor branch, transporter, or dealer, when it determines that:

(a) The applicant was previously the holder of a license and special plates issued under this chapter, which license and special plates were revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the

provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if the corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in the application is incorrect.

(f) The decision of the department to cancel, suspend, or revoke a license has been entered, and this applicant was the licensee, or a copartner, officer, director, or stockholder of such licensee.

SEC. 2. Section 11705 of the Vehicle Code, as amended by Chapter 996 of the Statutes of 1973, is amended to read:

11705. (a) The department, after notice and hearing, may suspend or revoke the license issued to a dealer, transporter, manufacturer, manufacturer branch, distributor, or distributor branch upon determining that the person to whom the license was issued is not lawfully entitled thereto, or has committed any of the following acts:

(1) Filed an application for the license thereafter issued using a false or fictitious name not registered with the proper authorities, or knowingly made any false statement or knowingly concealed any material fact, in the application for such license.

(2) Has made, or knowingly or negligently permitted, any illegal use of the special plates issued to such license.

(3) Has used a false or fictitious name, knowingly made any false statement, or knowingly concealed any material fact, in any application for the registration of a vehicle, or otherwise committed a fraud in such application.

(4) Failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership.

(5) Has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle.

(6) Failed to provide and maintain a clear physical division between the type of business licensed pursuant to this chapter and any other type of business conducted at the established place of business.

(7) Has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000) or a rule or regulation adopted pursuant thereto, or Section 1651.

(8) Has violated one or more of the terms and conditions of Division 4 (commencing with Section 10500) or the rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(9) Has violated one or more of the provisions of Article 1

(commencing wth Section 11700) of Chapter 4 of Division 5 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(10) Has violated any of the terms or provisions of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651 of this code.

(11) Has violated any of the terms or provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code or the rules and regulations adopted pursuant thereto under the authority of Section 1651 of this code.

(12) Has submitted a check, draft, or money order to the department for any obligation or fee due the state and it is thereafter dishonored or refused payment upon presentation.

(13) Has caused any person to suffer any loss or damage by reason of any fraud or deceit practiced on him or fraudulent representations made to such person in the sale or purchase of a vehicle or parts or accessories thereof.

For the purposes of this subdivision, the term "fraud" includes any act or omission which is included within the definition of either "actual fraud" or "constructive fraud" as defined in Sections 1572 and 1573 of the Civil Code, and the term "deceit" has the same meaning as defined in Section 1710 of the Civil Code. In addition, the terms "fraud" and "deceit" include, but are not limited to, the following: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; an intentional failure to disclose a material fact; any act falling within the provisions of Section 484 of the Penal Code.

(b) Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer applicant shall be cause to suspend or revoke a license and certificate issued to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 1035

An act to amend Section 22852 of the Government Code, relating to state employees' health benefits.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 22852 of the Government Code is amended to read:

22852. A contracting agency which has elected to be subject to this part shall not maintain any other plan or program offering prepaid hospital and medical care for its employees unless:

(a) The contracting agency was subject to this part on April 1, 1972 and maintained another plan or program on the effective date of the amendment to this section at the 1973–74 Regular Session; provided, however, that such plan or program does not include employees hired after April 1, 1973, or;

(b) Such plan provides coverage for a group of employees and meets and maintains the minimum standards for approved health benefits plans prescribed by the board pursuant to the requirements of this act.

An election of a contracting agency to be subject to this part shall not be effective prior to termination of any plan maintained in violation of this section and establishment of any such plan thereafter in violation of this section or failure to correct any deficiency determined by the board under subdivision (b) within six months of notice to the governing body shall terminate participation of the agency and all of its employees under this part as of the end of the contract year.

CHAPTER 1036

An act to amend Section 7504 of the Education Code, relating to educational programs.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 7504 of the Education Code is amended to read:

7504. The Legislature hereby recognizes that it is the policy of the people of the State of California to provide an educational opportunity to the end that every student leaving school shall have the opportunity to be prepared to enter the world of work; that every student who graduates from any state-supported educational institution should have sufficient marketable skills for legitimate remunerative employment; that every qualified and eligible adult citizen shall be afforded an educational opportunity to become suitably employed in some remunerative field of employment; and that such opportunities are a right to be enjoyed without regard to race, creed, color, national origin, sex, or economic status.

CHAPTER 1037

An act to amend Section 54221 of the Government Code, relating to public surplus land.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 54221 of the Government Code is amended to read:

54221. (a) As used in this article, the term "local agency" means every city, whether organized under general law or by charter, county, city and county, and district, including school districts of any kind or class, empowered to acquire and hold real property.

(b) As used in this article the term "surplus land" means land owned by any agency of the state, or any local agency, that is determined to be no longer necessary for such agency's use, and which is capable of park or recreation development, except property being held by the agency for the purpose of exchange.

(c) As used in this article the term "open-space purposes" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

CHAPTER 1038

An act to amend Section 21301 of the Education Code, relating to school districts.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 21301 of the Education Code is amended to read:

21301. The governing board of any school district may, with the consent of the county superintendent of schools, establish a revolving cash fund for the use of the chief accounting officer of the district, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The purposes for which the revolving cash fund shall be available shall include the purposes specified in Section 13604.1. The amount of the fund shall not be more than 2 percent of the district's estimated expenditures for the current fiscal year and shall not in any event exceed twenty-five thousand dollars ($25,000) for any elementary school, high school, or community college district; and

fifty thousand dollars ($50,000) for any unified school district. Three certified copies of the resolution shall be transmitted to the county superintendent of schools. If he approves the establishment of the fund, the county superintendent shall endorse his consent on the resolution and return one copy to the governing body of the district, and transmit one copy to the county auditor.

CHAPTER 1039

An act making an appropriation to the Department of the California Highway Patrol for highway safety.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that motor vehicle seatbelts have a demonstrated capacity to save human lives and that the United States Department of Transportation and the California Highway Patrol have conducted studies pertaining to the use of seatbelts in buses, but that further research is required in order to develop standards for the design and use of such seatbelts.

SEC. 2. There is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of the California Highway Patrol the sum of fifty thousand dollars ($50,000) to be expended for the purposes of studying and testing seatbelts for use in buses, establishing seatbelt standards for new buses, and determining the feasibility of installing seatbelts or seat restraints in existing public transit buses, schoolbuses, and farm labor buses.

SEC. 3. The department shall submit its written report and recommendations to the Legislature not later than six months from the effective date of this act.

CHAPTER 1040

An act to add Section 74191.5 to the Government Code, relating to courts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 74191.5 is added to the Government Code, to read:

74191.5. (a) One department of the court shall remain open and

in session at least one night a week during such hours as the judges of the court shall prescribe for the purpose of conducting proceedings involving traffic infractions. The clerk of the court, or at least one deputy clerk, shall be in attendance to accept bail for traffic offenses in a department that is open at night.

(b) At the election of any defendant accused of a traffic infraction, the court shall fix his date of appearance at an evening hour. In addition to any other costs assessed the defendant, if the defendant elects to appear at an evening hour the defendant shall be assessed fifty cents ($0.50) to defray the costs of the evening appearance.

SEC. 2. Section 1 of this act shall be operative upon the creation for the Sacramento Municipal Court District of an additional judgeship.

The Joint Rules Committee shall assign the proper committee to study the success of the evening court sessions under this act. On or before January 1, 1977, the committee making the study shall make a report to the Legislature as to the success of the evening court sessions.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act.

CHAPTER 1041

An act to amend Section 13085.5 of the Education Code, relating to public school, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13085.5 of the Education Code is amended to read:

13085.5. In each school district there is a group of certificated ›ositions which shall be identified by the governing board of the istrict as "management positions" for the purposes of this article. ıe governing board, notwithstanding Section 13085, shall publicly ntify all management positions annually at its first meeting of h fiscal year and shall list the positions as management positions s minutes. Any additional position established during the fiscal shall, at the time of establishment, be identified to indicate ıer it is or is not a management position.

position shall be identified as a certificated management ı for the purposes of this article unless it satisfies both of the ıg requirements:

ıe position is one whose primary duties are other than

teaching.

(b) The primary duty of the position shall be direct supervision over certificated employees.

No person serving in a certificated management position shall be represented by any certificated employee organization or by a certificated employee council established pursuant to Section 13085, nor shall any person serving in a certificated management position be counted in determining either the total number of certificated employees of the district or the total number of members of a certificated employee organization for the purpose of determining the composition of the certificated employee council. No person serving in a management position may be appointed or elected by an employee organization as a representative on the certificated employee council.

Any person serving in a management position shall have the right to represent himself individually or by an employee organization whose membership is composed entirely of employees designated as holding management positions, in his employment relationships with the public school employer. No certificated employee organization or certificated employee council established pursuant to Section 13085 shall have any authority to meet and confer on any benefit or compensation paid to such persons.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that certificated employee councils may be duly constituted in conformance with Section 13085 of the Education Code and the provision of this act by no later than October 31, 1974, it is necessary that this act take effect immediately.

CHAPTER 1042

An act to amend Section 13407 of the Education Code, relating to certificated employees.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13407 of the Education Code is amended to read:

13407. The governing board of any school district shall not act upon any charges of unprofessional conduct or incompetency unless during the preceding term or half school year prior to the date of the filing of the charge, and at least 90 days prior to the date of the filing, the board or its authorized representative has given the employee

against whom the charge is filed, written notice of the unprofessional conduct or incompetency, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his faults and overcome the grounds for such charge. The written notice shall include the evaluation made pursuant to Article 5.5 (commencing with Section 13485) of this chapter, if applicable to the employee. "Unprofessional conduct" and "incompetency" as used in this section means, and refers only to, the unprofessional conduct and incompetency particularly specified as a cause for dismissal in Sections 13403 and 13403.5 and does not include any other cause for dismissal specified in Section 13403.

CHAPTER 1043

An act to amend Section 5726 of, and to repeal Article 5 (commencing with Section 5731) of Chapter 5.5 of Division 6 of, the Education Code, relating to public high schools.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5726 of the Education Code is amended to read:

5726. Upon application of 20 or more persons above the age of 18 years residing in a high school district who cannot speak, read, or write the English language to a degree of proficiency equal to that required for the completion of the eighth grade of the elementary schools, the governing board of the high school district shall establish classes in English.

SEC. 2. Article 5 (commencing with Section 5731) of Chapter 5.5 of Division 6 of the Education Code is repealed.

CHAPTER 1044

An act to amend Sections 2135 and 2458 of, to add Article 12.5 (commencing with Section 2350), Article 19 (commencing with Section 2525), and Article 20 (commencing with Section 2528), to Chapter 5 of Division 2 of, and to amend Section 2933 of, and to repeal Sections 2138, 2139, 2140, 2142.5, 2143, 2147.7, 2148, 2192.5, 2193.1, 2193.8, 2193.15, 2232, 2245, 2245.5, 2246, 2310.1, 2326, 2327, 2394, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2410, and 2451.4 of, and to repeal Article 2.5 (commencing with Section 2125) and Article 12 (commencing with Section 2340) of Chapter 5 of Division 2 of, the Business and Professions Code, to amend

Section 11217 of the Health and Safety Code, and to repeal Chapter 1002 of the Statutes of 1968 and Chapters 262, 283, 455, 720 and 1020 of the Statutes of 1971, relating to medicine, and declaring the urgency thereof.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 2125) of Chapter 5 of Division 2 of the Business and Professions Code is repealed.

SEC. 1.5. Section 2135 of the Business and Professions Code is amended to read:

2135. The board shall issue two forms of certificates designated as:

(a) Physician's and surgeon's certificate.

(b) Certificate to practice podiatric medicine.

The physician's and surgeon's and podiatrist's certificates may also be issued as a reciprocity certificate.

SEC. 2. Section 2138 of the Business and Professions Code is repealed.

SEC. 3. Section 2139 of the Business and Professions Code is repealed.

SEC. 4. Section 2140 of the Business and Professions Code is repealed.

SEC. 5. Section 2142.5 of the Business and Professions Code is repealed.

SEC. 5.5. Section 2143 of the Business and Professions Code is repealed.

SEC. 6. Section 2147.7 of the Business and Professions Code is repealed.

SEC. 7. Section 2148 of the Business and Professions Code is repealed.

SEC. 8. Section 2192.5 of the Business and Professions Code is repealed.

SEC. 8.5. Section 2193.1 of the Business and Professions Code is repealed.

SEC. 9. Section 2193.8 of the Business and Professions Code is repealed.

SEC. 10. Section 2193.15 of the Business and Professions Code is repealed.

SEC. 11. Section 2232 of the Business and Professions Code is repealed.

SEC. 12. Section 2245 of the Business and Professions Code is repealed.

SEC. 13. Section 2245.5 of the Business and Professions Code is repealed.

SEC. 14. Section 2246 of the Business and Professions Code is

repealed.

SEC. 15. Section 2310.1 of the Business and Professions Code is repealed.

SEC. 16. Section 2326 of the Business and Professions Code is repealed.

SEC. 17. Section 2327 of the Business and Professions Code is repealed.

SEC. 17.3. Article 12 (commencing with Section 2340) of Chapter 5 of Division 2 is repealed.

SEC. 18. Article 12.5 (commencing with Section 2350) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 12.5. Midwifery

2350. The certificate to practice midwifery authorizes the holder to attend cases of normal childbirth.

As used in this chapter, the practice of midwifery constitutes the furthering or undertaking by any person to assist a woman in normal childbirth. But it does not include the use of any instrument at any childbirth, except such instrument as is necessary in severing the umbilical cord, nor does it include the assisting of childbirth by any artificial, forcible, or mechanical means, nor the performance of any version, nor the removal of adherent placenta, nor the administering, prescribing, advising, or employing, either before or after any childbirth, of any drug, other than a disinfectant or cathartic.

A midwife is not authorized to practice medicine and surgery by the provisions of this chapter.

2351. The certificate to practice midwifery may be revoked if it appears to the satisfaction of the board that due caution and circumspection were not used or that proper aseptic and antiseptic precautions were not taken in any case that the holder of this form of certificate may have treated.

2352. The certificate to practice midwifery may be revoked upon conviction for the violation of any health statute, order or ordinance, or for the neglect or refusal to comply with the health rules and regulations of any state, county, city or township.

2353. The certificate to practice midwifery may be revoked for the treatment of a complicated vertex presentation by the holder of this form of certificate in any case of labor in which this condition occurs without calling or attempting to call a person authorized to practice a system, including the practice of obstetrics, under this chapter or any preceding medical practice act.

2354. The certificate to practice midwifery may be revoked for failure to refer to a person authorized under this chapter or any preceding medical practice act to practice a system including obstetrics, a case which has or develops any of the following conditions during pregnancy.

(a) Contracted pelvis or other deformity that will interfere with

labor.

(b) Bleeding from the uterus.

(c) Swelling of the face and hands.

(d) Excessive vomiting.

(e) Persistent headache.

(f) Dimness of vision.

(g) Convulsions.

2355. The certificate to practice midwifery may be revoked for failure to call or summon a physician if any of the following conditions exist or develop at the beginning of or during labor:

(a) Complicated presentation of a vertex (head).

(b) Convulsions.

(c) Excessive bleeding.

(d) Prolapse of the cord.

(e) A swelling or tumor that obstructs the birth of the child.

(f) Signs of exhaustion or of collapse.

(g) Unduly prolonged labor.

2356. The certificate to practice midwifery may be revoked for failure to refer to a person authorized under this chapter or any preceding medical practice act to practice a system including obstetrics, a case which develops any of the following conditions during the lying-in period:

(a) Convulsions.

(b) Excessive bleeding.

(c) Foul smelling discharge (lochia).

(d) Persistent rise of temperature to 101 degrees Fahrenheit for 24 hours.

(e) Swelling and redness of the breasts.

(f) Severe chill (rigor) with rise of temperature.

(g) Inability to nurse the child.

2357. The certificate to practice midwifery may be revoked for failure to refer to a person authorized under this chapter or any preceding medical practice act to practice a system including obstetrics, a case where the child has or develops any of the following conditions:

(a) Deformities or malformations or injuries.

(b) Inability to suckle or nurse.

(c) Inflammation around or discharge from the navel.

(d) Swelling and redness of the eyelids with a discharge of pus from the eyes (ophthalmia neonatorum).

(e) Bleeding from the mouth, navel or bowels.

(f) Inability to urinate.

2358. The certificate to practice midwifery may be revoked for the treatment by the holder of this form of certificate that is known as the introduction of the hand into the vagina or uterus to remove placenta or membranes.

2359. The certificate to practice midwifery may be revoked for the failure to have the following equipment in each case:

Nail brush; wooden or bone nail cleaner; jar of green or soft castile

soap; rubber gloves; tube of sterile vaseline; clinical thermometer; agate or glass douche reservoir; two rounded vaginal douche nozzles; two rectal nozzles, large and small; one soft rubber catheter; blunt scissors for cutting cord; either lysol, carbolic acid or bichloride of mercury tablets; boric acid powder; 1-percent solution of nitrate of silver; medicine dropper; narrow tape or soft twine for tying cord; and absorbent cotton (preferably in one-quarter-pound packages). No other instruments are to be used by a holder of this form of certificate.

SEC. 19. Section 2394 of the Business and Professions Code is repealed.

SEC. 20. Section 2400 of the Business and Professions Code is repealed.

SEC. 21. Section 2401 of the Business and Professions Code is repealed.

SEC. 22. Section 2402 of the Business and Professions Code is repealed.

SEC. 23. Section 2403 of the Business and Professions Code is repealed.

SEC. 24. Section 2404 of the Business and Professions Code is repealed.

SEC. 25. Section 2405 of the Business and Professions Code is repealed.

SEC. 26. Section 2406 of the Business and Professions Code is repealed.

SEC. 27. Section 2407 of the Business and Professions Code is repealed.

SEC. 28. Section 2408 of the Business and Professions Code is repealed.

SEC. 29. Section 2410 of the Business and Professions Code is repealed.

SEC. 30. Section 2451.4 of the Business and Professions Code is repealed.

SEC. 31. Article 19 (commencing with Section 2525) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 19. Podiatry

2525. There is hereby created within the jurisdiction of the Board of Medical Examiners of the State of California, a Podiatry Examining Committee, hereafter referred to as the examining committee.

2525.1. The examining committee shall consist of six members appointed by the Governor, one of whom shall be a public member. The Governor shall give consideration to recommendations of the Board of Medical Examiners of the State of California, after the board has consulted with the Podiatry Examining Committee, except with regard to the public member.

2525.2. Members of the examining committee, except the public

member, shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this state for at least five years next preceding his appointment.

(b) Be a graduate of a recognized school of podiatry.

(c) Have a valid certificate to practice podiatry in this state.

(d) Have engaged in the practice of podiatry in this state for at least five years next preceding his appointment.

2525.3. The public member shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this state for at least five years next preceding his appointment.

(b) Shall not be an officer or faculty member of any college, school or institution engaged in podiatry instruction.

(c) Shall not be a licentiate of the committee or of any board under this division or of any board referred to in Sections 1000 and 3600.

2525.4. No person who directly or indirectly owns any interest in any college, school, or other institution engaged in podiatric instruction shall be appointed to the examining committee nor shall any incumbent member of the committee have or acquire any interest, direct or indirect, in any college, school, or other institution engaged in podiatric instruction. Not more than one member of the committee may be a full-time member of the faculty of a podiatric school.

2525.5. All members of the committee shall be appointed for terms of four years. Vacancies shall immediately be filled by the Governor for the unexpired portion of the terms in which they occur. In filling vacancies, except for a vacancy as to the public member, the Governor shall give consideration to recommendations of the Board of Medical Examiners, after the board has consulted with the Podiatry Examining Committee. No person shall serve as a member of the committee for more than two consecutive terms.

2525.6. The examining committee shall hold one regular meeting in the City of Sacramento, and at least two additional regular meetings annually, one of which shall be held in the City of Los Angeles and the other in the City of San Francisco. The committee may adjourn from time to time until its business is concluded. Special meetings of the committee may be held at such time and place as the committee may designate.

The committee shall annually elect one of its members to act as chairman, and one member to act as vice chairman who shall hold their respective positions at the pleasure of the committee.

The chairman of the committee may call meetings of any duly appointed subcommittee at a specified time and place.

2525.7. Notice of each regular or special meeting of the examining committee shall be given twice a week for two weeks next preceding in one daily newspaper published in the City of San Francisco, one published in the City of Sacramento, and one

published in the City of Los Angeles. Subcommittee meetings need not be advertised.

2525.8. The examining committee shall examine every applicant for a podiatry certificate at the time and place designated by the committee in its discretion, but at least once in each year, and for that purpose may appoint qualified persons to give the whole or any portion of the examination, who shall be designated as commissioners on examination. A commissioner on examination need not be a member of the committee, but shall be subject to the same rules and regulations and shall be entitled to the same fee as if he were a member of the committee.

The examining committee shall perform all examination functions, including but not limited to, participation in uniform examination systems.

2525.9. The examining committee shall have full authority, subject to rules and regulations adopted by the board, to investigate and to evaluate each and every applicant applying for a certificate to practice podiatry and to recommend to the board for final determination the admission of the applicant to the examination, or for the issuance of a certificate, in conformance with the provisions and qualifications required by this chapter.

2525.10. Each member of the examining committee, or any licensed podiatrist appointed by the committee, may inspect, or require reports from, a general or specialized hospital and the podiatric staff thereof, with respect to the podiatric care, services, or facilities provided therein, and may inspect podiatric patient records with respect to such care, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated by a member of the committee to any person other than a podiatrist and shall be subject to the restrictions against disclosure described in Section 2379.

2525.11. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

2525.12. (a) The examining committee shall hear all matters assigned to it by the board, including but not limited to, any contested case or any petition for reinstatement, restoration or modification of probation. Except as otherwise provided in this chapter, all such hearings shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If a contested case is heard by the examining committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

(b) At the conclusion of the hearing, the examining committee shall prepare a proposed decision in such form that it may be adopted by the board as the decision in the case, and shall transmit it to the board. The proposed decision shall be subject to the same procedure as a proposed decision of a hearing officer under subdivisions (b) and (c) of Section 11517 of the Government Code.

2525.13 The certificate to practice podiatric medicine authorizes the holder to practice podiatric medicine. As used in this chapter:

Podiatric medicine means the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of the human foot, including the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot. No podiatrist shall do any amputation or administer an anesthetic other than local.

2525.14. Any person, who uses in any sign or any advertisement or otherwise the word "podiatrist," "foot specialist," or any other term or terms or letters indicating or implying that he is a podiatrist, or that he practices or holds himself out as practicing podiatric medicine or foot correction as defined in Section 2525.13, without having at the time of so doing a valid unrevoked certificate as provided for in this chapter, is guilty of a misdemeanor.

2525.15. Any graduate student registered with the board and upon whom the degree of D.S.C., doctor of podiatry or doctor of podiatric medicine has been conferred by a school, approved by the board, and any regularly matriculated student in a school approved by the board may, during and as a part of his course of study, but not for a period of more than two years, treat the sick and afflicted either as such student in a school approved by the board, teaching podiatry in this state, or as an intern in a hospital approved for the training of interns in podiatry and may, for rendering such treatment, receive compensation therefor from the hospital or school. Podiatric hospitals functioning as a part of the teaching program of an approved school in this state may exchange instructors or resident or assistant resident podiatrists with an out-of-state approved school, or may appoint a graduate of an approved school as a resident or assistant resident for postgraduate training, and the exchange instructor, resident or assistant resident from such out-of-state school or the resident or assistant resident for postgraduate training may, for a period not exceeding one year, serve as an instructor, resident or assistant resident in such hospital in this state. Any person registered with the board and upon whom the degree of D.S.C., doctor of podiatry or doctor of podiatric medicine has been conferred by a school, approved by the board, may act as a resident or assistant resident podiatrist in any hospital approved for podiatric residencies or the training of interns in podiatry, and may receive compensation therefor from the hospital; provided, that any such resident or assistant resident shall qualify for and take the next succeeding examination for a certificate to practice podiatry given by the board or shall qualify for and receive a certificate to practice podiatry by any other method which may be specified in this chapter. If he shall fail to pass such examination or fail to receive a certificate by one of the other methods, pending the results of the examination, all privileges under this section shall automatically cease.

Except to the extent authorized by this section, no graduate student or resident may practice podiatry or receive compensation

therefor, or otherwise engage in or offer to engage in the practice of podiatry, unless he shall hold a valid, unrevoked and unsuspended certificate to practice podiatry.

2525.16. Nothing in this chapter prohibits the manufacture, the recommendation, or the sale of either corrective shoes or appliances for the human feet.

2525.17. Every applicant for a certificate to practice podiatry shall comply with all the provisions of this article in addition to the provisions of Article 4.

2525.18. Each applicant matriculating in a podiatry college after September 1, 1959, shall present evidence satisfactory to the board of having completed a two-year resident course of work of college grade, including the subjects of chemistry, biology or other biological science, and physics or mathematics, in a school approved by the board before commencing the resident course of professional instruction.

2525.19. Each applicant shall show by transcripts or other evidence satisfactory to the board that he has attended four resident courses of professional instruction, or equivalent training, as determined by the board, in a school approved by the board covering at least 4,000 hours. The board shall adopt rules and regulations to determine standards for equivalent training as authorized by this section.

The curriculum for all applicants who matriculate before September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
  Embryology
  Histology
Physiology
Biochemistry
Bacteriology
Pathology
Immunology
Pharmacology
  Materia medica
  Toxicology
Preventive medicine
Hygiene
Shoe therapy
Physical therapy
Foot orthopedics
Didactic podiatry
Podiatric medicine
Physical and laboratory
  diagnosis
Neurology
Psychology
Dermatology
Syphilology
Podiatric surgery
Orthopedic surgery
Roentgenology

The curriculum for all applicants who matriculate on or after September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
Embryology
Histology
Physiology
Biochemistry
Bacteriology
Pathology
Immunology
Pharmacology
Materia medica
Toxicology
Preventive medicine
Hygiene
Shoe therapy
Physical therapy
Biomechanics-foot orthopedics
Didactic podiatry
Podiatric medicine
Physical and laboratory diagnosis
Neurology
Psychology
Dermatology
Syphilology
Podiatric surgery
Orthopedic surgery
Roentgenologic technique and radiation safety

2525.20. A person who applies for a reciprocity certificate as a podiatrist on the basis of a certificate issued by the National Board of Podiatry Examiners of the United States shall be eligible for the certificate without examination if all of the following requirements are met:

(a) He files his application within five years after the issuance of the diplomate certificate.

(b) He graduated from an approved school of podiatry after June 30, 1958.

(c) The standards of the national board on the date the diplomate certificate was issued were in no degree or particular less than those required for a podiatrist's certificate under this chapter on the same date.

If he files his application more than five years after the issuance of the diplomate certificate, he shall be required to take an oral examination given in accordance with the provision of Section 2321.

A person who applies under this section shall be of good moral character.

2525.21. The board shall not reject an application for a reciprocity physicians and surgeons or podiatrist's certificate solely on the basis that the medical or podiatric licensing authority issuing the applicant's physicians and surgeons or podiatrist's certificate permitted the applicant to take the basic science examination given by the National Board of Medical Examiners or the National Board of Podiatric Examiners, as a part of that state's qualifying examination.

2525.22. Notwithstanding any other provision of this chapter, the board may delegate to any member of the board its authority to approve applicants for admission to the examination required by this article, to approve the issuance of certificates under this article, and to issue certificates under this article to persons who have qualified for such certificates either with or without examination.

2525.23. It constitutes unprofessional conduct within the meaning of this chapter for any person holding a certificate to

practice podiatry, to advertise the rendition of podiatry services at a stipulated price, or at any variation of such a price, or as being free.

2525.24. (a) On and after January 1, 1969, no certificates or renewals of certificates to practice "chiropody" will be issued by the board. In place of such term the board shall use the words "podiatry" or "podiatrist" and shall not use the words "chiropody" or "chiropodist." In the case of all applications for renewals of unexpired, expired, or suspended certificates or licenses pursuant to Article 15 (commencing with Section 2450) of Chapter 5 of Division 2, and upon the submission, by the podiatrist, of his existing certificate or license, or an appropriate affidavit as to the loss, mutilation or destruction thereof, together with the application for renewal thereof, the board shall issue a new certificate or license to such podiatrist which shall be identical to the previous certificate or license, except in the following respects:

(1) The words "podiatry" or "podiatrist" shall be used in all places instead of the words "chiropody" or "chiropodist."

(2) If the name of the academic institution from which the podiatrist has graduated and received a degree or diploma has changed, the new name of such academic institution shall be inserted in place and instead of the name on the previous certificate or license.

(3) If the academic institution from which the podiatrist has graduated and received a degree or diploma issues degrees or diplomas of "doctor of podiatric medicine," then upon submission of such proof as the board may require that the podiatrist has been awarded such degree or diploma, the term or suffix "DPM" shall be inserted instead of the term or suffix in the previous certificate or license, notwithstanding any provisions to the contrary in Section 2398.

(4) If a graduate from an approved academic institution, which is no longer in existence, receives a degree or diploma of "doctor of podiatric medicine" from any other approved academic institution, then upon submission of such proof as the board may require that the podiatrist has been awarded such degree or diploma, the term or suffix "DPM" shall be inserted instead of the term or suffix in the previous certificate or license, notwithstanding any provisions to the contrary in Section 2398.

(5) Any such certificate or license shall, at the bottom thereof, state the date upon which it is issued in the following manner: "This certificate to practice podiatry is issued on the _____ day of _____ and replaces the original certificate issued _____."

No action or proceeding commenced before the operative date of this section and no rights given by any certificate issued before the effective date of this section shall be affected by the enactment of this section, but all procedures hereafter taken, and all rights resulting from any such certificates, shall hereafter conform to, and be exercised according to, the provisions of this section as far as possible.

(b) Nothing in this section shall limit the authority of the director,

pursuant to Section 164, to determine the form and content of the certificates referred to in this section; except that the director shall not have the authority to require that any certificate contain the terms "chiropody" or "chiropodist."

SEC. 32. Article 20 (commencing with Section 2528 is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 20. Drugless Practitioner

2528. The drugless practitioner's certificate authorizes the holder to treat diseases, injuries, deformities, or other physical or mental conditions without the use of drugs or what are known as medical preparations and without in any manner severing or penetrating any of the tissues of human beings except the severing of the umbilical cord.

2528.1. Any person who uses in any sign or advertisement the word, term or suffix "drugless practitioner" without having at the time of so doing, a valid unrevoked certificate, as provided in this chapter, is guilty of a misdemeanor.

2528.2. The classification of drugless practitioner is abolished but all persons holding licenses as drugless practitioners may continue to engage in practice and to renew their licenses as provided in Article 15.

2528.3. The use of drugs or what are known as medicinal preparations by the holder of a drugless practitioner's certificate in or upon any human being or the severing or penetrating of the tissues of any human being by the holder of a drugless practitioner's certificate in the treatment of any disease, injury, or deformity, or other physical or mental condition of the human being, except the severing of the umbilical cord, constitutes unprofessional conduct within the meaning of this chapter.

SEC. 32.5. Section 2458 of the Business and Professions Code is amended to read:

2458. The amount of fees and refunds prescribed by this chapter in connection with physicians and surgeons certificates, certificates to practice podiatry, certificates to practice midwifery, and certificates of drugless practioners is that fixed by the following schedule:

(a) The fee for each applicant for a certificate by written examination, unless otherwise provided in this chapter, shall be fixed annually by the board at an amount not to exceed one hundred dollars ($100) nor less than fifteen dollars ($15). If the applicant's credentials are insufficient or if he does not desire to take the examination, the sum of ten dollars ($10) shall be retained and the remainder of the fee is returnable on application.

(b) Each applicant for a certificate based upon a national board diplomate certificate, and each applicant for a reciprocity certificate, shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant qualifies for a certificate, he shall be notified and, in addition to the initial license fee, shall pay

a fee which shall be fixed annually by the board at a sum not in excess of one hundred dollars ($100) nor less than five dollars ($5) for the issuance of the certificate.

(c) Each applicant for a certificate under Article 6 shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant qualifies for a certificate, he shall be notified and, in addition to the initial license fee, shall pay a fee which shall be fixed annually by the board at a sum not in excess of forty dollars ($40) nor less than five dollars ($5) for the issuance of the certificate.

(d) The renewal fee shall be fixed by the board at a sum not in excess of forty dollars ($40) nor less than four dollars ($4).

(e) The delinquency fee is ten dollars ($10).

(f) The duplicate certificate fee is two dollars ($2).

(g) The endorsement fee is five dollars ($5).

(h) The fee for issuance of a duplicate certificate upon a change of name authorized by law of a person holding a certificate under this chapter shall be two dollars ($2).

(i) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued

SEC. 32.6. Section 2933 of the Business and Professions Code is amended to read:

2933. Except as provided by Section 159.5, the board shall employ and shall make available to the committee within the limits of the funds received by the board all personnel necessary to carry out the provisions of this chapter. The committee may employ, exempt from the provisions of the Civil Service Act, an assistant executive secretary to the Psychology Examining Committee. The board shall make all expenditures to carry out the provisions of this chapter. The board may accept contributions to effectuate the purposes of this chapter.

SEC. 32.8. Section 11217 of the Health and Safety Code is amended to read:

11217. No person shall treat an addict for addiction to a narcotic drug which is an opiate except in one of the following:

(a) An institution approved by the State Department of Health, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A facility designated by a county and approved by the State Department of Health pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions code

(e) A state hospital.

(f) A county hospital.

Methadone in the continuing treatment of addiction to a controlled substance shall be used only in those programs approved

by the state department pursuant to Section 4351 of the Welfare and Institutions Code on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from addiction to a controlled substance reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of controlled substances. The preceding sentence is declaratory of preexisting law. Every such place shall register with, and be approved by, the state department.

Neither this section or any other provision of this division shall be construed to prohibit short-term methadone detoxification treatment in a controlled setting approved by the director and pursuant to rules and regulations of the director. Facilities and treatment approved by the director under this paragraph shall not be subject to approval or inspection by the Board of Medical Examiners of the State of California, nor shall persons in such facilities be required to register with, or report the termination of residence with, the police department or sheriff's office.

SEC. 33. Chapter 1002 of the Statutes of 1968 is repealed.

SEC. 34. Chapter 262 of the Statutes of 1971 is repealed.

SEC. 35. Chapter 283 of the Statutes of 1971 is repealed.

SEC. 36. Chapter 455 of the Statutes of 1971 is repealed.

SEC. 37. Chapter 720 of the Statutes of 1971 is repealed.

SEC. 38. Chapter 1020 of the Statutes of 1971 is repealed.

SEC. 39. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Board of Medical Examiners is presently not covering the expenses of the board by its fees. In order that the board be able to cover operating costs it is necessary that this act take immediate effect.

CHAPTER 1045

An act to amend Sections 73666, 74904, 74905, 74906, 74907, 74909, 74911, and 74912 of the Government Code, relating to municipal courts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 73666 of the Government Code is amended to read:

73666. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the following salary schedule:

Salary Schedule

	Step A	Step B	Step C	Step D	Step E
Clerk	$870.46	$914.44	$959.57	$1,007.05	$1,057.98
Chief deputy clerk	678.00	712.00	748.00	785.00	824.00
Court clerk II	645.00	678.00	712.00	748.00	785.00
Court clerk I	497.71	522.02	548.67	576.46	605.35
Marshal	1,287.00				
Chief deputy marshal	810.27	850.76	892.45	936.41	983.86
Deputy marshal	752.40	790.60	829.92	870.46	914.44
Senior clerk-typist-matron	561.41	590.31	619.26	650.52	682.93
Intermediate clerk-typist	460.70	484.99	509.30	535.93	561.41
Intermediate clerk-typist-matron	484.99	509.30	535.93	561.41	590.31

SEC. 2. Section 74904 of the Government Code is amended to read:

74904. Any judge of the Ventura County Municipal Court shall receive from the county the amount of the actual and necessary expenses incurred by him upon the business of the court. Mileage shall be reimbursed at the current rate provided for employees of the County of Ventura. Mileage between residence and court sessions shall be computed each day upon the amount by which the judge's travel exceeds the roundtrip distance between the judge's residence and the courthouse in the City of Ventura. Unless and until otherwise determined by a majority of the judges of the Ventura County Municipal Court, with the approval of the board of supervisors, municipal court sessions shall be held in the Cities of Ventura, Oxnard, Port Hueneme, Camarillo, Fillmore, Santa Paula, Ojai, and Simi Valley. A majority of the judges of the Ventura County Municipal Court, with the approval of the board of supervisors, shall designate any additional places within the district where municipal court sessions shall be held and shall designate the principal office of each municipal court department.

SEC. 3. Section 74905 of the Government Code is amended to read:

74905. (a) There shall be one clerk of the Ventura County Municipal Court, who shall be known as the court executive officer and who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The court executive officer shall receive

the monthly compensation from $1,800.00 to $2,700.00.

(b) There shall be one assistant clerk of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The assistant clerk shall receive the monthly compensation from $1,500.00 to $2,200.00.

(c) The rate of monthly compensation to be paid to the court executive officer and the assistant clerk within the compensation ranges set forth in subdivisions (a) and (b) shall be established by joint action and approval of the board of supervisors and a majority of the judges of the court at an amount equal to that paid county employees with comparable experience and responsibility.

SEC. 4. Section 74906 of the Government Code is amended to read:

74906. There shall be one marshal of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The marshal shall have control and supervisorial responsibility over the personnel within the marshal's office. The marshal shall receive the monthly compensation from $1,700.00 to $2,500.00. The rate of monthly compensation to be paid to the marshal within the compensation range set forth herein shall be established by joint action and approval of the board of supervisors and a majority of the judges of the court at an amount equal to that paid a county employee with comparable experience and responsibility.

SEC 5. Section 74907 of the Government Code is amended to read:

74907. The court executive officer may appoint the following positions who shall receive biweekly compensation specified in Section 74909:

(a) Three chief deputy municipal court clerks.
(b) Seven deputy municipal court clerks IV.
(c) Fourteen deputy municipal court clerks III.
(d) Twenty deputy municipal court clerks II.

However, one deputy municipal court clerk II position shall be filled by one former incumbent deputy municipal court clerk V, who shall receive a salary not less than eight hundred thirty-eight dollars ($838) per month until such time as the salary range of the deputy municipal court clerk II as herein described reaches said incumbent salary of eight hundred thirty-eight dollars ($838).

(e) Twelve deputy municipal court clerks I.
(f) One deputy municipal court legal process clerk.
(g) Four deputy municipal court clerk interpreters.
(h) Three municipal court secretaries.
(i) One principal keypunch operator.
(j) Three senior keypunch operators.
(k) Two keypunch operators.
(*l*) One clerk.
(m) One administrative aide.
(n) One accounting technician

SEC. 6. Section 74909 of the Government Code is amended to read:

74909. (a) The following biweekly salary schedule, which is consistent with the salary ordinance of the County of Ventura, shall apply to the personnel of the Ventura County Municipal Court.

Municipal court classification	Biweekly rate
Chief deputy municipal court clerk	$477.32–580.49
Deputy municipal court clerk IV	382.15–464.31
Deputy municipal court clerk III	347.03–421.07
Deputy municipal court clerk II	299.46–363.77
Deputy municipal court clerk I	262.84–314.64
Deputy municipal court clerk legal process clerk	321.61–390.80
Deputy municipal court clerk interpreter	299.46–363.77
Principal keypunch operator	290.05–352.67
Senior keypunch operator	255.99–311.47
Keypunch operator	244.45–296.63
Municipal court secretary	338.36–410.79
Clerk	225.13–268.88
Administrative aide	386.28–469.68
Accounting technician	388.37–471.87

Merit increases within the salary range shall consist of five percent.

Municipal court/marshal classification	Biweekly rate
Captain	$662.92–805.58
Lieutenant	586.39–713.00
Sergeant	519.98–632.11
Deputy marshal	438.64–532.63
Senior secretary	321.61–390.80
Senior marshal's process clerk	321.61–390.80
Marshal's process clerk	278.38–338.36

Merit increases within the salary range shall be in accordance with the salary merit increment plan.

(b) In the event that the above biweekly salary schedule is not applicable, then Section 74912 shall apply.

SEC. 7. Section 74911 of the Government Code is amended to read:

74911. (a) All attachés and employees of the Ventura County Municipal Court shall be entitled to anniversary dates and salary step increases in the manner provided in the Ventura County Personnel and Salary Ordinance and shall receive the same vacation, sick leave, leave of absence, overtime and similar privileges and benefits provided for the officers and employees of Ventura County.

Except as otherwise provided in this article, the provisions of the

Ventura County Ordinance Code relating to the civil service system of the county, and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all attachés and employees of the Ventura County Municipal Court in the same manner and to the same extent as applicable generally to the officers and employees of Ventura County. The Ventura County Civil Service Commission shall exercise the same jurisdiction over the attachés and employees of the Ventura County Municipal Court as it exercises over the officers and employees of the county.

(b) The provisions of subdivision (a) shall not apply to the court executive officer, assistant clerk, or marshal. Such persons shall receive the benefits afforded department heads and assistant department heads of the County of Ventura.

SEC. 8. Section 74912 of the Government Code is amended to read:

74912. (a) Certain classifications in the Ventura County Municipal Court are deemed to be equivalent in position responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of an equivalent classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the Ventura County Municipal Court and the salary of the personnel in such classifications, shall be adjusted an equivalent amount. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the Ventura County service. Any salary increases granted or reclassifications made pursuant to this article shall be effective only until the effective date of general legislation enacted by the Legislature at its next regular session following the date such salary increases are granted or reclassifications made. Classifications deemed to be equivalent are as follows:

Municipal court classification	County classification
Chief deputy municipal court clerk	Chief superior court clerk
Deputy municipal court clerk IV	Superior court clerk IV
Deputy municipal court clerk III	Superior court clerk III
Deputy municipal court clerk II	Superior court clerk II
Deputy municipal court clerk I	Superior court clerk I
Deputy municipal court legal process clerk	Legal process clerk
Principal keypunch operator	Principal keypunch operator
Senior keypunch operator	Senior keypunch operator
Keypunch operator	Keypunch operator
Municipal court secretary	Superior court secretary

Clerk	Clerk
Administrative aide	Administrative aide
Accounting technician	Accounting technician

Municipal court/marshal classification	County classification
Captain	Sheriff's captain
Lieutenant	Sheriff's lieutenant
Sergeant	Sheriff's sergeant
Deputy marshal	Deputy sheriff
Senior secretary	Senior secretary
Senior marshal's process clerk	Legal process clerk
Marshal's process clerk	Civil process clerk

In order to carry out the intent of Section 74912 herein, whenever the salary of the class of deputy municipal court clerk I is adjusted as described above, the salary of deputy municipal court clerk interpreter shall be adjusted an equivalent number of ranges or steps as necessary on the schedule.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 1046

An act to add Section 3087 to the Fish and Game Code, relating to wild animals.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3087 is added to the Fish and Game Code, to read:

3087. Every person who prepares, stuffs, or mounts the skin of any bird or mammal for another person shall make and keep an accurate and detailed record, as prescribed by regulations of the commission, regarding all bird or mammal carcasses, skins, or parts thereof which are acquired, possessed, or stored for taxidermy purposes.

The record required by this section shall be made at the time the bird or mammal carcasses, skins, or parts thereof are received, and shall include the name and address of each person from and to whom bird or mammal carcasses, skins, or parts thereof are received or

delivered and the number and species of all bird or mammal carcasses, skins, or parts thereof received or delivered. The record shall be open for inspection at all times by wardens of the department.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1047

An act to amend Section 69903 of, and to repeal Sections 70102, 70102.5, and 70103 of, the Government Code, relating to courts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 1,073,200, but more than 1,069,700 as determined by the 1970 federal census, a majority of the judges of the superior court may appoint the listed officers and employees whose salaries shall be paid by the county as follows:

	Title	Schedule
1	Administrative assistant	191
1	Chief calendar deputy	208
1	Chief deputy jury commissioner	198
3	Clerk II	149
4	Clerk III	159
1	Clerk IV	169
1	Court administrator/jury commissioner	276
25	Court reporter, official	237
	Court reporter, pro tem	F60/day
2	Legal research assistant	214
1	Secretary II	176
1	Probate commissioner	266
2	Referee	267
1	Senior calendar clerk	173
2	Stenographer II	155
1	Supervising conciliation counselor	233

The schedule number set forth in the previous paragraph refers to the salary schedule contained in the Alameda County salary ordinance.

All personnel appointed pursuant to this section shall be exempt from civil service laws serving at the pleasure of the judges of the court and may at any time be removed by a majority thereof at their discretion. Notwithstanding any other provision of this section, each judge may appoint a competent phonographic reporter who shall perform, in addition to his other duties, such secretarial services for the appointing judge as he requires in the performance of his official duties.

With the approval of the board of supervisors, a majority of the judges may establish such additional titles and pay rates as are required and may appoint such additional commissioners, officers, assistants, and other employees as they deem necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members. Rates of compensation of all such officers, assistants, and other employees may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court. Such additional appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire on the effective date of appropriate ratifying or modifying state legislation.

All personnel except pro tem court reporters shall be entitled to salary advancement, vacation, sick leave, holiday benefits, other leaves of absence, and other benefits, not more than that provided in the Alameda County Administrative Code for county employees. However, vacation benefits for commissioner and referee classifications shall be determined by written court policy.

All personnel except pro tem court reporters shall be included in the Alameda County retirement system.

If the board of supervisors provides by ordinance or resolution a rate of compensation for positions in any of the superior court classes specified in this section which is higher than that herein otherwise provided for, such higher rate of compensation shall be effective at the same time and in the same manner as rates of pay for Alameda County employees generally. Comparative classes shall be determined by a majority of the judges and the board of supervisors.

SEC. 2. Section 70102 of the Government Code is repealed.

SEC. 3. Section 70102.5 of the Government Code is repealed.

SEC. 4. Section 70103 of the Government Code is repealed.

SEC. 5. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because this act is in accordance with the request of a local government entity or entities which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 1048

An act to amend Sections 73076, 73084.1, 73084.2, 73084.4, 73084.5, 73084.6, 73085, 73086, and 73087 of, to add Sections 73084.3, 73086.5, and 73089 to, and to repeal Sections 73084.3 and 73089 of, the Government Code, relating to courts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 73076 of the Government Code is amended to read:

73076. Whenever reference to numbered salary schedules is made in any section of this chapter, the schedule found in the salary ordinance of the County of Alameda shall apply.

SEC. 2. Section 73084.1 of the Government Code is amended to read:

73084.1. The clerk and administrative officer of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number 228 of the salary schedule. He may appoint the following deputy clerks:

(a) One deputy clerk IV who shall act as chief deputy.
(b) Two deputy clerks III.
(c) Three deputy clerks II.
(d) Two deputy clerks I.
(e) One deputy clerk, accounting technician.

SEC. 3. Section 73084.2 of the Government Code is amended to read:

73084.2. The clerk and administrative officer of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number 242 of the salary schedule. He may appoint the following deputy clerks:

(a) One chief deputy clerk.
(b) Four deputy clerks, division chiefs.
(c) Eight deputy clerks IV.
(d) Five deputy clerks III.
(e) Twelve deputy clerks II.
(f) Ten deputy clerks I.
(g) One deputy clerk, secretary II.
(h) One deputy clerk. accounting technician.
(i) One deputy clerk, account clerk II.
(j) One deputy clerk, cashier.
(k) Six deputy clerks, specialist clerks.
(*l*) Two deputy clerks, supervising clerks I.

SEC. 4. Section 73084.3 of the Government Code is repealed.

SEC. 5. Section 73084.3 is added to the Government Code, to read:

73084.3. The clerk and administrative officer of the municipal

court for the Oakland-Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number 272 of the salary schedule. He may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Three deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, and traffic division. The clerk and administrative officer may transfer such division chiefs from one division to another regardless of any resulting change in salary as set forth in subdivision (a) of Section 73086.

(c) Five deputy clerks who shall be assistant division chiefs.

(d) One deputy clerk, calendar coordinator.

(e) One deputy clerk, administrative assistant.

(f) Twenty-five deputy clerks IV.

(g) One deputy clerk, accounting technician.

(h) Sixteen deputy clerks III.

(i) Thirty-nine deputy clerks grade II; provided that not more than 12 such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of five schedule numbers.

(j) Four deputy clerks, secretaries II.

(k) Four deputy clerks, account clerks II.

(*l*) Thirty deputy clerks I.

(m) Eight deputy clerks, cashiers.

(n) Twelve deputy clerks, specialist clerks.

(o) Three deputy clerks, supervising clerks.

(p) One deputy clerk, accountant II.

(q) One deputy clerk, information systems analyst.

Not more than four such deputy clerks may be assigned as court interpreters at the additional percentage compensation provided for county employees required to possess bilingual capabilities.

SEC. 6. Section 73084.4 of the Government Code is amended to read:

73084.4. The clerk and administrative officer of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 251 of the salary schedule. He may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Four deputy clerks, division chiefs.

(c) Nine deputy clerks IV.

(d) Six deputy clerks III.

(e) Sixteen deputy clerks II.

(f) Fifteen deputy clerks I.

(g) Eight deputy clerks, specialist clerks.

(h) One deputy clerk, accounting technician.

(i) One deputy clerk, account clerk II.

(j) Two deputy clerks, supervising clerks I.

SEC. 7. Section 73084.5 of the Government Code is amended to read:

73084.5. The clerk and administrative officer of the municipal

court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified in schedule number 238 of the salary schedule. He may appoint the following deputy clerks:

(a) One chief deputy clerk.
(b) Four deputy clerks IV.
(c) Two deputy clerks III.
(d) Seven deputy clerks II.
(e) Eight deputy clerks I.
(f) One deputy clerk, accounting technician.
(g) One deputy clerk, account clerk II.
(h) Two deputy clerks, specialist clerks.
(i) One deputy clerk, supervising clerk I.

SEC. 8. Section 73084.6 of the Government Code is amended to read:

73084.6. The clerk and administrative officer of the municipal court for the Livermore Judicial District shall receive a monthly salary at the rate specified in schedule number 228 of the salary schedule. He may appoint the following deputy clerks:

(a) Three deputy clerks IV.
(b) Two deputy clerks III.
(c) Four deputy clerks II.
(d) Five deputy clerks I.
(e) One deputy clerk, accounting technician.
(f) One deputy clerk, account clerk II.
(g) One deputy clerk, specialist clerk.
(h) One deputy clerk, supervising clerk I.

SEC. 9. Section 73085 of the Government Code is amended to read:

73085. Chief deputy clerks of the following districts shall receive a monthly salary at the rate specified in the following schedule numbers of the salary schedule:

	Schedule number
Berkeley-Albany Judicial District	216
Oakland-Piedmont Judicial District	241
San Leandro-Hayward Judicial District	226
Fremont-Newark-Union City Judicial District	213

SEC. 10. Section 73086 of the Government Code is amended to read:

73086. (a) Deputy clerks, division chiefs of the Oakland-Piedmont Judicial District shall receive a monthly salary at the rate specified in the following schedule numbers of the salary schedule:

	Schedule number
Criminal division chief	228
Civil division chief	226
Traffic division chief	226

(b) Deputy clerks, division chiefs of the Berkeley-Albany Judicial District and the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 208 of the salary schedule.

SEC. 11. Section 73086.5 is added to the Government Code, to read:

73086.5. The following personnel of the Oakland-Piedmont Judicial District shall receive a monthly salary at the rate specified in the following schedule numbers of the salary schedule:

	Schedule number
Deputy clerk, assistant division chief	203
Deputy clerk, administrative assistant	208
Deputy clerk, calendar coordinator	211

SEC. 12. Section 73087 of the Government Code is amended to read:

73087. Deputy clerks in each municipal court in Alameda County shall receive a monthly salary at the rate specified in the following schedule numbers of the salary schedule:

	Schedule number
Deputy clerk I	149
Deputy clerk II	168
Deputy clerk III	188
Deputy clerk IV	198
Deputy clerk secretary II	176
Deputy clerk accounting technician	171
Deputy clerk account clerk II	160
Deputy clerk cashier	158
Deputy clerk specialist clerk	159
Deputy clerk supervising clerk I	168
Deputy clerk accountant II	205
Deputy clerk information systems analyst	M226

SEC. 13. Section 73089 of the Government Code is repealed.

SEC. 14. Section 73089 is added to the Government Code, to read:

73089. With the approval of the board of supervisors, judges of each municipal court concerned within Alameda County may establish such additional titles and pay rates as are required and may appoint such additional deputy clerks, officers, assistants and other employees as deemed necessary for the powers conferred by law upon the court and its members. Rates of compensation of the clerk and administrator officers, deputy clerks, officers, assistants and other employees may be adjusted by joint action and approval of the board of supervisors and the judges in each respective municipal court within the county.

If the board of supervisors provides by ordinance or resolution for

any increase in the number or rate of compensation of any municipal court personnel pursuant to this section, such increase shall be effective only until January 1, 1978, and shall be effective at the same time and in the same manner as such increases for Alameda County employees generally.

SEC. 15. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 1049

An act to add Section 12553 to the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12553 is added to the Welfare and Institutions Code, to read:

12553. Notwithstanding Section 12552, special circumstances shall also include the administration and payment by the department pursuant to this section of a recurring special need allowance for dog food of eighteen dollars ($18) per month to every blind recipient who has a guide dog.

The department shall mail an application for such allowance to every blind recipient. The application shall be upon a standard form prescribed by regulations of the department and containing a written declaration that the affirmation is made under penalty of perjury subject to prosecution as the crime of perjury under the Penal Code. The recipient or if incapable, another person as described in Section 11054 may make such affirmation. The department shall grant the special need allowance upon the basis of the affirmation by mailing a monthly warrant of eighteen dollars ($18) to the recipient.

The county welfare department shall cooperate in assisting the recipient in completing his application for the special need allowance contained in this section.

SEC. 2. The sum of seventy-two thousand one hundred forty-four dollars ($72,144) is hereby appropriated from the General Fund to the Department of Benefit Payments for expenditures in carrying out the provisions of this act for the fiscal year 1974–75.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Blind recipients of assistance are presently forced to provide adequately for their guide dogs out of funds provided the blind person for his own maintenance. In order to alleviate this hardship at the earliest possible date, it is necessary that this act take effect immediately.

CHAPTER 1050

An act to add Section 1528 to the Code of Civil Procedure, relating to unclaimed property.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1528 is added to the Code of Civil Procedure, to read:

1528. This chapter does not apply to unclaimed funds held by a life insurance corporation which is organized or admitted as a domestic fraternal benefit society under Chapter 10 (commencing with Section 10970) of Part 2 of Division 2 of the Insurance Code, so long as such funds are used for scholarship funds, exclusive of costs of administration thereof.

CHAPTER 1051

An act to amend Sections 10752 and 10753.2 of, and to add Sections 10752.1 and 10753.3 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 10752 of the Revenue and Taxation Code is amended to read:

10752. The annual amount of the license fee for any vehicle other than a trailer coach which is required to be moved under permit as authorized in Section 35790 of the Vehicle Code shall be a sum equal to 2 percent of the market value of the vehicle as determined by the department.

SEC. 2. Section 10752.1 is added to the Revenue and Taxation Code, to read:

10752.1. The annual amount of the license fee for a trailer coach which is required to be moved under permit as authorized in Section 35790 of the Vehicle Code shall be a sum equal to 2 percent of the market value of the vehicle as determined by the department.

SEC. 3. Section 10753.2 of the Revenue and Taxation Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

10753.2. (a) After determining the California suggested base price, as defined above, of a vehicle or its cost price to the purchaser, as hereinbefore provided, the department shall classify every vehicle in its proper class according to the classification plan as set forth in this section.

(b) For the purpose of this part, a classification plan is established consisting of the following classes: a class from no dollars ($0) to and including forty-nine dollars and ninety-nine cents ($49.99); a class from fifty dollars ($50) to and including one hundred ninety-nine dollars and ninety-nine cents ($199.99); and thereafter a series of classes successively set up in brackets having a spread of two hundred dollars ($200), consisting of such number of classes as will permit classification of all vehicles.

(c) Except as otherwise provided in subdivision (e), the market value of a vehicle for each registration year of its life, starting with the year first sold to a consumer as a new vehicle, shall be as follows: for the first year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the second year, 70 percent of such sum; for the third year, 55 percent of such sum; for the fourth year, 40 percent of such sum; for the fifth year, 30 percent of such sum; for the sixth year, 25 percent of such sum; for the seventh year, 15 percent of such sum; for the eighth year, 10 percent of such sum; and for the ninth and each succeeding year, 5 percent of such sum; provided that the minimum tax shall be the sum of one dollar ($1), except that the market value of a trailer coach first sold on and after January 1, 1966, which is required to be moved under permit as authorized in Section 35790 of the Vehicle Code shall be determined by the schedule in Section 10753.3.

(d) For the purposes of subdivision (c), a vehicle first sold to a consumer as a new vehicle during the calendar years 1942, 1943, 1944, and 1945, shall be deemed to have been first sold during the calendar year 1945; a vehicle first sold to a consumer as a new vehicle during the calendar year 1941 shall be deemed to have been first sold during the calendar year 1944; a vehicle first sold to a consumer as a new vehicle during the calendar year 1940 shall be deemed to have been first sold during the calendar year 1943; a vehicle first sold to a consumer as a new vehicle during the calendar year 1939 shall be deemed to have been first sold during the calendar year 1942; and a vehicle first sold to a consumer as a new vehicle during the calendar year 1938 shall be deemed to have been first sold during the calendar

year 1941.

(e) For the purposes of this section, the market value of vehicles which have been previously registered and which, because they are being converted to year-round registration, become subject to registration twice during the 1976 calendar year, shall be deemed to be the same throughout the 1976 calendar year and shall not change until the registration subsequently expires.

SEC. 4. Section 10753.3 is added to the Revenue and Taxation Code, to read:

10753.3. (a) Except as otherwise provided in subdivision (b), the market value of a trailer coach which must be moved under permit, for each registration year of its life, shall be as follows: for the first year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of Section 10753.2; for the second year, 70 percent of such sum; for the third year, 55 percent of such sum; for the fourth year, 45 percent of such sum; for the fifth year, 40 percent of such sum; for the sixth year, 35 percent of such sum; for the seventh year, 30 percent of such sum; for the eighth year, 25 percent of such sum; for the ninth year, 24 percent of such sum; for the 10th year, 23 percent of such sum; for the 11th year, 22 percent of such sum; for the 12th year, 21 percent of such sum; for the 13th year, 20 percent of such sum; for the 14th year, 19 percent of such sum; for the 15th year, 18 percent of such sum; for the 16th year, 17 percent of such sum; for the 17th year, 16 percent of such sum; for the 18th year and each succeeding year, 15 percent of such sum.

(b) For the purposes of this section, the market value of vehicles which have been previously registered and which, because they are being converted to year-round registration, become subject to registration twice during the 1976 calendar year, shall be deemed to be the same throughout the 1976 calendar year and shall not change until the registration subsequently expires.

CHAPTER 1052

An act to amend Sections 13581 and 13712 of the Education Code, relating to school classified employees.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13581 of the Education Code is amended to read:

13581. The governing board of any school district shall employ persons for positions not requiring certification qualifications. The governing board shall, except where Article 5 (commencing at

Section 13701) of this chapter or Section 13756 applies, classify all such employees and positions. The employees and positions shall be known as the classified service. Substitute and short-term employees, employed and paid for less than 75 percent of a school year, shall not be a part of the classified service. Part-time playground positions, apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service. Full-time students employed part time, and part-time students employed part time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6 and which is financed by state or federal funds, shall not be a part of the classified service.

The term "short-term employees" as used in this section shall be construed to mean any person who is employed to perform a service for the district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis.

"Seventy-five percent of a school year" means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of number of hours worked per day.

Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

This section shall apply only to districts not incorporating the merit system as outlined in Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Section 13712 of the Education Code is amended to read:

13712. The commission shall classify all employees and positions within the jurisdiction of the governing board or of the commission, except those which are exempt from the classified service. The employees and positions shall be known as the classified service. Exempt from the classified service shall be:

(a) Positions which require certification qualifications,

(b) Part-time playground positions,

(c) Full-time students employed part time,

(d) Part-time students employed part time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6 and which is financed by state or federal funds,

(e) Apprentice positions,

(f) Positions established for the employment of professional experts on a temporary basis for a specific project by the governing board or by the commission when so designated by the commission.

Employment of either full-time or part-time students in any college work-study program, or in a work experience education

program shall not result in the displacement of classified personnel or impair existing contracts for services.

However, nothing in this section shall prevent an employee, who has attained regular status in a full-time position, from taking a voluntary reduction in time and retaining his regular status under the provisions of this law.

No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exceptions listed above shall be employed outside the classified service.

A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87½ percent of the normally assigned time of the majority of employees in the classified service.

CHAPTER 1053

An act to amend Section 23271 of the Vehicle Code, relating to towing on vehicular crossings.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 23271 of the Vehicle Code is amended to read:

23271. A towing service may be maintained on each vehicular crossing by the Department of Transportation, and the department may furnish such service as is necessary to permit the orderly flow of traffic upon such crossing. The Department of Transportation may prescribe and collect reasonable rates for towing services furnished.

CHAPTER 1054

An act to amend Sections 12585.3, 12585.4, 12866.12, 12866.3, and 12866.4 of the Water Code, relating to flood control projects.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12585.3 of the Water Code is amended to read:

12585.3. The local agency may receive credit against its share of the costs of lands, easements, and rights-of-way as determined in

subdivisions (b) and (d) of Section 12585.2 for lands required for the project which were acquired not more than five years prior to federal authorization of the project. The amount of this credit shall be determined by the department or the board by applying the percentage representing the state portion of the costs of lands, easements, and rights-of-way as determined in subdivision (a) of Section 12585.2 to the actual costs of the local agency in the case of acquisition by purchase or condemnation, and to the fair market value at the time the title is transferred in the case of acquisition free of charge.

SEC. 2. Section 12585.4 of the Water Code is amended to read:

12585.4. Whenever specifically authorized by the Legislature, the department or the board may lend the local agency the funds necessary to pay the local portion of the costs of lands, easements, and rights-of-way determined in subdivisions (b) and (d) of Section 12585.2, less any credit for previously acquired lands determined under Section 12585.3. The state loan may not exceed a period of 10 years and the rate of interest on the loan shall be the current rate for the state's Pooled Money Investment Account. The loan shall be repaid in annual installments beginning one year after the loan is made. The annual loan payment may be deducted from the state's annual tax subvention to the local agency, if any. In the event that the local agency does not receive tax subventions from the state adequate to make the loan payment and becomes in default on the loan payments, the local agency, notwithstanding any other provisions of any statute limiting its tax ceiling, shall levy sufficient taxes to repay the loan. Notwithstanding any other provisions of law, any local agency authorized to participate in the construction of federal flood control projects is authorized to accept the loans authorized pursuant to this section.

SEC. 3. Section 12866.2 of the Water Code is amended to read:

12866.2. Notwithstanding any other provisions of this chapter, the following policy shall apply to projects approved by the appropriate committees of the Congress and by the Department of Agriculture after November 10, 1969:

(a) The state shall pay 75 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications, debris dams and water-retarding structures are located and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements and rectifications, debris dams and water-retarding structures, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, apportioned to the benefits resulting from the reduction of flood damage.

(b) The local agency shall pay 25 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications, debris dams and water-retarding structures are located and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such

channel improvements or rectifications, debris dams and water-retarding structures, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, apportioned to the benefits resulting from the reduction of flood damage and all of such costs apportioned to the benefits resulting from increased or higher utilization of land.

(c) The state shall pay 90 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project, apportioned to the benefits resulting from the reduction of flood damage.

(d) The local agency shall pay 10 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project, apportioned to the benefits resulting from the reduction of flood damage and all of such costs apportioned to the benefits resulting from increased or higher utilization of land.

(e) The state's portion of the costs under subdivisions (a) and (c) shall be determined by the department at or prior to the time the report recommending federal authorization is submitted to the Congress. In the case of projects already having federal authorization, the state's portion of such costs shall be determined by the department at the time state authorization is sought by the local agency. The state's portion shall not be changed unless there are major project changes made in the plan of improvement, in which case the department, prior to the next appropriation of state funds for the project, shall review the project and make such new determinations as it deems justified by the project changes.

(f) When a project approved prior to November 10, 1969, is so modified that it becomes subject to the provisions of Section 12873, the policy described in this section shall be applied to any portion of the modified project which the department determines to be beyond the scope of the originally authorized project.

SEC. 4. Section 12866.3 of the Water Code is amended to read:

12866.3. The local agency may receive credit against its share of the costs of lands, easements, and rights-of-way as determined in subdivisions (b) and (d) of Section 12866.2 for lands required for the project which were acquired not more than five years prior to federal authorization of the project. The amount of this credit shall be determined by the department by applying the percentage representing the state portion of the costs of lands, easements, and rights-of-way as determined in subdivision (a) of Section 12866.2 to the actual costs of the local agency in the case of acquisition by purchase or condemnation, and to the fair market value at the time the title is transferred in the case of acquisition free of charge.

SEC. 5. Section 12866.4 of the Water Code is amended to read:

12866.4. Whenever specifically authorized by the Legislature, the department may lend the local agency the funds necessary to pay the local portion of the costs of lands, easements, and rights-of-way determined in subdivisions (b) and (d) of Section 12866.2, less any

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credit for previously acquired lands determined under Section 12866.3. The state loan may not exceed a period of 10 years and the rate of interest on the loan shall be the current rate for the state's Pooled Money Investment Account. The loan shall be repaid in annual installments beginning one year after the loan is made. The annual loan payment shall be deducted from the state's annual tax subvention to the local agency, if any. In the event that the local agency does not receive tax subventions from the state adequate to make the loan payment and becomes in default of the loan payments, the local agency, notwithstanding any other provisions of any statute limiting its tax ceiling, shall levy sufficient taxes to repay the loan. Notwithstanding any other provisions of law, any local agency authorized to participate in the construction of watershed protection projects is authorized to accept the loans authorized pursuant to this section.

CHAPTER 1055

An act to amend Section 13025 of the Health and Safety Code, relating to fire protection equipment.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13025 of the Health and Safety Code is amended to read:

13025. (a) All equipment for fire protective purposes having couplings or fittings with an inside diameter of three inches or less, purchased by any authorities having charge of public property, shall be equipped with standard threads for fire hose couplings and hydrant fittings designated as the national standard as adopted by the National Board of Fire Underwriters, which standard is designated as the standard for such equipment in this state.

(b) All equipment for fire protection purposes having couplings or fittings with an inside diameter greater than three inches, if equipped with threads, shall be equipped with the standard threads prescribed in subdivision (a).

(c) All equipment for fire protection purposes having couplings or fittings with an inside diameter greater than three inches not equipped with threaded fittings or couplings shall be approved by the State Fire Marshal, with advice from the State Board of Fire Services. The proposed system of use of such nonthreaded couplings or fittings shall be submitted in detail to the State Fire Marshal who shall, with advice from the State Board of Fire Services, approve its use if mutual aid capability is assured.

CHAPTER 1056

An act to amend Section 10959 of the Welfare and Institutions Code, relative to fair hearings.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10959 of the Welfare and Institutions Code is amended to read:

10959. Within 30 days after the department has received a copy of the referee's proposed decision, the director may adopt the decision in its entirety; decide the matter himself on the record, including the transcript, with or without taking additional evidence; or order a rehearing to be conducted by himself, the administrative adviser of the department or another referee in behalf of the director. Failure of the director to adopt the proposed decision, decide the matter himself on the record, including the transcript, with or without taking additional evidence or order a rehearing within the 30 days shall be deemed an affirmation of the proposed decision. If the director decides the matter, a copy of his decision shall be served on the applicant or recipient and on the affected county, and, if his decision differs materially from the proposed decision of the referee, a copy of that proposed decision shall also be served on the applicant or recipient and on the affected county. If a rehearing is ordered, it shall be conducted in the same manner and within the same time limits specified for the original hearing.

CHAPTER 1057

An act to amend Section 19522 of the Revenue and Taxation Code, relating to senior citizens' property tax assistance.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 19522 of the Revenue and Taxation Code, as amended by Chapter 21 of the Statutes of 1974, is amended to read:

19522. (a) The Franchise Tax Board, pursuant to the provisions of Article 3 (commencing with Section 19531) of this part, shall provide assistance to the claimant based on a percentage of the property tax accrued and paid by the claimant on the homestead as provided in Section 19523. The assistance shall be equal to the applicable percentage of property taxes paid on the assessed value of the homestead up to and including seven thousand five hundred

dollars ($7,500). No assistance shall be allowed for property taxes paid on that portion of assessed value of a homestead exceeding seven thousand five hundred dollars ($7,500). No assistance shall be provided if the amount of the assistance claim is five dollars ($5) or less.

(b) For purposes of allowing assistance provided for by this section:

(1) Only one claimant from one household each year shall be entitled to assistance under this part. When two or more individuals of a household are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(2) Except as provided in paragraph (3), the right to file a claim shall be personal to the claimant and shall not survive his death; however, when a claimant dies after having filed a timely claim, the amount thereof may be disbursed to the surviving spouse and if no surviving spouse, to any other member of the household who is a qualified claimant. If there is no surviving spouse or otherwise qualified claimant, the claim shall be disbursed to any other member of the household. In the event two or more individuals qualify for payment as either an otherwise qualified claimant or a member of the household, they may determine which of them will be paid. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(3) If, after January 1 of the property tax fiscal year for which a claim may be filed, a claimant dies without filing a timely claim, a claim on behalf of such claimant may be filed by the surviving spouse within the filing period prescribed in subdivision (a) or (b) of Section 19532.

SEC. 2. Section 19522 of the Revenue and Taxation Code, as amended by Chapter 21 of the Statutes of 1974, is amended to read:

19522. (a) The Franchise Tax Board, pursuant to the provisions of Article 3 (commencing with Section 19531) of this part, shall provide assistance to the claimant based on a percentage of the property tax accrued and paid by the claimant on the homestead as provided in Section 19523 or the statutory property tax equivalent pursuant to Section 19523.5. In the case of an owner-claimant, the assistance shall be equal to the applicable percentage of property taxes paid on the assessed value of the homestead up to and including seven thousand five hundred dollars ($7,500). No assistance shall be allowed for property taxes paid on that portion of assessed value of a homestead exceeding seven thousand five hundred dollars ($7,500). No assistance shall be provided if the amount of the assistance claim is five dollars ($5) or less.

(b) For purposes of allowing assistance provided for by this section:

(1) Only one claimant from one household each year shall be entitled to assistance under this part. When two or more individuals

of a household are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(2) Except as provided in paragraph (3), the right to file a claim shall be personal to the claimant and shall not survive his death; however, when a claimant dies after having filed a timely claim, the amount thereof may be disbursed to the surviving spouse and if no surviving spouse, to any other member of the household who is a qualified claimant. If there is no surviving spouse or otherwise qualified claimant, the claim shall be disbursed to any other member of the household. In the event two or more individuals qualify for payment as either an otherwise qualified claimant or a member of the household, they may determine which of them will be paid. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(3) If, after July 1 of the property tax fiscal year for which a claim may be filed, a claimant, or an individual who, if he had lived until January 1 of the fiscal year for which the claim is made would have qualified as a claimant with respect to age and who otherwise qualified as a claimant on the date of his death, dies without filing a timely claim, a claim on behalf of such claimant may be filed by the surviving spouse within the filing period prescribed in subdivision (a) or (b) of Section 19532.

SEC. 3. Section 19522 of the Revenue and Taxation Code, as amended by Chapter 21 of the Statutes of 1974, is amended to read:

19522. (a) The Franchise Tax Board, pursuant to the provisions of Article 3 (commencing with Section 19531) of this part, shall provide assistance to the claimant based on a percentage of the property tax accrued and paid by the claimant on the homestead as provided in Section 19523. The assistance shall be equal to the applicable percentage of property taxes paid on the assessed value of the homestead up to and including eight thousand dollars ($8,000). No assistance shall be allowed for property taxes paid on that portion of assessed value of a homestead exceeding eight thousand dollars ($8,000). No assistance shall be provided if the amount of the assistance claim is five dollars ($5) or less.

(b) For purposes of allowing assistance provided for by this section:

(1) Only one claimant from one household each year shall be entitled to assistance under this part. When two or more individuals of a household are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(2) Except as provided in paragraph (3), the right to file a claim shall be personal to the claimant and shall not survive his death; however, when a claimant dies after having filed a timely claim, the amount thereof may be disbursed to the surviving spouse and if no

surviving spouse, to any other member of the household who is a qualified claimant. If there is no surviving spouse or otherwise qualified claimant, the claim shall be disbursed to any other member of the household. In the event two or more individuals qualify for payment as either an otherwise qualified claimant or a member of the household, they may determine which of them will be paid. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(3) If, after July 1 of the property tax fiscal year for which a claim may be filed, a claimant, or an individual who, if he had lived until January 1 of the fiscal year for which the claim is made would have qualified as a claimant with respect to age and who otherwise qualified as a claimant on the date of his death, dies without filing a timely claim, a claim on behalf of such claimant may be filed by the surviving spouse within the filing period prescribed in subdivision (a) or (b) of Section 19532.

SEC. 4. Section 19522 of the Revenue and Taxation Code, as amended by Chapter 21 of the Statutes of 1974, is amended to read:

19522. (a) The Franchise Tax Board, pursuant to the provisions of Article 3 (commencing with Section 19531) of this part, shall provide assistance to the claimant based on a percentage of the property tax accrued and paid by the claimant on the homestead as provided in Section 19523 or the statutory property tax equivalent pursuant to Section 19523.5. In the case of an owner-claimant, the assistance shall be equal to the applicable percentage of property taxes paid on the assessed value of the homestead up to and including eight thousand dollars ($8,000). No assistance shall be allowed for property taxes paid on that portion of assessed value of a homestead exceeding eight thousand dollars ($8,000). No assistance shall be provided if the amount of the assistance claim is five dollars ($5) or less.

(b) For purposes of allowing assistance provided for by this section:

(1) Only one claimant from one household each year shall be entitled to assistance under this part. When two or more individuals of a household are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(2) Except as provided in paragraph (3), the right to file a claim shall be personal to the claimant and shall not survive his death; however, when a claimant dies after having filed a timely claim, the amount thereof may be disbursed to the surviving spouse and if no surviving spouse, to any other member of the household who is a qualified claimant. If there is no surviving spouse or otherwise qualified claimant, the claim shall be disbursed to any other member of the household. In the event two or more individuals qualify for payment as either an otherwise qualified claimant or a member of the household, they may determine which of them will be paid. If

they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(3) If, after July 1 of the property tax fiscal year for which a claim may be filed, a claimant, or an individual who, if he had lived until January 1 of the fiscal year for which the claim is made would have qualified as a claimant with respect to age and who otherwise qualified as a claimant on the date of his death, dies without filing a timely claim, a claim on behalf of such claimant may be filed by the surviving spouse within the filing period prescribed in subdivision (a) or (b) of Section 19532.

SEC. 5. It is the intent of the Legislature that if this bill and Assembly Bill No. 113 or Assembly Bill No. 417, or both, are chaptered and amend Section 19522 of the Revenue and Taxation Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 113 are both chaptered and amend Section 19522 of the Revenue and Taxation Code, but Assembly Bill No. 417 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 113, the amendments proposed by both bills shall be given effect and incorporated in Section 19522 in the form set forth in Section 2 of this act. Therefore, if Assembly Bill No. 113 is chaptered before this bill and both bills amend Section 19522, and Assembly Bill No. 417 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall be operative and Sections 1, 3 and 4 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 417 are both chaptered and amend Section 19522 of the Revenue and Taxation Code, but Assembly Bill No. 417 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 417, the amendments proposed by both bills shall be given effect and incorporated in Section 19522 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No. 417 is chaptered before this bill and both bills amend Section 19522, and Assembly Bill No. 113 is not chaptered or as chaptered does not amend that section, Section 3 shall be operative and Sections 1, 2 and 4 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 113 and Assembly Bill No. 417 are all chaptered, and all three bills amend Section 19522 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill No. 113 and Assembly Bill No. 417, the amendments proposed by all three bills shall be given effect and incorporated in Section 19522 in the form set forth in Section 4 of this act. Therefore, if Assembly Bill No. 113 and Assembly Bill No. 417 are both chaptered before this bill and all three bills amend Section 19522 of the Revenue and Taxation Code, Section 4 of this act shall become operative and Sections 1, 2 and 3 of this act shall not become operative.

SEC. 6. This act shall apply to claims for property tax assistance for the 1974–75 property tax fiscal year and thereafter.

CHAPTER 1058

An act to add Section 19080.5 to the Government Code, relating to limited term appointments.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 19080.5 is added to the Government Code, to read:

19080.5. Notwithstanding Section 19170, a limited term appointment for a period not to exceed two years may be made to professional education classifications established for use by the Department of Education to facilitate the professional development of experienced professional educators. Any individual may not receive more than one such appointment within a five-year period. The number of such appointments at any point in time shall not exceed 10 percent of the professional education staff employed by the Department of Education. The request for certification shall state the duration of the appointment. The provisions of this section shall not apply to any person employed by the Department of Education in a civil service position on the effective date of this section.

CHAPTER 1059

An act to add Section 2954.9 to the Civil Code, relating to loans.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2954.9 is added to the Civil Code, to read:

2954.9. (a) Where the original principal obligation is one hundred thousand dollars ($100,000) or less, the borrower under any note or evidence of indebtedness secured by a deed of trust or mortgage or any other lien on real property shall be entitled to prepay the whole or any part of the balance due, together with accrued interest, at any time.

(b) Nothing in this section shall prevent a borrower from obligating himself, by an agreement in writing, to pay a prepayment charge.

(c) Subdivision (a) of this section does not apply during any calendar year to a bona fide loan secured by a deed of trust or mortgage given back during such calendar year to the seller by the purchaser on account of the purchase price if such seller does not

take back four or more such deeds of trust or mortgages during such calendar year. Nothing in this subdivision shall be construed to prohibit a borrower from making a prepayment by an agreement in writing with the lender.

SEC. 2. This act shall be applicable only to loans secured by mortgages or deeds of trust executed after January 1, 1975.

CHAPTER 1060

An act to amend Sections 1400, 1480, 1701, 1907, and 1908 of, and to add Sections 22.1, 1480.6, and 1802.5 to, the Probate Code, and to amend Section 5355 of the Welfare and Institutions Code, relating to appointment of guardians and conservators.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 22.1 is added to the Probate Code, to read:

22.1. A bequest or devise to a nonprofit charitable corporation which has been appointed guardian of a person or his estate, or both, pursuant to Section 1400, or which has been appointed conservator of the person or his estate, or both, pursuant to Section 1701, shall be invalid, if such bequest or devise is contained in a will executed within six months prior to the filing of the petition for guardianship or conservatorship.

SEC. 2. Section 1400 of the Probate Code is amended to read:

1400. A guardian is a person appointed to take care of the person or property of another. The latter is called the ward of the guardian. Both a natural person and a nonprofit charitable corporation, incorporated in this state, whose articles of incorporation specifically authorize it to accept appointments as guardians of minors or of incompetents, and which has been providing care or counseling or financial assistance to the proposed ward under the supervision of a registered social worker certified by the Board of Behavioral Science Examiners of this state, are eligible for appointment as guardian of the person and estate or of either; a trust company, as defined in Section 107 of the Financial Code, is eligible for appointment as guardian of the estate only. The petition of a nonprofit charitable corporation shall include in the caption the name of a responsible corporate officer; if for any reason such officer should cease to act as the responsible officer hereunder, the corporation shall file with the court a notice of the name of the successor responsible officer and his date of succession. The relation of guardian and ward is confidential, and is subject to the provisions of law relating to trusts. In the management and disposition of the person or property committed to him, a guardian may be regulated and controlled by

the court.

SEC. 3. Section 1480 of the Probate Code is amended to read:

1480. Before the order appointing a guardian takes effect and before letters issue, the person appointed must take an oath, which must be attached to or endorsed upon his letters, that he will perform the duties of his office as such guardian according to law and, except as otherwise provided in Section 1480.6 and elsewhere in this division, must furnish a bond to the ward, with two or more persons or an authorized surety company as surety, to be approved by the judge if the surety is not an authorized surety company, and in such sum as required by the order, which sum shall be not less than twice the value of the personal property and twice the value of the probable annual rents, issues and profits of all property belonging to the ward or, when the bond is given by an authorized surety company, not less than the value of the personal property and the probable annual rents, issues and profits of all property belonging to the ward, and conditioned that the guardian will faithfully execute the duties of his trust according to law.

SEC. 4. Section 1480.6 is added to the Probate Code, to read:

1480.6. A nonprofit charitable corporation described in Section 1400 which is appointed as a guardian shall furnish a bond to the ward as specified in this chapter, except the bond shall not be in the form of a personal surety bond.

SEC. 5. Section 1701 of the Probate Code is amended to read:

1701. A conservator is a person appointed to take care of the person and property or person or property of a conservatee as defined in Section 1751. Both a natural person and a nonprofit charitable corporation, incorporated in this state, whose articles of incorporation specifically authorize it to accept appointments as conservators, and which has been providing care or counseling or financial assistance to the proposed conservatee under the supervision of a registered social worker certified by the Board of Behavioral Science Examiners of this state, are eligible for appointment as conservator of the person and estate or of either; a trust company, as defined in Section 107 of the Financial Code, is eligible for appointment as conservator of the estate only. The petition of a nonprofit charitable corporation shall include in the caption the name of a responsible corporate officer; if for any reason such officer should cease to act as the responsible officer hereunder, the corporation shall file with the court a notice of the name of the successor responsible officer and his date of succession.

SEC. 6. Section 1802.5 is added to the Probate Code, to read:

1802.5. The court issuing an order appointing a nonprofit charitable corporation described in Section 1701 to be a conservator of the estate or of the person and estate of another shall require that such nonprofit charitable corporation furnish a bond to the conservatee as specified in this chapter, except such bond shall not be in the form of a personal surety bond.

SEC. 7. Section 1907 of the Probate Code is amended to read:

1907. The termination of the relationship of conservator and conservatee by the death of either or by the determination of the court that the conservatorship is no longer necessary shall not cause the court to lose jurisdiction of the proceeding for the purpose of settling the accounts of the conservator and for any other purpose incident to the enforcement of the judgments and orders of the court upon such accounts or upon the termination of the conservatorship. If the conservator dies or becomes incompetent, his account may be presented by his personal representative and upon petition of the successor of such deceased or incompetent conservator, the court shall compel the personal representative of the deceased or incompetent conservator to render such account and must settle such account as in other cases. In the event the conservator dies or becomes incompetent and there is no executor, administrator, or representative appointed for his estate, or he absconds, then the court may compel the attorney for such absconding, deceased, or incompetent conservator or attorney of record in the conservatorship proceeding, to render an account of the conservatorship to the extent that the attorney has information or records available to him for the purpose. The account of the attorney need not be verified. A fee shall be allowed to the attorney by the court for this extraordinary service. For the purposes of this section, "personal representative" shall include a guardian and conservator.

If the conservator is a nonprofit charitable corporation as provided in Section 1701, the fee allowed to the attorney by the court for his extraordinary service shall be for services actually rendered and shall not be based on the value of the conservatee's estate.

SEC. 8. Section 1908 of the Probate Code is amended to read:

1908. (1) Except as provided in subdivision (2), every conservator shall be allowed the amount of his reasonable expenses incurred in the execution of his trust, including the cost of any surety bond furnished and reasonable attorneys' fees, and shall have such compensation for his services as the court in which his accounts are settled deems just and reasonable. He shall also be allowed all reasonable disbursements made before his appointment, and (a) in the case of termination other than by the death of the conservatee, all reasonable disbursements made after the termination of the conservatorship but prior to his discharge by the court, and (b) in the case of termination by the death of the conservatee, all reasonable expenses incurred prior to such discharge for the custody and conservation of the estate and the delivery thereof to the personal representative of the estate of the deceased conservatee.

(2) Every conservator which is a nonprofit charitable corporation as provided in Section 1701 shall be allowed the amount of his reasonable expenses incurred in the execution of his trust, including the cost of any surety bond furnished and attorneys' fees for services actually rendered, if reasonable, and shall have such compensation for his services as the court in which his accounts are settled deems just and reasonable. The conservator's compensation shall be

awarded only for services actually rendered and shall not be based on the value of the conservatee's estate. He shall also be allowed all reasonable disbursements made before his appointment, provided that any fee for an attorney shall only be for services actually rendered and shall not be based on the value of the conservatee's estate, and (a) in the case of termination other than by the death of the conservatee, all reasonable disbursements made after the termination of the conservatorship but prior to his discharge by the court, except that a fee for an attorney shall be for services actually rendered and shall not be based on the value of the conservatee's estate, and (b) in the case of termination by the death of the conservatee, all reasonable expenses incurred prior to such discharge for the custody and conservation of the estate and the delivery thereof to the personal representative of the estate of the deceased conservatee, except that a fee for an attorney shall be for services actually rendered and shall not be based on the value of the conservatee's estate.

This subdivision shall be applicable only to a conservator which is a nonprofit charitable corporation as provided in Section 1701.

SEC. 9. Section 5355 of the Welfare and Institutions Code is amended to read:

5355. If the conservatorship investigation results in a recommendation for conservatorship, the recommendation shall designate the most suitable person, corporation, state or local agency or county officer, or employee designated by the county to serve as conservator. No person, corporation, or agency shall be designated as conservator whose interests, activities, obligations or responsibilities are such as to compromise his or their ability to represent and safeguard the interests of the conservatee. Nothing in this section shall be construed to prevent the State Department of Health from serving as guardian pursuant to Section 7284, or the function of the conservatorship investigator and conservator being exercised by the same public officer or employee.

When a public guardian is appointed conservator, his official bond and oath as public guardian are in lieu of the conservator's bond and oath on the grant of letters of conservatorship No bond shall be required of any other public officer or employee appointed to serve as conservator.

CHAPTER 1061

An act to amend Section 31203 of the Education Code, relating to scholarships.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 31203 of the Education Code is amended to read:

31203. No person shall be awarded a scholarship unless:

(a) He is a resident of California as determined under the provisions of this code for determining the resident status of a student of a state university or college for the purposes of California State University and Colleges admission fees and rates of tuition. Wherever such provisions refer to the trustees the reference shall, for the purposes of this section, be deemed to be to the commission, any reference to "the opening day of a semester during which a person proposes to attend a state university or college" shall be deemed to be the day upon which a person will receive a scholarship as determined by the commission, and any reference to "immediately prior to first entering any California institution of higher learning " shall be deemed to be immediately prior to the day upon which a person will receive a scholarship, as determined by the commission.

(b) He has graduated from high school or has been accepted for admission by an accredited university or college.

(c) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(d) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(e) He has applied for a state competitive scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(f) He has complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of state competitive scholarships adopted pursuant to this chapter.

(g) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

CHAPTER 1062

An act to amend Section 10606 of the Education Code and Section 53069.5 of the Government Code, relating to school districts and local agencies.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10606 of the Education Code is amended to read:

10606. Any minor whose willful misconduct results in injury or death to any student or any person employed by or performing volunteer services for a school district or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district is liable to suspension or expulsion, and the parent or guardian of an unemancipated minor shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed two thousand dollars ($2,000). The parent or guardian shall also be liable for the amount of any reward not exceeding two thousand dollars ($2,000) paid pursuant to Section 53069.5 of the Government Code. The parent or guardian of a minor shall be liable to a school district for all property belonging to the school district loaned to the minor and not returned upon demand of an employee of the district authorized to make the demand.

SEC. 2. Section 53069.5 of the Government Code is amended to read:

53069.5. A local agency, as defined in Section 54951, may offer and pay a reward, the amount thereof to be determined by the local agency, for information leading to the determination of the identity of, and the apprehension of, any person whose willful misconduct results in injury or death to any student or any person employed by or performing volunteer services for the local agency or who willfully damages or destroys any property of the local agency or any property of any other local agency or state or federal agency located within the boundaries of the local agency.

Any person whose willful misconduct has resulted in injury or death to any student or any person employed by or performing volunteer services for a local agency or who has willfully damaged or destroyed any property of a local agency or any property of any other local agency or state or federal agency located within the boundaries of the local agency shall be liable for the amount of any reward paid pursuant to this section and if he is an unemancipated minor his parent or guardian shall also be liable for the amount.

CHAPTER 1063

An act to amend Sections 22500 and 25212 of, and to repeal Section 22503 of, the Education Code, relating to the California Maritime Academy, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 22500 of the Education Code is amended to read:

22500. Public higher education consists of (a) all public community colleges heretofore and hereafter established pursuant to law, (b) the California State University and Colleges, and each campus, branch, and function thereof heretofore and hereafter established pursuant to law, (c) each campus, branch and function of the University of California heretofore and hereafter established by the Regents of the University of California, and (d) the California Maritime Academy.

SEC. 2. Section 22503 of the Education Code is repealed.

SEC. 3. Section 22512 of the Education Code is amended to read:

22512. For purposes of this chapter, "public higher education" shall consist of (a) all public community colleges heretofore and hereafter established pursuant to law, (b) the California State University and Colleges, and each campus, branch, and function thereof, heretofore and hereafter established pursuant to law, (c) each campus, branch and function of the University of California heretofore and hereafter established by the Regents of the University of California, and (d) the California Maritime Academy.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that funds may be made available to the California Maritime Academy for capital outlay purposes on the same basis as other institutions of public higher education in California, at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 1064

An act to amend Section 6738.1 of the Business and Professions Code, relating to professional engineering.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 6738.1 of the Business and Professions Code is amended to read:

6738.1. The provisions of Section 6738 shall not prevent a partnership, firm, or corporation engaged in rendering professional engineering services from using in its name the name of a deceased or retired person where (a) the deceased or retired person's name had been used in the name of such partnership, firm, corporation, or a predecessor in interest of such partnership, firm, or corporation, for

a period of five consecutive years prior to the death or retirement and continuously after the death or retirement, and where (b) the deceased or retired person shall have been a partner of such partnership, member of such firm, shareholder of such corporation, or a partner, member, or shareholder of such predecessor in interest of the partnership, firm or corporation, and where (c) the deceased or retired person shall have been registered by the board in a branch of professional engineering, or as an architect continuously for a period of five years prior to his death or retirement, if the board, upon written application informing it of the proposed method of carrying on the business and of the changes, if any, in personnel in charge of the engineering activities of such partnership, firm, or corporation, determines, after hearing, that the actual operating organization thereof is otherwise substantially the same as prior to the death or retirement and that the public safety, health, and welfare will not be impaired; provided that a retired person has consented to the continued use of his name, does not engage in the practice of professional engineering in California with any other partnership, firm, or corporation during the period of such consent, and does not permit the use of his name in the practice of professional engineering in California during the period of such consent by anyone other than the partnership, firm, or corporation from which he retired; and provided further that in the practice of professional engineering through such partnership, firm, or corporation it shall continue to be so carried on and shall otherwise be subject to the provisions of paragraphs (1) and (2) of subdivision (a) of Section 6738. A partnership, firm, or corporation, which has complied with the provisions of subdivision (e) of Section 6738 shall be exempted from compliance with this section.

Any partnership, firm, or corporation using in its name the name of a deceased person as provided for in this section shall designate on its letterheads and other listings of firm personnel the years in which the deceased was born and died.

CHAPTER 1065

An act to amend Sections 8762, 8763, 8765 and 8766 of the Business and Professions Code, relating to land surveying.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 8762 of the Business and Professions Code is amended to read:

8762. After making a survey in conformity with the practice of land surveying, the surveyor or civil engineer may file with the

county surveyor in the county in which the survey was made, a record of such survey.

Within 90 days after the establishment of points or lines the licensed land surveyor or registered civil engineer shall file with the county surveyor in the county in which the survey was made, a record of such survey relating to land boundaries or property lines, which discloses:

(a) Material evidence or physical change, which in whole or in part does not appear on any map or record previously recorded or filed in the office of the county recorder, county clerk, municipal or county surveying department or in the records of the Bureau of Land Management of the United States.

(b) A material discrepancy with such record.

(c) Evidence that, by reasonable analysis, might result in alternate positions of lines or points.

(d) The establishment of one or more lines not shown on any such map, the positions of which are not ascertainable from an inspection of such map without trigonometric calculations.

Any record of survey filed with the county surveyor shall after being examined by him be filed with the county recorder.

SEC. 2. Section 8763 of the Business and Professions Code is amended to read:

8763. The record of survey shall be a map, legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth, or polyester base film, 18 by 26 inches. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. A one-inch blank margin shall be left on each edge of the map.

SEC. 3. Section 8765 of the Business and Professions Code is amended to read:

8765. A record of survey is not required of any survey:

(a) When it has been made by a public officer in his official capacity and a reproducible copy thereof, showing all data required by Section 8764, except the recorder's certificate, has been filed with the county surveyor of the county in which the land is located. Any map so filed shall be indexed and kept available for public inspection.

(b) Made by the United States Bureau of Land Management.

(c) When a map is in preparation for recording or shall have been recorded under the provisions of the Subdivision Map Act.

SEC. 4. Section 8766 of the Business and Professions Code is amended to read:

8766. Within 20 days after receiving the record of survey, or within such additional time as may be mutually agreed upon by the land surveyor or civil engineer and the county surveyor, the county surveyor shall examine it with respect to:

(a) Its accuracy of mathematical data and completeness of information as required in Section 8764.

(b) Its conformity to other records or satisfactory explanation of any difference with such other records.

(c) Its compliance with the provisions of this chapter.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 1066

An act to add Section 8491 to the Fish and Game Code, relating to commercial fishing.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 8491 is added to the Fish and Game Code, to read:

8491. The taking of crayfish shall be subject to such regulations as the commission may prescribe.

CHAPTER 1067

An act to add and repeal Article 4 (commencing with Section 2450) to Chapter 4 of Division 3 of the Fish and Game Code, relating to turtles, and making an appropriation therefor.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 2450) is added to Chapter 4 of Division 3 of the Fish and Game Code, to read:

Article 4. Turtles

2450. Products derived from green sea turtles (Chelonia mydas), including meats, oils, hides, calipees, shells, and other derivatives, may be imported into this state under a permit issued by the department, notwithstanding the provisions of Section 653o of the Penal Code and any person may possess for commercial purposes, sell, or possess with the intent to sell, any such product which can be demonstrated to have been imported into this state under a permit issued pursuant to this article.

Permits issued pursuant to this article shall be either a class I permit or a class II permit. Class I permits may be issued to persons who raise green sea turtles and export their products. Class II permits may be issued to persons who import green sea turtles products and who shall be required to demonstrate that all turtle products which they import into the state are obtained from a class I permittee.

2451. No class I permit shall be issued to any person pursuant to this article unless such person has obtained written permission for the exportation of turtle products from any state or foreign country in which such person conducts business, including all states and foreign countries where he obtains any turtle eggs in the wild.

2452. An application for a class I or class II permit under this article to import or export products derived from green sea turtles shall be accompanied by a filing fee in the sum of fifty dollars ($50), which fee shall not be refundable.

2453. Any class I or class II permit issued pursuant to this article shall be valid for one year from the date of its issuance or repeal of this article, whichever first occurs. Any class I or class II permit in existence on the date that the department makes the finding pursuant to subdivision (a), or is advised of adverse affect pursuant to subdivision (b) of Section 2454, shall be valid until the anniversary date of the permit or the repeal of this article, whichever first occurs.

2454. No class I permit shall be issued pursuant to this article, if either of the following occurs:

(a) The department finds the issuance of a permit will adversely affect wild populations of green sea turtles. In making such finding the department shall confer with the International Union for the Conservation of Nature and Natural Resources, shall request their recommendations, and shall be guided by such recommendations.

(b) The International Union for the Conservation of Nature and Natural Resources, advises the department that such a permit will be adverse to the green sea turtle resource.

2455. The department may issue class I permits pursuant to this article for products derived from green sea turtles which are one or both of the following:

(a) Raised domestically from eggs laid on the property of the permittee.

(b) Raised domestically from all or part of eggs obtained from the wild if the eggs are, or are reasonably expected to be, ruined by the chemical or physical composition of the sands where they are laid, or if the eggs are, or are reasonably expected to be, ruined by being washed over by high seas or are from nests laid below the high tide line or are original eggs laid on beaches so heavily nested upon that the greatest part of the original nests are dug up or disturbed by other eggs laid in the same nesting season.

The class I permit shall specify whether or not any eggs are to be taken from the wild.

2456. A person holding a class I permit under this article may take a specified percentage of eggs saved as the result of such person

having placed on the beaches sufficient patrols with the approval of the proper governmental officials to protect against the poaching of turtles. Such percentage of eggs to be taken shall relate directly to the amount of eggs saved by the stopping of such poaching and the allowing of a normal laying of eggs. Such percentage shall be negotiated with the proper local governmental authority. Such percentage shall be reasonable and shall be negotiated in good faith by the person or firm holding the permit. Such percentage shall be approved by the department.

2457. A person taking eggs pursuant to Section 2456 shall be required by the department to hatch out and release locally in the area where the eggs are taken a proportion which shall be agreed upon with the proper local government authority of the number of eggs so taken, for the purpose of increasing the total turtle population in the area. Such proportion shall be reasonable, and the person shall act in good faith in negotiating the proportion with the proper local governmental authority. The department shall approve such proportion.

2458. A person holding a class I permit under this article shall annually submit to the department a report on the conservation efforts of the permittee in regard to green sea turtles.

2459. The department shall inspect the operations of a class I permittee from time to time each year to determine if the permittee is in compliance with the provisions of this article. Such inspection may be unannounced and the permittee shall cooperate with any reasonable or lawful request of the department for an opportunity to inspect and for the permittee to provide any written material requested, including proof of permits from other jurisdictions, and actions in conformity with the requirements contained in this article.

2460. Costs incurred for any inspection pursuant to Section 2459 shall be borne by the class I permittee, and a note issued by an international banking firm shall guarantee the deposit of sufficient funds by the class I permittee to cover costs incurred by the department to inspect the complete operations, up to four times a year. The funds deposited shall cover transportation costs, salaries, and living expenses for the trip. An amount equal to 15 percent of such funds shall be paid to the Fish and Game Preservation Fund to reimburse the department for administrative costs.

2461. Upon a finding by the department that the class I permittee has violated any of the provisions of this article or has not acted in good faith in the taking of turtle eggs from the wild, the department shall revoke the permit.

2462. The department shall review the operation of the permit program authorized under this article and shall report thereon to the Legislature by January 1, 1976.

2463. This article shall remain in effect only until January 1, 1977, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1977, deletes or extends such date.

CHAPTER 1068

An act to amend Section 30100 of the Public Utilities Code, relating to the Southern California Rapid Transit District.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 30100 of the Public Utilities Code is amended to read:

30100. There is hereby created the Southern California Rapid Transit District, comprising that territory hereinafter described in this section lying within the boundaries of the County of Los Angeles and such territory in the County of Los Angeles and in other counties as may be hereafter annexed to the district as provided in this part. The territory within the County of Los Angeles which is hereby created into such district is described as follows:

All that portion of the County of Los Angeles, State of California, lying southerly of the line formed by the south lines of Sections 13, 14, 15, 16, 17, and 18 of Township 3 North, Range 15 West S.B.B. & M., the south lines of Sections 13, 14, 15, 16, 17, and 18 of Township 3 North, Range 16 West S.B.B. & M., the west line of Range 16 West S.B.B. & M., and the south lines of Sections 13 and 14 of Township 3 North, Range 17 West S.B.B. & M., and the westerly extension of such lines in the Rancho Simi to the westerly boundary of the County of Los Angeles, and westerly of the east line of Range 15 West S.B.B. & M., and all that portion of the remainder of said county lying southerly of the north line of Township 2 North S.B.B. & M., excepting therefrom the islands of Santa Catalina and San Clemente.

CHAPTER 1069

An act to add Sections 3703.1, 3757.1, and 3757.2 to the Public Resources Code, relating to public resources.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3703.1 is added to the Public Resources Code, to read:

3703.1. "Low-temperature geothermal well" means a well drilled in a geothermal resource area for the purpose of producing geothermal resources, as defined in Section 6903, from which fluids can be produced which have value by virtue of the heat contained therein and have a temperature that is no more than the boiling

point of water at the altitude of occurrence.

SEC. 2. Section 3757.1 is added to the Public Resources Code, to read:

3757.1. Notwithstanding any other provisions of this chapter, where a parcel of land contains one acre or more and all or substantially all of the surface is unavailable for the location of a geothermal well and directional drilling is found by the supervisor to be necessary, the supervisor may approve proposals to drill wells at whatever locations he deems advisable for the purpose of properly developing the geothermal resources; provided, that no well shall be drilled or permitted to produce which is located within 25 feet of the outer boundary of the parcel of land on which the well is situated or within 25 feet of a public road, street, or highway dedicated prior to the commencement of drilling. The supervisor may require, at the time he gives approval of the notice of intention to drill, redrill, or deepen such well, that a subsurface directional survey be made, and that the survey be filed with the supervisor within 30 days of cessation of drilling operations.

SEC. 3. Section 3757.2 is added to the Public Resources Code, to read:

3757.2. For the purpose of developing low-temperature geothermal resources, the supervisor may approve, within geothermal resource areas, the drilling of low-temperature geothermal wells at whatever locations he deems advisable; provided, that no such well shall be drilled or permitted to produce which is located within 15 feet of the outer boundary of the parcel of land on which the well is situated or within 15 feet of a public road, street, or highway dedicated prior to the commencement of drilling.

CHAPTER 1070

An act to amend Sections 25457.2 and 25457.23 of the Education Code, relating to community college districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25457.2 of the Education Code is amended to read:

25457.2. On or before September 15, 1973, the county committee on school district organization of each county in which the residents account for 250 or more units of average daily attendance in grades 13 and 14 in community colleges in the state in the 1972–73 fiscal year shall submit to the Board of Governors of the California Community Colleges approvable plans and recommendations for the inclusion of

all of the territory of the county in one or more community college districts or for the annexation to existing community college districts of territory not a part of any community college district. The county committee on school district organization of any other county may submit such plans and recommendations at any time. A single plan for annexation may contain alternative proposals respecting the community college district or districts to which annexation is proposed.

When, in any fiscal year after the 1972–73 fiscal year, the residents of a county for the first time account for 250 or more units of average daily attendance in grades 13 and 14 in community colleges in the state, the county committee on school district organization shall, in the next succeeding fiscal year, submit such plans and recommendations to the board of governors.

Notwithstanding the provision of Section 25465, if the plan prepared by the county committee proposes the annexation of territory to an existing community college district which maintains not more than two community colleges, an agreement to the annexation by the community college board shall not be required.

Plans and recommendations which are not approved by the board of governors shall be returned to the county committee on school district organization for revision and resubmission to the office of the Chancellor of the California Community Colleges.

SEC. 2. Section 25457.23 of the Education Code is amended to read:

25457.23. Elections to carry out the proposals of a plan approved by the board of governors shall be called and conducted by the county superintendent of schools of the county in which all or the greater portion of the area is situated at the time the plan is recommended by the county committee and shall be held pursuant to the provisions of Section 3294, but in any event within one year after date of notification of original approval or by September 15, 1975, whichever is earlier, for plans required to be submitted on or before September 15, 1973. For plans required to be submitted after September 15, 1973, the election shall be held within one year after the date of notification of original approval. Alternative annexation proposals contained in a single approved plan shall be submitted to the electors as separate alternative propositions. When alternative annexation propositions are submitted to the electors, that proposition receiving the approval of the majority of qualified electors voting shall be adopted. In the event that more than one annexation proposition receives the approval of the majority of the qualified electors voting, that proposition which receives the greatest number of favorable votes in excess of the majority shall be adopted.

If a county committee on school district organization has submitted a plan and recommendation to the board of governors prior to the effective date of the amendment of this section at the 1973–74 Regular Session of the Legislature and an election on such

plan and recommendation has not been held prior to such date, the county committee or school district organization may subsequently determine that the intent of Section 25457 may equally be satisfied by annexation of the territory to either of two community college districts. Following a public hearing it may amend its plan and recommendation by a majority of all those entitled to vote and submit its amended proposal to the board of governors. The amended proposal shall be submitted within 60 days after such effective date. The board of governors may approve or disapprove any such amended proposal.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At elections to be conducted during 1974, electors will be voting on proposals for the annexation of territory to existing community college districts. In order that voters at such elections may be given alternative choices, with respect to the community college district to which territory will be annexed, as is provided for in Sections 1 and 2 of this act, it is necessary that this act go into effect immediately.

CHAPTER 1071

An act to amend Section 2287 of the Revenue and Taxation Code, relating to property tax limitations.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2287 of the Revenue and Taxation Code is amended to read:

2287. A maximum property tax rate election shall be held according to the law otherwise applicable to elections held by such a local agency; provided that the governing body of the local agency may authorize the use of mailed ballots whenever there are 250 or fewer qualified voters eligible to vote in such election. When a mailed ballot is used, the election shall not be subject to the limitations contained within Section 2504 of the Elections Code.

CHAPTER 1072

An act to amend Sections 11100 and 11101 of, to amend and renumber Section 11105 of, to add Section 11102 to, and to repeal Sections 11103, 11104, and 11106 of, the Health and Safety Code, relating to drugs.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 11100 of the Health and Safety Code is amended to read:

11100. (a) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person in this state shall submit a report to the State Department of Justice of all such transactions:

(1) Phenyl-2-propanone
(2) Methylamine
(3) D-lysergic acid
(4) Ergotamine tartrate
(5) Diethyl malonate
(6) Malonic acid
(7) Ethyl malonate
(8) Barbituric acid

(b) The Department of Justice may adopt rules and regulations in accordance with Chapter 4.5 (commencing with Section 11371) of Division 3 of Title 2 of the Government Code that add substances to subdivision (a) if the substance is a precursor to a controlled substance and delete substances from subdivision (a). However, no regulation adding or deleting a substance shall have any effect beyond March 1 of the year following the calendar year during which the regulation was adopted.

(c) This section shall not apply to any of the following:

(1) Any pharmacist or other authorized person who sells or furnishes such substance upon the prescription of a physician, dentist, podiatrist, or veterinarian.

(2) Any physician, dentist, podiatrist, or veterinarian who administers or furnishes such substance to his patients.

(3) Any manufacturer or wholesaler licensed by the Board of Pharmacy who sells, transfers, or otherwise furnishes such substance to a licensed pharmacy, physician, dentist, podiatrist, or veterinarian.

(d) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any substance listed in subdivision (a) to a person in this state shall, within 72 hours thereafter, submit a report of such transaction to the Department of Justice. However, the Department of Justice may authorize the submission of such reports on a monthly basis with respect to repeated, regular transactions between the furnisher and the

recipient involving the same substance if the Department of Justice determines that; (1) a pattern of regular supply of such substance exists as between the manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes such substance and the recipient of the substance, and (2) the recipient has established a record of utilization of such substance for lawful purposes.

SEC. 2. Section 11101 of the Health and Safety Code is amended to read:

11101. The State Department of Justice shall provide a common reporting form for the substances in Section 11100 which contains at least the following information:

(a) Name of the substance.

(b) Quantity of the substance sold, transferred, or furnished.

(c) The date the substance was sold, transferred, or furnished.

(d) The name and address of the person buying or receiving such substance.

(e) The name and address of the manufacturer, wholesaler, retailer, or other person selling, transferring, or furnishing such substance.

SEC. 3. Section 11102 is added to the Health and Safety Code, to read:

11102. The Department of Justice may adopt all regulations necessary to carry out the provisions of this part.

SEC. 4. Section 11103 of the Health and Safety Code is repealed.

SEC. 5. Section 11104 of the Health and Safety Code is repealed.

SEC. 6. Section 11105 of the Health and Safety Code is amended and renumbered to read:

11103. The theft or loss of any substance regulated pursuant to Section 11100 discovered by any licensee or any person regulated by the provisions of this chapter shall be reported to the Department of Justice within three days after such discovery.

Any difference between the quantity of any substance regulated pursuant to Section 11100 received and the quantity shipped shall be reported to the Department of Justice within three days of the receipt of actual knowledge of the discrepancy.

Any report made pursuant to this section shall also include the name of the common carrier or person who transports the substance and date of shipment of the substance.

SEC. 7. Section 11106 of the Health and Safety Code is repealed.

CHAPTER 1073

An act to amend Section 5784.22 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5784.22 of the Public Resources Code is amended to read:

5784.22. The district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for a two-year period, and all such indebtedness which is incurred on or after October 1, 1963, shall be repaid during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 7 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. Any indebtedness, or portion thereof, authorized to be incurred by this section may be refunded and refinanced pursuant to this section if the net interest cost to the district is reduced by such financing. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

CHAPTER 1074

An act to amend Sections 14084 and 14088 of, and to repeal Sections 14089, 14090, 14091, 14092, 14093, 14094, 14094.1, 14094.2, 14096, 14097, 14133.1, 14133.2, 14133.3, 14133.4, 14133.5, 14133.6, 14133.7, 14133.8, and 14138 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 14084 of the Education Code is amended to read:

14084. This article details the provisions relating to the transfer of assets from the Los Angeles Unified School District Retirement System and the Los Angeles Community College District Retirement System to the State Teachers' Retirement System.

The purpose of the asset valuation method described in this article shall be to provide equality for each party.

The transfer of assets provided for in this article shall be in cash or in securities in kind. Without in any way limiting the definition of "securities" and so that it may be perfectly clear, this term shall include notes secured by mortgages or real estate mortgages.

SEC. 2. Section 14088 of the Education Code is amended to read:

14088. All costs of the asset transfer, asset valuation, security registration, and the administrative costs incurred by the State Teachers' Retirement System in accomplishing the merger of the Los Angeles Unified School District Retirement System and the Los Angeles Community College District Retirement System into the system and the cost of administration, as they relate to the local system, shall be a charge against the residual funds remaining on deposit with the Los Angeles Unified School District and the Los Angeles Community College School District.

SEC. 3. Section 14089 of the Education Code is repealed.

SEC. 4. Section 14090 of the Education Code is repealed.

SEC. 5. Section 14091 of the Education Code is repealed.

SEC. 6. Section 14092 of the Education Code is repealed.

SEC. 7. Section 14093 of the Education Code is repealed.

SEC. 8. Section 14094 of the Education Code is repealed.

SEC. 9. Section 14094.1 of the Education Code is repealed.

SEC. 10. Section 14094.2 of the Education Code is repealed.

SEC. 11. Section 14096 of the Education Code is repealed.

SEC. 12. Section 14097 of the Education Code is repealed.

SEC. 13. Section 14133.1 of the Education Code is repealed.

SEC. 14. Section 14133.2 of the Education Code is repealed.

SEC. 15. Section 14133.3 of the Education Code is repealed.

SEC. 16. Section 14133.4 of the Education Code is repealed.

SEC. 17. Section 14133.5 of the Education Code is repealed.

SEC. 18. Section 14133.6 of the Education Code is repealed.

SEC. 19. Section 14133.7 of the Education Code is repealed.

SEC. 20. Section 14133.8 of the Education Code is repealed.

SEC. 21. Section 14138 of the Education Code is repealed.

CHAPTER 1075

An act to amend Section 14795 of, and to repeal Sections 14796 and 14797 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 14795 of the Revenue and Taxation Code is amended to read:

14795. (a) For services performed pursuant to this part, the county may retain out of the inheritance taxes paid to and accounted for by the county treasurer each fiscal year, commencing July 1 and ending June 30, commissions as follows:

If the collections are:	The commissions are:
Not over $250,000	2.5% of the collections
Over $250,000 but not over $1,000,000	$6,250 plus 1% of excess over $250,000
Over $1,000,000 but not over $2,000,000	$13,750 plus 0.5% of excess over $1,000,000
Over $2,000,000 but not over $8,000,000	$18,750 plus 0.4% of excess over $2,000,000
Over $8,000,000 but not over $100,000,000	$42,750 plus 0.16% of excess over $8,000,000
Over $100,000,000	$189,950 plus 0.1% over $100,000,000

(b) A county may retain an additional 20 percent of the commissions computed pursuant to subdivision (a), if such county contains:

(1) An area exceeding 10,000 square miles or,

(2) A population density of less than five per square mile at the time of the last regular federal census.

(c) A county qualifying under both paragraph (1) and paragraph (2) of subdivision (b) shall be entitled to only one 20-percent increment in commissions.

SEC. 2. Section 14796 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 14797 of the Revenue and Taxation Code is repealed.

SEC. 4. This act shall become operative on June 1, 1975.

SEC. 5. For the purposes of this act the month of June, 1975, shall be treated the same as a full fiscal year.

CHAPTER 1076

An act to amend Section 25896 of, and to repeal Chapter 7 (commencing with Section 25880) of Division 20 of, the Health and Safety Code, relating to paint.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 25880) of Division 20 of the Health and Safety Code is repealed.

SEC. 2. Section 25896 of the Health and Safety Code is amended to read:

25896. Any person is guilty of a misdemeanor who manufactures, sells, or exchanges, has in his possession with intent to sell or exchange, or exposes or offers for sale or exchange to any retailer, any toy which either (1) is coated with paints and lacquers containing compounds of lead of which the lead content (calculated as Pb) is in excess of that permitted by federal regulations contained in Section 1500.17 of Title 16 of the Code of Federal Regulations adopted pursuant to the Federal Hazardous Substances Act, Chapter 30 (commencing with Section 1261) of Title 15 of the United States Code, or soluble compounds of antimony, arsenic, cadmium, mercury, selenium or barium, introduced as such; compounds are considered soluble if quantities in excess of 0.1 percent are dissolved by 5 percent hydrochloric acid after stirring for 10 minutes at room temperature; (2) consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance; (3) has been produced, prepared, packed or held under insanitary conditions; (4) is stuffed, padded, or lined with materials which are toxic or which would otherwise be hazardous if ingested; or (5) is a stuffed, padded, or lined toy which is not securely wrapped or packaged.

The State Department of Health and local health officers shall enforce the provisions of this chapter.

CHAPTER 1077

An act to amend Section 18612 of the Health and Safety Code, relating to mobilehomes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 18612 of the Health and Safety Code is amended to read:

18612. (a) Except as provided in subdivisions (b) and (c), each mobilehome shall have access from the mobilehome lot to a driveway of not less than 25 feet in clear width. All driveways shall have clear and unobstructed access to a public thoroughfare, except that any driveway may have security gates if such security gates are not in violation of local requirements adopted pursuant to Section 18300.

(b) In mobilehome parks, or portions thereof, constructed prior to September 15, 1961, each mobilehome shall have access, from the mobilehome lot, to a driveway not less than 15 feet in width.

(c) In mobilehome parks which are constructed on or after the effective date of the amendments to this section enacted at the 1973–74 Regular Session of the Legislature and which contain not more than three mobilehome lots, each mobilehome shall have access, from the mobilehome lot, to a driveway not less than 20 feet in width.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Excessive minimum width requirements for driveways in small mobilehome parks have caused unnecessary waste of land which could be devoted to more productive uses. Once committed to use as a driveway, it is unlikely that such land will be converted to other purposes for many years. Thus, in order to prevent further such needless consumption of land as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 1078

An act to amend Section 5509 of the Fish and Game Code, relating to fish.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 5509 of the Fish and Game Code is amended to read:

5509. It is unlawful to possess on any boat or to bring ashore any fish in such a condition that the species cannot be determined, except as otherwise provided in this code or regulations adopted pursuant thereto. The commission, subject to the provisions of Section 5508, may adopt regulations whereby fish taken by persons fishing from a vessel licensed pursuant to Section 7920 may be

brought ashore in such a condition that the species cannot be determined.

CHAPTER 1079

An act to amend Sections 3125 and 3163 of the Business and Professions Code, relating to optometry.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 3125 of the Business and Professions Code is amended to read:

3125. It is unlawful to practice optometry under a false or assumed name. However, the board may issue written permits authorizing an optometric group or optometric corporation of three or more duly licensed optometrists to use a name specified in the permit in connection with its practice if, and only if, the board finds to its satisfaction that:

(a) The place or establishment, or the portion thereof, in which the applicants practice, is owned or leased by the applicants, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicants; provided, however, that where the applicants are practicing optometry in a community clinic, as defined in subdivision (a) of Section 1203 of the Health and Safety Code, this subdivision shall not apply.

(b) The name under which the applicants propose to operate is in the judgment of the board not deceptive or inimical to enabling a rational choice for the consumer public; provided, however, that where the applicants are practicing optometry in a community clinic, as defined in subdivision (a) of Section 1203 of the Health and Safety Code, and are subject to the name limitations of Title 17, California Administrative Code, Section 161, this subdivision shall not apply. In no case shall the name under which the applicants propose to operate contain the name or names of any of the optometrists practicing in the community clinic.

(c) The names of all optometrists practicing at the location designated in the application are displayed in a conspicuous place for the public to see, not only on such location, but also in any advertising permitted by law.

(d) No charges which could result in revocation or suspension of his certificate to practice optometry are pending against any optometrist practicing at such location.

Permits issued under this section by the Board of Optometry shall expire and become invalid unless renewed at the times and in the

manner provided in Article 7 (commencing with Section 3145) for the renewal of certificates issued under this chapter. The board may charge an annual fee, not to exceed ten dollars ($10) for the issuance or renewal of each such permit.

Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit, other than under subdivision (d), is no longer being fulfilled by the corporation or group to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.

In the event the board revokes or suspends the certificate to practice optometry of any member of a corporation or group to whom a permit has been issued under this section, such revocation or suspension shall also constitute revocation or suspension, as the case may be, of such permit.

SEC. 2. Section 3163 of the Business and Professions Code is amended to read:

3163. Except as provided in Section 3125, the name of an optometric corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders and shall include the words optometric corporation or wording or abbreviations denoting corporate existence, provided that the articles of incorporation shall be amended to delete the name of a former shareholder from the name of the corporation within two years from the date the former shareholder dies or otherwise ceases to be a shareholder.

CHAPTER 1080

An act to add Sections 27150.8 and 27161 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 27150.8 is added to the Vehicle Code, to read:

27150.8. The manufacturers of motorcycles and motorcycle accessories shall, prior to the sale or offering for sale of any motorcycle exhaust system or part thereof, including, but not limited to, a muffler, certify to the department that the exhaust system or part thereof is in compliance with the standards and regulations adopted by the commissioner which are applicable to such exhaust systems or parts thereof and which are in effect at the time of the first offering for sale at retail. The content and form of the certification shall be in accordance with procedures adopted by the

commissioner.

SEC. 2. Section 27161 is added to the Vehicle Code, to read:

27161. Notwithstanding the provisions of Section 27160, the Department of Motor Vehicles shall register any motorcycle, other than a motor-driven cycle, manufactured after 1974 and before 1978, on a dealer's report of sale, which produces a maximum noise in excess of 80 dbA, but not exceeding 83 dbA, at a distance of 50 feet from the centerline of travel under test procedures established by the Department of the California Highway Patrol.

This section shall not apply to an off-highway vehicle subject to identification, as defined in Section 38012.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 1081

An act to amend Sections 1242.5 and 1245 of, and to repeal Sections 1242.5 and 1245 of, the Business and Professions Code, relating to pulmonary technicians, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1242.5 of the Business and Professions Code is amended to read:

1242.5. The department may by regulation authorize unlicensed laboratory personnel who are employed as technicians in respiratory services or cardiopulmonary laboratories in licensed clinics or hospitals, as defined respectively in Sections 1202 and 1250 of the Health and Safety Code, to perform venipuncture, arterial puncture, or skin puncture for the purposes of withdrawing blood or for test purposes as defined by regulations established by the department. The department shall establish the minimum training required for such persons.

This section shall be operative for four years from the effective date of the amendments made to this section by the 1973–74 Legislature and on such date is repealed.

SEC. 2. Section 1245 of the Business and Professions Code is amended to read:

1245. Notwithstanding any other provision of this chapter or of any other law, any individual may perform a blood gas analysis if all the following conditions exist:

(a) He performs the blood gas analysis in a clinic or a general acute care hospital as defined respectively in Sections 1202 and 1250 of the Health and Safety Code.

(b) He has been instructed by a physician and surgeon licensed in this state, who is in charge of a department of pulmonary physiology or clinical pathology in licensed clinics or hospitals, as defined respectively in Sections 1202 and 1250 of the Health and Safety Code, in the proper procedure to be employed when performing a blood gas analysis.

(c) He performs the blood gas analysis under the direction and supervision of such a physician and surgeon.

(d) He submits the analysis for interpretation to the physician and surgeon under whose direction and supervision he performed the analysis.

Nothing contained in this section shall be construed as authorizing any individual, not otherwise authorized, to withdraw blood.

This section shall be operative for four years from the effective date of the amendments made to this section by the 1973–74 Legislature and on such date is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the present law, a blood gas analysis may be made by pulmonary technicians only in a licensed hospital. A great number of pulmonary technicians who are able to make such an analysis are working in clinics, and thus they are forbidden by law to do such an analysis. To meet the need for expert analysis of blood, this act must go into immediate effect.

CHAPTER 1082

An act to amend Sections 72640, 72646, and 74132 of, to add Sections 74134, 74135, 74136, 74137, 74138, and 74139 to, and to repeal Sections 74134, 74135, 74136, 74137, 74138, and 74139 of, the Government Code, relating to municipal courts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 72640 of the Government Code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 93.

SEC. 2. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint:

(a) One head, administrative services, marshal, who shall receive monthly compensation as provided in Schedule 65.

(b) One senior staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 58.

(c) One administrative secretary, marshal, who shall receive monthly compensation as provided in Schedule 52. Appointment to said position shall be at step 3 of said schedule.

(d) One staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 52.

(e) One senior stenographic secretary who shall receive monthly compensation as provided in Schedule 51.

(f) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 49.

(g) One supply and reproduction supervisor who shall receive monthly compensation as provided in Schedule 49.

(h) Three automotive services assistants, marshal, who shall receive monthly compensation as provided in Schedule 46.

(i) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 46.

(j) Ten administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 45.

(k) Twenty deputy clerk-custody officers, each of whom shall receive monthly compensation as provided in Schedule 44.

(*l*) One senior payroll clerk, marshal, who shall receive monthly compensation as provided in Schedule 44.

(m) One supply and reproduction assistant who shall receive monthly compensation as provided in Schedule 43.

(n) Fifty-nine deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 41.

(o) Six radiotelephone operators, marshal, who shall receive monthly compensation as provided in Schedule 40.

(p) Three stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 40.

(q) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 35.

(r) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 29. Appointments to such positions shall be at step 4 of such schedule.

(s) Such deputies who shall be keepers, as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

SEC. 2.5. Section 74132 of the Government Code is amended to read:

74132. (a) Each of the respective assistants, deputies and other employees of each clerk and marshal shall receive a salary computed upon a biweekly rate in accordance with the range and step for his

position specified in or pursuant to this article, as determined by the salary schedule in the salary ordinance of Riverside County in effect August 23, 1974.

(b) Except as otherwise provided in this article, each new employee shall for the first 13 full biweekly periods of continuous service receive a salary at the rate specified for step 1 of the applicable range; on the first day of the next biweekly period thereafter, his salary shall increase to the rate for step 2; after 26, 52 and 78 additional biweekly periods of continuous service, his salary shall increase to the rates for steps 3, 4 and 5, respectively. Each such step increase shall be to the rate of step 1 of the second next higher range.

(c) Notwithstanding any other provisions of law, the salary of any employee may, upon approval by the board of supervisors, be increased or decreased within the limits of the applicable range and eight ranges above or below said limits, in order to provide compensation that is comparable to that of county employees of similar qualifications and experience, holding equal or comparable positions in the Riverside County classified service, as the comparability is determined by the board. The board of supervisors may also allow such additional appointive positions in the classes of positions specified in this article as in said board's judgment are necessary to perform the work of the offices of each clerk and marshal. Any salary adjustment made or additional appointive position established pursuant to this subdivision shall be effective only until January 1 following the adjournment of the next regular session of the Legislature unless ratified by the Legislature.

(d) Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is or may be provided by the current salary ordinances of Riverside County for other employees of the county, and they shall be subject to such employment qualifications as may be fixed by or pursuant to said ordinance for their positions, in the same manner as for other positions in the employment of said county.

SEC. 3. Section 74134 of the Government Code is repealed.

SEC. 4. Section 74134 is added to the Government Code, to read:

74134. In the Riverside Judicial District, the salary of the clerk shall be twenty thousand three hundred forty-four dollars and seventy-four cents ($20,344.74) per year and the clerk may appoint:

(a) One assistant clerk on range 51.5.
(b) One release investigator on range 51.0.
(c) Two assistant release investigators on range 49.5.
(d) Three municipal court clerks II on range 49.5.
(e) One accounting technician on range 47.5.
(f) Six municipal court clerks I on range 47.5.
(g) Five senior clerks on range 43.0.
(h) One senior accounting clerk on range 44.5.

(i) One senior stenographer clerk on range 44.5.
(j) Fourteen typist-clerks II on range 40.0.
(k) Two clerks II on range 39.5.
(*l*) One assistant clerk, branch court on range 50.5.
(m) One accounting clerk on range 41.5.

SEC. 5. Section 74135 of the Government Code is repealed.

SEC. 6. Section 74135 is added to the Government Code, to read:

74135. In the Riverside Judicial District, the salary of the marshal shall be nineteen thousand two hundred fifty dollars and sixty-six cents ($19,250.66) per year and the marshal may appoint:
(a) One assistant marshal on range 148.
(b) Six deputy marshals II on range 142.
(c) Five deputy marshals I on range 136.
(d) One senior accounting clerk on range 44.5.
(e) Two typist-clerks II on range 40.0.

SEC. 7. Section 74136 of the Government Code is repealed.

SEC. 8. Section 74136 is added to the Government Code, to read:

74136. In the Desert Judicial District, the salary of the clerk shall be nineteen thousand two hundred fifty dollars and sixty-six cents ($19,250.66) per year and the clerk may appoint:
(a) One assistant clerk on range 51.5.
(b) One release investigator on range 51.0.
(c) Six municipal court clerks I on range 47.5.
(d) Two senior accounting clerks on range 44.5.
(e) Two senior clerks on range 43.0.
(f) Nine typist-clerks II on range 40.0.

SEC. 9. Section 74137 of the Government Code is repealed.

SEC. 10. Section 74137 is added to the Government Code, to read:

74137. In the Desert Judicial District, the salary of the marshal shall be on range 56.5 and the marshal may appoint:
(a) One assistant marshal on range 148.
(b) Three deputy marshals II on range 142.
(c) Two deputy marshals I on range 136.
(d) Two senior deputy marshals on range 144.
(e) Four typist-clerks II on range 40.0.
(f) One senior accounting clerk on range 44.5.

SEC. 11. Section 74138 of the Government Code is repealed.

SEC. 12. Section 74138 is added to the Government Code, to read:

74138. In the Corona Judicial District, the salary of the clerk shall be fifteen thousand four hundred eight dollars and twenty-eight cents ($15,408.28) per year and the clerk may appoint:
(a) One municipal court clerk II on range 49.5.
(b) One municipal court clerk I on range 47.5.
(c) One senior accounting clerk on range 44.5.
(d) Two senior clerks on range 43.0.
(e) Three typist-clerks II on range 40.0.

SEC. 13. Section 74139 of the Government Code is repealed.

SEC. 14. Section 74139 is added to the Government Code, to read:

74139. In the Corona Judicial District, the salary of the marshal

shall be seventeen thousand seven hundred thirty-two dollars ($17,732) per year and the marshal may appoint:

(a) Two deputy marshals II on range 142.

(b) One deputy marshal I on range 136.

(c) One senior accounting clerk on range 44.5.

(d) One typist-clerk on range 40.0.

SEC. 15. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by local agencies pursuant to the act, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

CHAPTER 1083

An act to amend Section 25502.3 of the Government Code, relating to county purchasing agents.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25502.3 of the Government Code is amended to read:

25502.3. In counties having a population of 168,500 or less, according to the 1960 federal census, the purchasing agent shall have the duty to engage independent contractors to perform services for the county and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed four thousand five hundred dollars ($4,500).

CHAPTER 1084

An act to amend Section 2860.5 of the Business and Professions Code, relating to nurses.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2860.5 of the Business and Professions Code is amended to read:

2860.5. A licensed vocational nurse when directed by a physician and surgeon may do all of the following:

(a) Administer medications by hypodermic injection.

(b) Withdraw blood from a patient, if prior thereto such nurse has been instructed by a physician and surgeon and has demonstrated competence to such physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the board, or has demonstrated competence to the satisfaction of the board.

(c) Start and superimpose intravenous fluids if all of the following additional conditions exist:

(1) The nurse has satisfactorily completed a prescribed course of instruction approved by the board or has demonstrated competence to the satisfaction of the board.

(2) The procedure is performed in an organized health care system in accordance with the written standardized procedures adopted by the organized health care system as formulated by a committee which includes representatives of the medical, nursing, and administrative staffs. "Organized health care system," as used in this section, includes facilities licensed pursuant to Section 1250 of the Health and Safety Code, clinics, home health agencies, physician's offices, and public or community health services. Standardized procedures so adopted will be reproduced in writing and made available to total medical and nursing staffs.

CHAPTER 1085

An act to amend Sections 2297 and 2305 of the Revenue and Taxation Code, relating to property tax limitations, and declaring the ugency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2297 of the Revenue and Taxation Code is amended to read:

2297. In the event that the boundaries of a local agency are altered by a governmental reorganization, or that a local agency becomes responsible, as a result of a governmental reorganization, for providing a program or service it has not heretofore provided, the maximum property tax rate for such an agency, after the reorganization has occurred, shall continue to be the maximum property tax rate which had been established, pursuant to the provisions of this article or of Article 4, for such agency prior to the reorganization.

SEC. 2. Section 2305 of the Revenue and Taxation Code is amended to read:

2305. As used in this article "functional consolidation" means the

transfer, from one local agency to another, of both of the following: (1) the responsibility for providing a program or a service to an area within the jurisdiction of the transferring agency and (2) the responsibility for levying a property tax rate within such area to pay the cost of such service or program. Functional consolidation does not refer to any transfer of responsibility for providing a program or a service when such transfer occurs as a result of a "governmental reorganization" as such term is defined in Section 2295; in such event, the maximum property tax rates for any affected local agency shall be determined solely as provided in Article 7 (commencing with Section 2295) of this chapter.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act to apply to the 1974–1975 fiscal year, this act must take effect immediately.

CHAPTER 1086

An act to add Section 43.8 to the Civil Code, relating to personal rights.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 43.8 is added to the Civil Code, to read:

43.8. In addition to the privilege afforded by Section 47, there shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any person on account of the communication of information in the possession of such person to any hospital, hospital medical staff, professional society, medical or dental school, or professional licensing board, when such communication is intended to aid in the evaluation of the qualifications, fitness or character of a practitioner of the healing arts and does not represent as true any matter not reasonably believed to be true.

CHAPTER 1087

An act to add Section 224s to the Civil Code, relating to adoption

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 224s is added to the Civil Code, to read:

224s. No agency shall place a child for adoption unless the agency has submitted a written medical report on the child's medical background, if available, and, so far as ascertainable, the medical background of the child's natural parents, conforming to requirements which shall be specified by the State Department of Health, to the prospective adopting parents and such prospective adopting parents have acknowledged in writing the receipt of such report.

The requirements of this section shall not apply to intercountry adoptions.

CHAPTER 1088

An act to amend Section 15011 of the Health and Safety Code, relating to health facilities.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 15011 of the Health and Safety Code is amended to read:

15011. The application shall be accompanied by a filing fee in an amount which the state department determines will cover the costs of administering this chapter. Such fee shall not exceed 0.7 percent of the estimated construction cost.

The minimum fee in any case shall be one hundred dollars ($100). If the actual construction cost exceeds the estimated construction cost by more than 5 percent, a further fee shall be paid to the state department, based on the above schedule and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

CHAPTER 1089

An act to add Section 11712.5 and 24014 to the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11712.5 is added to the Vehicle Code, to read:

11712.5. It shall be unlawful and a violation of this code for a dealer issued a license pursuant to this article to sell, offer for sale, or display, any new motorcycle unless there is securely attached thereto a statement as required by Section 24014.

SEC. 2. Section 24014 is added to the Vehicle Code, to read:

24014. No dealer shall sell, offer for sale, or display, any new motorcycle unless there is securely attached thereto by such dealer a statement which shall clearly indicate all of the following:

(a) The retail price of such motorcycle suggested by the manufacturer of the motorcycle.

(b) The retail delivered price suggested by the manufacturer for each accessory or item of optional equipment, physically attached to such motorcycle at the time of its delivery to such dealer, which is not included within the price of such motorcycle as stated pursuant to subdivision (a).

(c) The amount charged, if any, to such dealer for the transportation of the motorcycle to the location at which it is delivered to such dealer.

(d) The amount charged, if any, for the assembly, preparation, or both, of the motorcycle. The total of the amounts stated pursuant to subdivisions (a), (b), (c), and (d).

SEC. 3. The sum of thirty-two thousand four hundred dollars ($32,400) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for costs incurred by the department in the implementation of this act.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1090

An act to amend Sections 12027 and 12031 of the Penal Code, relating to firearms.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 12027 of the Penal Code is amended to read:

12027. Section 12025 does not apply to or affect any of the following:

(a) Peace officers listed in Section 830.1, 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

The agency from which a peace officer is honorably retired may, upon initial retirement of the peace officer, or at anytime subsequent thereto, deny or revoke, for good cause, the retired officer's privilege to carry a weapon as provided in this subdivision. Any peace officer who has been honorably retired shall be issued an identification certificate containing an endorsement by the issuing agency indicating whether or not the retired peace officer has the privilege to carry a weapon pursuant to this subdivision.

(b) The possession or transportation by any merchant of unloaded firearms as merchandise.

(c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, when on duty, or organizations which are by law authorized to purchase or receive such weapons from the United States or this state.

(d) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.

(e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(f) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using any of the firearms referred to in this chapter upon such target ranges, or while going to and from such ranges.

(g) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

(h) Members of any club or organization organized for the purpose of collecting and displaying antique or historical pistols, revolvers or other firearms, while such members are displaying such weapons at meetings of such clubs or organizations or while going to and from such meetings, or individuals who collect such firearms not designed to fire, or incapable of firing fixed cartridges or fixed shot shells, or other firearms of obsolete ignition type for which ammunition is not readily available and which are generally recognized as collector's items, provided such firearm is kept in the trunk If the vehicle is not equipped with a trunk, such firearm shall

be kept in a locked container in an area of the vehicle other than the utility or glove compartment.

SEC. 2. Section 12031 of the Penal Code is amended to read:

12031. (a) Except as provided in subdivision (b), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of the following:

(1) Peace officers listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

The agency from which a peace officer is honorably retired may, upon initial retirement of the peace officer, or at anytime subsequent thereto, deny or revoke, for good cause, the retired officer's privilege to carry a weapon as provided in this paragraph. Any peace officer who has been honorably retired shall be issued an identification certificate containing an endorsement by the issuing agency indicating whether or not the retired peace officer has the privilege to carry a weapon pursuant to this paragraph.

(2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(3) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 18 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(6) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(7) Private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11

(commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) The carrying of weapons by animal control officers or zookeepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry such weapons, or by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(9) Harbor policemen designated pursuant to Section 663.5 of the Harbors and Navigation Code.

(10) Uniformed security guards or night watchmen employed by any public agency, while acting within the scope and in the course of their employment.

(11) Uniformed security guards, regularly employed and compensated as such by persons engaged in any lawful business, while actually engaged in protecting and preserving the property of their employers.

(12) Employees or agents of a burglar alarm company while responding to an alarm, or such employees or agents, when in uniform, while on duty for the purpose of responding to an alarm Nothing in this paragraph shall be construed to prohibit cities and counties from enacting ordinances requiring local licensing of those persons covered under this paragraph.

(c) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(d) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(e) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(f) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded

firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(g) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(h) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(i) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(j) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 1091

An act to add Section 13961.5 to Article 1 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code, as added by Chapter 1144 of the Statutes of 1973, relating to crimes.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13961.5 is added to Article 1 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code, as added by Chapter 1144 of the Statutes of 1973, to read:

13961.5. No costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sexual assault, when such examination is performed for the purposes of gathering evidence for possible prosecution, shall be charged directly or indirectly to the victim of such assault. Such costs shall be treated as local costs and charged to the appropriate local governmental

agency as follows:

(a) If the treatment or services are provided at a county or city hospital, or hospital district facility, the county shall pay the expenses.

(b) If the treatment or services are performed at a private hospital, the expenses shall be paid by the local governmental agency in whose jurisdiction the alleged offense was committed.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 1092

An act to add Section 1127e to the Penal Code, relating to character evidence.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1127e is added to the Penal Code, to read:

1127e. The term "unchaste character" shall not be used by any court in any criminal case in which the defendant is charged with a violation of Section 261 or 261.5 of the Penal Code, or attempt to commit or assault with intent to commit any crime defined in any such section, in any instruction to the jury.

CHAPTER 1093

An act to add Section 1127d to the Penal Code, relating to evidence.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 1127d is added to the Penal Code, to read:

1127d. (a) In any criminal prosecution for the crime of rape, or for violation of Section 261.5, or for an attempt to commit, or assault with intent to commit, any such crime, the jury shall not be instructed that it may be inferred that a female who has previously consented to sexual intercourse with persons other than the defendant would be therefore more likely to consent to sexual

intercourse again.

(b) A jury shall not be instructed that the prior sexual conduct in and of itself of the complaining witness may be considered in determining the credibility of the witness pursuant to Chapter 6 (commencing with Section 780) of Division 6 of the Evidence Code.

CHAPTER 1094

An act to amend Section 710 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 710 of the Unemployment Insurance Code is amended to read:

710. (a) For the purpose of this section, "governmental entity" means political subdivisions or instrumentalities of this state or instrumentalities of this state and of one or more other states or instrumentalities of one or more political subdivisions or departments or units thereof. "Governmental entity" does not include the state.

(b) Except as provided by Sections 710.1 and 710.2, a governmental entity may, when requested by a written petition signed by a majority of the employees (including those with civil service or tenure positions) elect to become an employer subject to this division for not less than two calendar years with respect to all of its employees, or those employee classifications that are exempt from civil service or merit system status who perform work equivalent to those employees of the building trades crafts that are covered by collective bargaining agreements with respect to wages, hours, fringe benefits and other terms and conditions of employment, and may file its written election with the director. If the director finds that a majority of the employees to be affected by the election to become an employer have signed the petition, the governmental entity shall, upon the written approval of the director, become an employer subject to this division to the same extent as other employers, and services performed by its employees, including those with civil service or tenure positions, shall constitute employment subject to this division. Beginning at that time it shall withhold from the wages of employees the contributions required for unemployment compensation disability benefits.

(c) In lieu of the contributions required of employers, each governmental entity that has elected coverage under this section may elect any method of financing coverage by an election under this section that is permitted under Section 803. Any such election

under Section 803 shall be terminated on the effective date of the termination of an election for coverage under this section.

(d) The director may require from each governmental entity, such employment, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this division, which shall be filed with the director at the time and in the manner prescribed by him.

(e) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the governmental entity.

(f) Each governmental entity shall keep such work records as may be prescribed by the director for the proper administration of this division.

(g) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

CHAPTER 1095

An act to amend Section 3098 of the Labor Code, relating to apprenticeships.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 3098 of the Labor Code is amended to read:

3098. An awarding agency whose public works contract falls within the jurisdiction of Section 1777.5 shall, within five days of the award, send a copy of the award to the Division of Apprenticeship Standards. When specifically requested by a local joint apprenticeship committee, the division shall notify the local joint apprenticeship committee regarding all such awards applicable to the joint apprenticeship committee making the request. Within five days of a finding of any discrepancy regarding the ratio of apprentices to journeymen, pursuant to the certificated fixed number of apprentices to journeymen, the awarding agency shall notify the Division of Apprenticeship Standards.

CHAPTER 1096

An act to amend Section 15520, as amended by Section 1 of Chapter 1049 of the Statutes of 1973, and Section 15520.5 of, and to repeal Section 15520, as added by Section 1.5 of Chapter 1049 of the Statutes of 1973, of, the Corporations Code, relating to partnerships.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 15520 of the Corporations Code, as amended by Section 1 of Chapter 1049 of the Statutes of 1973, is amended to read:

15520. As to a partnership not governed by Section 15520.5 the following provisions shall apply: The retirement, death, insanity, removal or failure of reelection of a general partner dissolves the partnership, unless the business is continued by the remaining general partners and/or the general partner or general partners elected in place thereof

(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

SEC. 2. Section 15520 of the Corporations Code, as added by Section 1.5 of Chapter 1049 of the Statutes of 1973, is repealed.

SEC. 3. Section 15520.5 of the Corporations Code is amended to read:

15520.5. If the partnership is formed on or after November 1, 1973, or if the partnership is formed prior to that date and amends its certificate to specifically elect to be governed by this Section 15520.5 rather than Section 15520, the following provision shall apply: The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

CHAPTER 1097

An act to amend Sections 10474 and 10474.5 of, to add Section 10470.1 to, and to repeal Sections 10451.6 and 10470.1 of, the Business and Professions Code, relating to real estate.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds that the Recovery Fund concept is an effective means of compensating aggrieved persons who obtain a final court judgment against any real estate licensee upon grounds of fraud, misrepresentation, deceit or conversion of trust funds, which judgment is unsatisfied, and who otherwise meet the statutory requirements.

The Legislature further finds that the maximum liability of the Recovery Fund of only $20,000 for any one licensee, regardless of the number of valid claims, causes an inequity to arise when valid multiple claims exceed the said statutory limit. It is the purpose of the Legislature to correct this inequity so that in most instances multiple valid claimants against the Recovery Fund will be compensated for their actual losses.

The Legislature further finds that the Recovery Fund receives its funds from a percentage of real estate license fees; that such license fees have proven sufficient to cover the administrative needs of the Department of Real Estate and for the additional funds contemplated by this proposal; therefore, this is the appropriate time to increase the maximum limit as it relates to claims against the Recovery Fund.

SEC. 2. Section 10451.6 of the Business and Professions Code is repealed.

SEC. 3. Section 10470.1 of the Business and Professions Code is repealed.

SEC. 4. Section 10470.1 is added to the Business and Professions Code, to read:

10470.1. (a) In addition to the amount allocated for recovery purposes as set forth in Section 10450.6, the Real Estate Commissioner may authorize the transfer from the Real Estate Fund to the Real Estate Education, Research and Recovery Fund to be allocated for recovery purposes such amount or amounts that he deems necessary.

(b) If the balance remaining in the Real Estate Education, Research and Recovery Fund and allocated for recovery purposes contains more than four hundred thousand dollars ($400,000) the Real Estate Commissioner may authorize the transfer of all or part of such surplus amount to the Real Estate Fund.

(c) If the balance remaining in the Real Estate Education, Research and Recovery Fund and allocated for education and research purposes contains more than four hundred thousand dollars ($400,000) the Real Estate Commissioner may authorize the transfer of all or part of such surplus amount to the Real Estate Fund.

(d) The Real Estate Commissioner may authorize the return to the Real Estate Education, Research and Recovery Fund of all or part of any amount previously transferred to the Real Estate Fund under the provisions of this section.

SEC. 5. Section 10474 of the Business and Professions Code is amended to read:

10474. If the court finds after the hearing that said claim should

be levied against the portion of the fund allocated for the purpose of carrying out the provisions of this article, the court shall enter an order directed to the commissioner requiring payment from the Real Estate Education, Research and Recovery Fund of whatever sum it shall find to be payable upon the claim pursuant to the provisions of and in accordance with the limitations contained in this article.

Notwithstanding any other provision of this article, the liability of that portion of the Real Estate Education, Research and Recovery Fund allocated for the purposes of this article shall:

(a) Not exceed twenty thousand dollars ($20,000) for any one licensee for which the cause of action occurred on or after July 1, 1964, and prior to January 1, 1975.

(b) Not exceed forty thousand dollars ($40,000) for any one licensee for which the cause of action occurred on or after January 1, 1975.

SEC. 6. Section 10474.5 of the Business and Professions Code is amended to read:

10474.5. If the twenty thousand dollars ($20,000) or forty thousand dollars ($40,000) liability of the Real Estate Education, Research and Recovery Fund, whichever is applicable, as provided for in Section 10474 is insufficient to pay in full the valid claims of all aggrieved persons by whom claims have been filed against any one licensee, such twenty thousand dollars ($20,000) or forty thousand dollars ($40,000) shall be distributed among them in the ratio that their respective claims bear to the aggregate of such valid claims, or in such other manner as the court deems equitable. Distribution of such moneys shall be among the persons entitled to share therein, without regard to the order of priority in which their respective judgments may have been obtained or their claims have been filed. Upon petition of the Real Estate Education, Research and Recovery Fund, the court may require all claimants and prospective claimants against one licensee to be joined in one action, to the end that the respective rights of all such claimants to the Real Estate Education, Research and Recovery Fund may be equitably adjudicated and settled.

CHAPTER 1098

An act to amend Section 10465.4 of, and to add Sections 10465.6 and 10465.7 to, the Business and Professions Code, relating to real estate.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10465.4 of the Business and Professions Code is amended to read:

10465.4. To assist the commissioner he shall appoint a 12-member advisory committee. Five of the members shall be real estate broker licensees, each with at least three years active broker licensure; two members shall be members of the real estate faculty of the California State University and Colleges; one member shall be a representative of the trustees of the California State University and Colleges; three members shall be representatives of the general public; one member shall be a representative of the Chancellor's office, California Community Colleges.

SEC. 2. Section 10465.6 is added to the Business and Professions Code, to read:

10465.6. In addition to the appropriation contained in Section 10465, the sum of one million nine hundred thousand dollars ($1,900,000) is hereby appropriated from the Real Estate Fund to the Department of Real Estate to be administered by the Real Estate Commissioner for advancement of real estate education in the community colleges.

SEC. 3. Section 10465.7 is added to the Business and Professions Code, to read:

10465.7. Funds appropriated by Section 10465.6 shall be used to achieve the following purposes and objectives:

(a) Endowing the Board of Governors of the California Community Colleges in the sum of one million five hundred thousand dollars ($1,500,000) in order for the earnings therefrom to further real estate education, generally, in the California Community Colleges. The endowment contract shall be consistent with the legislative intent set forth in Article 10465.1 and shall be used to develop and maintain teacher training, teaching aids and other needs in order to maintain a widely diversified real estate education program within the California Community Colleges.

(b) Endowing a program in the amount of four hundred thousand dollars ($400,000) for worthy and disadvantaged students enrolled in a real estate career-oriented program in institutions in the California Community Colleges, the annual earnings from which shall be used for scholarship awards. The criteria for scholarship awards shall include consideration of the ethnic, cultural and geographic balance of the student population who would apply therefor.

CHAPTER 1099

An act to amend Sections 72701, 72702, 72702.5, 72703, 72704, 72704.5, 72705, 72710, 72712, 72750.5, 72751, 72751.1, 72751.5, 72752, 72753, 72754, and 72755 of, to add Sections 72717 and 72717.5 to, and to repeal Sections 72706 and 72707 of, the Government Code, relating to courts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 72701 of the Government Code is amended to read:

72701. The judges of the municipal court shall appoint as many commissioners, not exceeding 13, as the business of the court requires. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commisioners of the superior court and such additional powers and duties as may be prescribed by law. Each commissioner shall hold office at the pleasure of the judges and shall receive a monthly salary in the same sum as is paid the Court Commissioners of the Superior Court of the County of Los Angeles: If, however, the amount of the salary is fixed under a step plan of compensation based upon tenure of service, each incumbent shall nevertheless receive a salary equal to the top step thereof. In no event shall such salary exceed the salary provided for the judges of the municipal courts. The commissioners shall be ex officio deputy clerks of the court and shall be members of any retirement system which includes attachés of the court. They shall not engage in the private practice of law.

One of the commissioners shall also serve as administrative officer of the court. The assignment shall be made by the judges of the court and they may delegate to the commissioner such administrative powers and duties as they deem necessary for the administration of the court. The commissioner shall receive a monthly salary which is 10 percent in excess of that provided by law for a commissioner of the court but which shall not exceed the salary of a judge of the court.

SEC. 2. Section 72702 of the Government Code is amended to read:

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 87 of the salary schedule. Notwithstanding any other provisions of law, whenever any vacancy occurs after March 7, 1973, the judges shall appoint one clerk who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 3. Section 72702.5 of the Government Code is amended to read:

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 77 of the salary schedule.

SEC. 4. Section 72703 of the Government Code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who

shall receive a monthly salary at a rate specified in Schedule 70.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 70.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 70.

(d) One deputy clerk who shall be chief, data processing division, and who shall receive a monthly salary at a rate specified in Schedule 70.

(e) One deputy clerk who shall be chief, accounting division, and who shall receive a monthly salary at a rate specified in Schedule 68.

(f) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 65.

(g) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 70.

(h) One deputy clerk who shall be special assistant to the administrative officer, and who shall receive a monthly salary at a rate specified in Schedule 70.

(i) One deputy clerk, who shall be criminal courts coordinator, and who shall receive a monthly salary at a rate specified in Schedule 57.

(j) Five deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 61.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 5. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 61.

(b) Ninety-five deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 64 and each commissioner or traffic referee in excess of 18 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 57.

(c) One deputy clerk, executive secretary, presiding judge, who shall receive a monthly salary at a rate specified in Schedule 56. Appointments to said position shall be at step 3 of said schedule.

(d) One deputy clerk, administrative secretary, clerk, who shall receive a monthly salary at a rate specified in Schedule 52. Appointments to said position shall be at step 3 of said schedule.

(e) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 46. Appointments to said positions shall be at step 3 of said schedule.

(f) Seventy-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(g) Five deputy clerks, supervising clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 47.

(h) One hundred thirty-five deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(i) One hundred forty-five deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to such positions shall be at step 3 of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 6. Section 72704.5 of the Government Code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed:

(a) One computer operations supervisor, who shall receive a monthly salary at a rate specified in Schedule 65.

(b) One head keypunch operator, who shall receive a monthly salary at a rate specified in Schedule 48.

(c) Three supervising keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

(d) Twelve senior keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 40.

(e) Seventy-five keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(f) One EDP data systems analyst who shall receive a monthly salary at a rate specified in Schedule 61.

(g) One EDP staff aide who shall receive a monthly salary at a rate specified in Schedule 45.

(h) Six supervising computer operators, each of whom shall receive a monthly salary at a rate specified in Schedule 55.

(i) Six computer systems operators, each of whom shall receive a monthly salary at a rate specified in Schedule 49.

(j) Six computer equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 43.

(k) One senior data control clerk, who shall receive a monthly salary at the rate specified in Schedule 40.

(*l*) Two data control clerks, each of whom shall receive a monthly salary at the rate specified in Schedule 36.

On the effective date of any amendment to the Salary Ordinance of Los Angeles County adjusting the salary of any position having the same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number. Such salary adjustments shall be effective until 90 days after adjournment of the next succeeding regular session of the Legislature.

Persons occupying positions listed in this section shall be entitled

to all employee benefits that are provided for or made applicable to a Los Angeles County employee having an equal period of service.

SEC. 7. Section 72705 of the Government Code is amended to read:

72705. Whenever reference to a numbered salary schedule is made in any section of this article, the schedule found in the Salary Ordinance of the County of Los Angeles shall apply.

(a) Any deputy clerk of grade I classification who is regularly required to work on Saturdays and Sundays, or any deputy clerk who is required regularly to work a night shift shall receive a one-step increase in basic compensation. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m.

(b) Not more than 19 deputy clerks grade IV, while assigned to duties in divisions of the court requiring greater skill and responsibility, and, at each branch court of three or more divisions, one deputy clerk grade III assigned to supervise not less than 15 deputy clerks shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by one step, provided that such branch court or division in said branch shall not have more than two such deputy clerk positions compensated at the next higher schedule at any one time. In any branch court of three or more divisions, the deputy clerk grade V in charge shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by two steps.

(c) Unless otherwise specifically provided, each person appointed to a position set forth in Section 72702, 72702.5, 72703, 72704, 72704.5 shall, be entitled to the same rights, privileges and benefits allowed Los Angeles County employees as provided in Chapter 1 of Ordinance 6222 of the County of Los Angeles. Any person appointed, promoted, or demoted to another office or position in such service, shall be compensated at the schedule provided for said appointment, promotion, or demotion in Chapter 1 of Ordinance 6222.

SEC. 8. Section 72706 of the Government Code is repealed.

SEC. 9. Section 72707 of the Government Code is repealed.

SEC. 10. Section 72710 of the Government Code is amended to read:

72710. The judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary, but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in those sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem fee paid official court reporters pro tempore of the Superior Court of Los Angeles County which upon the order of the court shall be paid from the reporters' salary fund.

SEC. 11. Section 72712 of the Government Code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of one hundred fifty thousand dollars ($150,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal one hundred fifty thousand dollars ($150,000) and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

SEC. 12. Section 72717 is added to the Government Code, to read:

72717. The judges of the Municipal Courts of Los Angeles County may appoint one chief planner at an annual salary of twenty-four thousand dollars ($24,000) plus employee benefits at the rate of 13.77 percent of salary. All personnel compensation shall be paid from federal funds provided in Office of Criminal Justice Planning Project 1623.

SEC. 13. Section 72717.5 is added to the Government Code, to read:

72717.5. The chief planner may appoint:

(a) Two assistant planners each of whom shall receive an annual salary of nineteen thousand dollars ($19,000).

(b) Three planning assistants each of whom shall receive an annual salary of eighteen thousand dollars ($18,000).

(c) Three judicial secretaries each of whom shall receive a monthly salary at a rate specified in Schedule 46. Appointments to said position shall be at step 3 of the said schedule.

(d) Ten student interns each of whom shall receive compensation at the rate of four dollars ($4) per hour.

In addition to the salaries and compensation set forth in this section, each employee shall receive employee benefits at the rate of 13.77 percent of salary. All salaries and employee benefits shall be paid from federal funds provided in Office of Criminal Justice Planning Project 1623.

SEC. 14. Section 72750.5 of the Government Code is amended to read:

72750.5. In each municipal court district having seven judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 75.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointment to said positions shall be at step 3 of said schedule.

(b) Thirteen deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(d) Nine deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 57.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 46.

(f) One chief clerk—administrative services, who shall receive a monthly salary at a rate specified in Schedule 62.

(g) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 62.

(h) One chief clerk—civil, who shall receive a monthly salary at a rate specified in Schedule 62.

(i) One chief clerk—criminal, who shall receive a monthly salary at a rate specified in Schedule 62.

(j) One chief clerk—traffic, who shall receive a monthly salary at a rate specified in Schedule 62.

(k) One occupant of chief clerk position as set forth in this section shall be designated by the clerk as assistant clerk and shall receive a one-step increase in compensation.

SEC. 15. Section 72751 of the Government Code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 73.

The clerk may appoint

(a) Ten deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointment to said positions shall be at step 3 of said schedule.

(b) Twelve deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(d) Eight deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 57.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 64.

SEC. 16. Section 72751 1 of the Government Code is amended to

read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 72.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(d) Seven deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 57.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 63.

SEC. 17. Section 72751.5 of the Government Code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 72.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(d) Six deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 57.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 63.

SEC. 18. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the

judges of the court, who shall receive a monthly salary at a rate specified in Schedule 71.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(d) Five deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 57.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 63.

SEC. 19. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 71.

The clerk may appoint·

(a) Six deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to said positions shall be at step 3 of said schedule.

(b) Eight deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(d) Three deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 57.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 63.

SEC. 20. Section 72754 of the Government Code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 69.

The clerk may appoint

(a) Two deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to

said positions shall be at step 3 of said schedule.

(b) Three deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(d) Two deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 57; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 21. Section 72755 of the Government Code is amended to read:

72755. In those positions for which this article provides a five-step rate of compensation, the provisions of this section shall apply.

(a) Except in the case of transfer, demotion, promotion or where otherwise specifically provided, original appointments to such positions shall be at the rate designated for step A of the salary schedule pertaining to the position occupied.

(b) The initial rate of compensation shall be increased to the next higher step of the schedule applicable to the position occupied upon the completion of six months' continuous service in the same position. Upon the completion of each ensuing 12 months of such service, such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step E of such schedule.

(c) A step advancement shall not be granted to any person if his superior finds that his work has been unsatisfactory and so notifies the Civil Service Commission.

(d) When a person is promoted to a position on a five-step basis, he shall receive the first-step rate in the salary schedule of the new position which results in an increase in salary.

(e) A person demoted to a lower position shall be entitled to receive whichever of the following rates is lower:

1. Step E of the salary schedule pertaining to the position to which he is demoted.

2. The same rate of pay which he was receiving prior to demotion.

(f) The appointing power who demotes a person for disciplinary reasons may specify any step rate in the salary schedule pertaining to the lower position except that it shall not be higher than the step rate held by the employee in the higher position.

(g) If a person begins employment between the 1st and 15th of any calendar month, inclusive, his step advancement shall be calculated from the first day of that month. Where a person begins employment on or after the 16th day of a calendar month, the step advancement shall be calculated from the first of the next month.

(h) Upon demotion, a person shall retain the anniversary date held in the higher position.

(i) Any deputy clerk grade III who is necessarily assigned to the regular duties of a deputy clerk grade IV because of an absence of such deputy clerk grade IV shall, for any period of such assignment in excess of 30 calendar days, receive compensation at the rate of that higher numbered salary schedule which will increase his basic compensation by two steps.

(j) One deputy clerk I, II, or III in each municipal court of six judges or less, who having passed the stenographic skills proficiency examination given by the County of Los Angeles for the county position of stenographer, shall be entitled to receive a bonus equivalent to a one-step salary increase when regularly required to provide stenographic and secretarial services to the judge or judges of the court.

SEC. 22. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by local agencies pursuant to the act, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

CHAPTER 1100

An act to amend Sections 670, 671, and 673 of the Revenue and Taxation Code, relating to appraisers.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 670 of the Revenue and Taxation Code is amended to read:

670. (a) No person shall perform the duties or exercise the authority of an appraiser for property tax purposes as an employee of the state, any county or city and county, or city, either general law or chartered, unless he is the holder of a valid appraiser's or advanced appraiser's certificate issued by the State Board of Equalization.

(b) The board shall provide for the examination of applicants for such certificates and may contract with the State Personnel Board to give such examinations. Examinations shall be prepared by the board with the advice and assistance of a committee of five assessors selected by the State Association of County Assessors for this purpose. No certificate shall be issued to any person who has not attained a passing grade in such examination and demonstrated to the board that he is competent to perform the work of an appraiser as such

competency is defined in regulations duly adopted by the board; provided, however, that any applicant for a certificate who is denied the same shall have a right to review of such denial in accordance with the State Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Passage of a civil service or merit system examination for appraiser given by the state or any county or city and county or city shall suffice to meet the requirements of this section. The scope of such examination shall be approved by the Board of Equalization.

(d) No employee of the state, any county, city and county, or city, shall perform the duties or exercise the authority of an auditor or an auditor-appraiser under Section 469 or Section 1815.1 of this code, or under Section 15624 of the Government Code, unless he holds a degree with a specialization in accounting from a recognized institution of higher education, or is a licensed accountant in the State of California, or has passed the state, or a county, or city and county, or city civil service or merit system examination regularly given for the position of accountant or auditor by the testing body.

(e) This section does not apply to elected officials.

(f) No charge shall be made to counties or to applicants for examinations and certifications under this section or for training conducted by the board under Section 671.

SEC. 2. Section 671 of the Revenue and Taxation Code is amended to read:

671. (a) In order to retain a valid appraiser's certificate every holder shall complete at least 24 hours of training conducted or approved by the State Board of Equalization in each one-year period.

Any excess in training time over the 24-hour minimum accumulated in any one year shall be carried over as credit for future training requirements with a limit of three years in which the carryover time may be credited.

Failure to receive such training shall constitute grounds for revocation of an appraiser's certificate; provided, however, that proceedings to revoke shall be conducted in accordance with the Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Training shall include, but not be limited to, new developments in the case and statutory law and administrative rules.

(b) An advanced appraiser's certificate shall be issued by the board after an applicant has held an appraiser's certificate for at least three years and:

(1) Has successfully completed a course of study; or

(2) Has passed an advanced level examination; or

(3) Holds a valid professional designation from a recognized professional organization.

The board, with the advice and assistance of five assessors selected by the State Association of County Assessors of California, shall

prescribe the course of study, prepare the advanced level examination, and approve the professional designation.

In order to retain a valid advanced appraiser's certificate, every holder shall complete at least 12 hours of training in each one-year period.

Any excess in training time for the advanced appraiser's certificate over the 12-hour minimum accumulated in any one year shall be carried over as a credit for future training requirements with a limit of two years in which the carryover time may be credited.

Failure to receive such training shall constitute grounds for revocation of an advanced appraiser's certificate; provided, however, that proceedings to revoke shall be conducted in accordance with the Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Training to retain the advanced appraiser's certificate shall include, but not be limited to, new developments in the case and statutory law and administrative rules.

SEC. 3. Section 673 of the Revenue and Taxation Code is amended to read:

673. The Board of Equalization may issue a temporary certificate to a person who is newly employed by the state, any county, city and county or appraisal commission in order to afford the person the opportunity to apply for and take an examination the successful passage of which would qualify the person for an appraiser's certificate. A temporary certificate shall not be issued to exceed one year's duration and shall be issued only to a person who has demonstrated eligibility to take a civil service examination pursuant to subdivision (c) of Section 670 or who is found by the board to possess qualifications by reason of education and experience so that he may be reasonably expected to be competent to perform the work of an appraiser. A temporary certificate shall not be renewed.

CHAPTER 1101

An act to amend Sections 157, 160, 162, 565, 566, 2512, 2512.5, 2513, 2626, 2634, 2922, 3442, 3443, 3445, 3446, 3447, 3448, 3515, 3552.28, 3552.32, 3659.7, 3717.5, 3811, 3813, 4104, 4141, 4151, 4152, 4373, 4376, 4713, 4713.5, 4803, 4834.5, 4920, 4921, 4922, 4923, 4925, 4986, and 5097.1, and to repeal Sections 120 and 4371 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 120 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 157 of the Revenue and Taxation Code is amended to read:

157. Currently, the tax collector shall transmit to the assessor reports or copies of certificates of all property from which tax liens have been removed.

SEC. 3. Section 160 of the Revenue and Taxation Code is amended to read:

160. In any action against the state to quiet title allowed under this division, service of process shall be made on the tax collector of the county where the real property is situated and on the Controller.

SEC. 4. Section 162 of the Revenue and Taxation Code is amended to read:

162. The assessor, tax collector, and auditor shall, except where specifically prohibited by law, charge and collect a fee of one dollar ($1) for preparing each of the following documents:

(a) A certified copy of a redemption certificate.

(b) A certified copy of an installment redemption receipt.

(c) A certificate of payment showing taxes paid.

(d) A certified copy of an assessment as entered on the assessment roll.

The fee for providing a copy of a record or document by photographic process shall be the actual cost thereof plus the sum of one dollar ($1). The fee shall be placed in the county general fund.

SEC. 5. Section 565 of the Revenue and Taxation Code is amended to read:

565. Whenever tax-deeded property is redeemed between the lien date and July 1, the tax collector shall immediately notify the assessor of the redemption and the assessor shall enter the property on the roll being prepared.

SEC. 6. Section 566 of the Revenue and Taxation Code is amended to read:

566. Whenever property is being redeemed or delinquent taxes are being paid in installments on property and it does not appear on the roll, the tax collector shall furnish the assessor with a list of the years for which it has not been assessed. The assessor shall place a valuation on the property for each such year and transmit it to the tax collector.

SEC. 7. Section 2512 of the Revenue and Taxation Code is amended to read:

2512. If a remittance to cover a payment required by law to be made to a taxing agency on or before a specified date is sent through the United States mail, properly addressed with the required postage prepaid, it shall be deemed received on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the tax collector establishes that the mailing occurred on an earlier date.

If a remittance to cover a payment required by law to be made to

the taxing agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with the required postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the remittance shall be deemed received on the date shown by the cancellation mark and by the times specified by law for that date or on the date it was mailed and within the time specified by law for that date if proof satisfactory to the tax collector establishes that the mailing occurred on an earlier date.

(b) Where the cancellation mark shows only the date, the remittance shall be deemed received within the time and date specified when the cancellation mark bears a date on or before which payment is required or on the date it was mailed and within the time specified by law for that date if proof satisfactory to the tax collector establishes that the mailing occurred on an earlier date.

The taxing agency need not accept such a payment actually received in the mail if it is received more than 30 days after the date and time set by law for the payment.

SEC. 8. Section 2512.5 of the Revenue and Taxation Code is amended to read:

2512.5. If a remittance to cover a payment required by law to be made to a taxing agency prior to a specified date and hour before being delinquent is deposited in the United States mail in a sealed envelope, properly addressed with the required postage prepaid, on the date the same becomes delinquent, the remittance shall be deemed received before delinquency on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the tax collector establishes that the mailing occurred on an earlier date. The taxing agency is not required to accept such a payment actually received in the mail if it is received more than 30 days after the date and time set by law for the payment.

SEC. 9. Section 2513 of the Revenue and Taxation Code is amended to read:

2513. If an application, tax statement or claim for credit or refund required by law to be filed with a taxing agency on or before a specified date is filed with the taxing agency through the United States mail, properly addressed with the required postage prepaid, it shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date it was mailed if proof satisfactory to the tax collector establishes that the mailing occurred on an earlier date.

If an application, tax statement or claim for credit or refund required by law to be filed with the taxing agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with the required postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the application, tax statement or claim for credit or refund shall be deemed filed on the date shown by the cancellation mark and by the time specified by law for that date.

(b) Where the cancellation mark shows only the date, the application, tax statement or claim for credit or refund shall be deemed filed within the time and date specified when the cancellation mark bears a date on or before the specified date of filing.

SEC. 10. Section 2626 of the Revenue and Taxation Code is amended to read:

2626. The auditor shall compare the delinquent roll with the secured roll. If satisfied the delinquent roll is correct, he shall:

(a) Foot the unpaid taxes and penalties.

(b) Credit the tax collector with the unpaid taxes and penalties on the secured roll.

(c) Make a final settlement with him of all taxes and penalties charged against him on the secured roll.

The tax collector shall deliver the treasurer's receipt to the auditor, unless the treasurer is the collector, and shall immediately account for any deficiency. The secured roll shall remain in the tax collector's office.

SEC. 11. Section 2634 of the Revenue and Taxation Code is amended to read:

2634. The roll or delinquent roll or a copy certified by the tax collector, showing unpaid taxes against any property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that there has been compliance with all forms of law relating to assessment and levy of the taxes.

SEC. 12. Section 2922 of the Revenue and Taxation Code is amended to read:

2922. (a) Taxes on the unsecured roll as of July 31st if unpaid are delinquent August 31st at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to them. Taxes added to the unsecured roll after July 31st, if unpaid are delinquent at 5 p.m. on the last day of the month succeeding the month in which the assessment was added to the unsecured roll and thereafter a delinquent penalty of 6 percent attaches to them, except that taxes transferred to the unsecured roll pursuant to Section 4986 of this code to which penalties had attached while on the secured roll and also were transferred shall be subject only to the additional penalties prescribed by subdivision (b). If August 31st or the last day of any month falls on Saturday, Sunday or a legal holiday, and if payment is received by 5 p.m. of the next business day, the 6 percent penalty shall not attach.

(b) If taxes on the unsecured roll are unpaid by 5 p.m. of the last day of the second succeeding month after the 6 percent penalty attaches pursuant to subdivision (a), an additional penalty of 1 percent attaches to them on the first day of each month thereafter

to the time of payment or to the time a court judgment is entered for the amount of the unpaid taxes and penalties, whichever occurs first. If the last day of any month falls on Saturday, Sunday or a legal holiday, the additional penalty of 1 percent shall attach after 5 p.m. on the next business day.

SEC. 13. Section 3442 of the Revenue and Taxation Code is amended to read:

3442. Within 30 days after the sale by operation of law, the tax collector shall furnish the auditor with a list of all the property sold. The auditor shall enter on the current roll immediately after the description of the property the fact and date of sale.

SEC. 14. Section 3443 of the Revenue and Taxation Code is amended to read:

3443. The tax collector shall transmit the list of property sold to the assessor who shall enter on his records the fact and date of sale.

SEC. 15. Section 3445 of the Revenue and Taxation Code is amended to read:

3445. Notwithstanding Section 3444, if any property as to which the church exemption is presently available was sold to the state by operation of law for delinquent taxes or penalties or costs thereon for any fiscal year commencing during the calendar year 1958 or 1959, the sale shall be canceled, and the property shall be deemed redeemed, if the property was, during each of those fiscal years, and has since been continuously, owned by the organization to which the church exemption is presently available. Upon application, the tax collector shall note the fact of the cancellation and redemption on the margin of each delinquent roll opposite the description of the property so sold.

SEC. 16. Section 3446 of the Revenue and Taxation Code is amended to read:

3446. Where the abstract list or other system of control in a county obviates the need for the detailed statement required under Section 3440 and the transmittal of redemption certificates and notices to the Controller with respect to tax sold property under Sections 4106 and 4803, the Controller may:

(a) Authorize the tax collector to transmit to the Controller in lieu of the detailed statement required under Section 3440, a summary statement following the sale to the state setting forth the time and place, number of parcels sold, dates of publication of delinquent list and notice of sale, and other appropriate information.

(b) Authorize the tax collector to transmit to the Controller prior to the issuance of tax deeds to the state a detailed list of the properties sold which remain unredeemed, the dates and forms of which the Controller shall prescribe.

(c) Authorize the tax collector to discontinue the transmittal of redemption certificates and notices to the Controller under Sections 4106 and 4803 with respect to tax sold property only. When the property has been tax deeded to the state, the transmittal of redemption certificates and notices to the Controller under Sections

4106 and 4803 shall be made.

SEC. 17. Section 3447 of the Revenue and Taxation Code is amended to read:

3447. If the detailed statement required under Section 3440 has been made to the Controller prior to the effective date of the authorizations provided for in this article, the redemption certificates and notices under Sections 4106 and 4803 with respect to such tax sold properties not yet deeded to the state need not be transmitted by the tax collector, but the tax collector shall be required to furnish the detailed list of unredeemed properties prior to the deed to the state.

If on the effective date of this section the detailed statement required under Section 3440 has not been made to the Controller for the 1967 sale to the state, the Controller may issue the authorizations provided for under Section 3446.

SEC. 18. Section 3448 of the Revenue and Taxation Code is amended to read:

3448. Where the system of control in the county no longer is operative or is found by the Controller to be inadequate, or where the tax collector or redemption officer fails to comply with the requirements of Section 3446, the authorizations may be rescinded by the Controller 30 days after notice is mailed to the tax collector. Upon rescission of the authorization, the tax collector shall furnish the Controller, in the same form as prescribed under Section 3440, a complete list of all properties sold to the state which remained unredeemed on the effective date of such rescission, and the tax collector shall, from and after the effective date of the rescission, transmit to the Controller all the redemption certificates and notices provided for under Sections 4106 and 4803.

SEC. 19. Section 3515 of the Revenue and Taxation Code is amended to read:

3515. After being duly recorded, the recorded original of the deed to the state shall be forwarded by the county recorder to the Controller or, if the property is state lands on which the full purchase price has not been paid, to the State Lands Commission. In the alternative, the county recorder may return deeds to the custody of the county tax collector who shall assume the responsibility of forwarding the deeds to the Controller.

SEC. 20. Section 3552.28 of the Revenue and Taxation Code is amended to read:

3552.28. On the execution of the deed to the administering agency the tax collector shall report the following within 10 days to the Controller and the assessor:

(a) The name of the administering agency.

(b) The date of the deed to the administering agency.

(c) The amount for which the property was sold.

(d) The description of the property conveyed.

SEC. 21. Section 3552.32 of the Revenue and Taxation Code is amended to read:

3552.32. The tax collector shall note the fact and date of the execution of a deed under this chapter on the margin of each delinquent and current roll on which the property appears, opposite the description of the property. Any charges against the officer having custody of the delinquent and current rolls shall be reduced accordingly.

SEC. 22. Section 3659.7 of the Revenue and Taxation Code is amended to read:

3659.7. Except where provision to the contrary is made in an agreement executed under Section 3659.6, the county auditor shall deduct, prior to distribution of any proceeds from rental of tax-deeded property, the actual cost to cover administrative expenses of the county incurred in the management of tax-deeded property from the amount to be distributed to the various taxing agencies and revenue districts for which the county officers assess property and collect taxes or assessments.

SEC. 23. Section 3717.5 of the Revenue and Taxation Code is amended to read:

3717.5. The tax collector shall note the fact and date of a sale under this chapter on the margin of each delinquent and current roll on which the property appears, opposite the property sold. Any charges against the collector having custody of the delinquent and current rolls shall be reduced accordingly.

SEC. 24. Section 3811 of the Revenue and Taxation Code is amended to read:

3811. On execution of the deed to the taxing agency and on receipt of a notice of resale of the property by the taxing agency the tax collector shall report the following within 10 days to the State Controller, assessor, and auditor:

(a) The name of the purchaser.

(b) The date of the deed to the taxing agency, or in the event of resale the date of the deed by the taxing agency.

(c) The amount for which the property was sold or in the event of resale the net amount after deducting allowable expenses.

(d) The description of the property conveyed.

(e) The numbers and dates of certificate of sale to the state and of the deed to the state.

SEC. 25. Section 3813 of the Revenue and Taxation Code is amended to read:

3813. The tax collector shall note the fact and date of a sale under this chapter on the margin of each delinquent and current roll on which the property appears, opposite the property sold. Any charges against the collector having custody of the delinquent and current rolls shall be reduced accordingly.

SEC. 26. Section 4104 of the Revenue and Taxation Code is amended to read:

4104. If the property is not on the current roll, the tax collector may do either of the following:

(a) Require that the redemptioner pay the current taxes and

penalties as if the property were originally on the current roll.

(b) Require the redemptioner to pay the current taxes, penalties, and costs along with the amount necessary to redeem. The tax collector shall base his computation of the amount of these taxes on the valuation furnished him by the assessor.

This section is not applicable if the property is not on the current roll because of having been acquired by the state or other public agency other than by tax deed.

SEC. 27. Section 4141 of the Revenue and Taxation Code is amended to read:

4141. Any person may apply to the tax collector to satisfy and remove any lien by paying the sum of the following:

(a) The sum of the amounts computed by multiplying the assessed value of the personal property, or leasehold improvements, or possessory interests by the applicable tax rate for each of the years for which it was delinquent, if the lien sought to be removed was created by a determination of the value of personal property, or leasehold improvements, or possessory interests; or the sum of the amounts of the lien of the special assessment for each of the years for which it was delinquent; or the sum of the amounts of any other lien authorized by law to be levied against real property for each of the years for which it was delinquent.

(b) Delinquent penalties in an amount which bear the same proportion to the delinquent penalties in the whole assessment as the amount of the lien bears to the total taxes levied in the whole assessment for each of the years for which it was delinquent.

(c) Costs computed in the same manner as provided for the computation of delinquent penalties.

(d) Redemption penalties computed on the amount of the lien for each of the years for which it was delinquent.

(e) The redemption fee provided for in this part, if the payment of the lien satisfies and removes all taxes levied against the parcel.

SEC. 28. Section 4151 of the Revenue and Taxation Code is amended to read:

4151. Any person filing an affidavit of interest may apply to the tax collector to have any parcel separately valued in order that it may be redeemed under the provisions of this chapter. The tax collector may file an application to have any parcel separately valued when such application is based on the fact that the parcel sought to be separately valued is separately assessed on the current roll.

The application shall set forth the fact that a duly executed and recorded deed, purchase contract, deed of trust, mortgage, or final decree of court describes the parcel sought to be separately valued.

The application may request that the tax created by the assessment of personal property, or leasehold improvements, or possessory interests on the whole assessment for each of the years for which it was delinquent be allowed to remain as a lien on the parcel sought to be separately valued.

If any lien not determined by the application of a tax rate on a

valuation of property has been levied or placed on the whole assessment, the application may be accompanied by the certification of the taxing agency or revenue district authorized by law to levy or place the lien, setting forth the specific amount of that portion of the lien levied or placed on the whole assessment which is to continue to be levied or placed on the parcel sought to be separately valued for each of the years for which it was delinquent.

SEC. 29. Section 4152 of the Revenue and Taxation Code is amended to read:

4152. When the application is made for the purpose of paying the tax on an undivided interest, the tax collector shall accept an amount which bears the same proportion to the tax as the undivided interest bears to the interest as assessed.

In all other cases the tax collector shall transmit the application for separate valuation to the assessor.

SEC. 30. Section 4371 of the Revenue and Taxation Code is repealed.

SEC. 31. Section 4373 of the Revenue and Taxation Code is amended to read:

4373. Each year after the sale to the state for taxes by operation of law, the tax collector shall insert in the abstract list, or prepare an abstract list of, unpaid items from the roll in which such tax-sold properties are recorded.

SEC. 32. Section 4376 of the Revenue and Taxation Code is amended to read:

4376. The abstract list, or a copy certified by the tax collector, showing unpaid taxes against any property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that there has been compliance with all forms of law relating to assessment, equalization, and levy of the taxes.

SEC. 33. Section 4713 of the Revenue and Taxation Code is amended to read:

4713. In any county electing to follow the procedure authorized by this chapter the tax collector and auditor, or either of them, upon approval of the county treasurer, may determine by analysis of the abstract of delinquencies the amounts included therein by the original tax and assessment levies for each fund, and, on the basis of such determination, the treasurer and auditor may forthwith enter the total tax levy on the apportioned tax resources accounts and apportion to each fund for which taxes were levied 95 percent of the fund amounts so determined. The remaining 5 percent of the tax amounts shall be apportioned to the tax losses reserve fund. Such apportionments shall constitute a full liquidation of the share of each fund in the liens for delinquent taxes appearing on the abstract list and any amounts thereafter received through redemption, sale or rental of the property shall be apportioned in the manner prescribed by Sections 4708, 4710, 4711 and 4712 for years in which the procedure authorized by this chapter has been in effect.

SEC. 34. Section 4713.5 of the Revenue and Taxation Code is amended to read:

4713.5. In any county electing under both Sections 4702 and 4702.5 to follow the procedures authorized by this chapter the tax collector and auditor, or either of them, upon the approval of the county treasurer may apportion assessment levies in the same manner that Section 4713 provides for tax levies except that each fund for which assessments were levied shall be apportioned 100 percent of the assessment levies so determined. Such apportionments shall constitute a full liquidation of the share of each fund in the liens for delinquent assessments appearing on the abstract list and any amounts thereafter received through redemption, sale or rental of the property shall be apportioned in the manner prescribed by Sections 4708, 4710, 4711 and 4712 for years in which the procedure authorized by this chapter has been in effect.

SEC. 35. Section 4803 of the Revenue and Taxation Code is amended to read:

4803. When any sale to the state, certificate of sale, redemption certificate, or deed to the state, is canceled or corrected under this part, the tax collector shall immediately notify the Controller of the fact.

SEC. 36. Section 4834.5 of the Revenue and Taxation Code is amended to read:

4834.5. Clerical errors on the delinquent roll may be corrected by the tax collector with the written consent of the district attorney, at any time before the state has disposed of the property. If the property has been tax deeded, a new or amended deed to the state shall be issued pursuant to Section 4839. This section shall be construed as an additional procedure to that set forth in Sections 4946 to 4948, inclusive, of this code.

SEC. 37. Section 4920 of the Revenue and Taxation Code is amended to read:

4920. This article shall be applicable only if all of the following requirements in either subdivision (a) or subdivision (b) are true:

(a) (1) By substantial evidence a redemptioner convinces the tax collector that money paid by him in redemption of any property or for the use of any property pursuant to Chapter 3 (commencing with Section 4186) of Part 7 of this division was intended by him to be paid in connection with any other property or that such payment was, without his fault, credited to unintended property.

(2) The right of redemption has not terminated on the property in connection with which the payment was intended.

(3) One year has not elapsed since the date of the payment.

(4) A guarantee or certificate of title has not been issued on the property in connection with which the payment was credited.

When all of the foregoing are true, the tax collector shall transfer the payment to the property in connection with which the payment was intended, and in case the payment caused the redemption of the property in connection with which the payment was not intended,

cancel the redemption of that property.

(b) (1) By substantial evidence a redemptioner convinces the tax collector that money paid by him in redemption of any property or for the use of any property pursuant to Chapter 3 (commencing with Section 4186) of Part 7 of this division was, without his fault, credited to unintended property.

(2) The right of redemption has not terminated on the property in connection with which the payment was intended.

(3) One year has not elapsed since the date of the payment.

(4) A guarantee or certificate of title has been issued on the property in connection with which the payment was credited.

When all of the foregoing are true, the tax collector shall transfer the payment to the property in connection with which the payment was intended to be made, and shall cancel the credit on the unintended property. In the event such a transfer is made, the person owning the unintended property immediately before issuance of the guaranty or certificate shall be personally liable for the amount so transferred which shall be collected in the manner specified for the collection of taxes on the unsecured roll.

SEC. 38. Section 4921 of the Revenue and Taxation Code is amended to read:

4921. The redemptioner shall sign and file with the tax collector a verified statement containing complete details of the transaction. If the transfer is made the voucher shall be preserved as a public record and reference to it shall be entered on the delinquent roll opposite the unintended property.

SEC. 39. Section 4922 of the Revenue and Taxation Code is amended to read:

4922. If a credit is canceled on unintended property, the tax collector shall notify the assessee or agent of the assessee of the unintended property by registered mail at his last known address respecting the proposed transfer, or if no address is known, at the county seat. Assessee as used in this section refers to the assessee as shown on the last roll on which the unintended property appears.

If a credit on unintended property is canceled and transferred pursuant to subdivision (b) of Section 4920, the tax collector shall inform the person owning the property immediately before issuance of the guaranty or certificate of title that the credit has been canceled and transferred and the person so notified shall be personally liable for the amount so transferred which shall be collected in the manner specified for the collection of taxes on the unsecured roll.

SEC. 40. Section 4923 of the Revenue and Taxation Code is amended to read:

4923. The notice shall state that the last assessee of the property in connection with which payment may be transferred pursuant to this article, may within 10 days after the mailing demand a hearing by the board of supervisors. If made, the demand shall be in duplicate and one copy shall be filed with the tax collector. The board of supervisors shall set a time for the hearing and its decision on the

matter is final.

SEC. 41. Section 4925 of the Revenue and Taxation Code is amended to read:

4925. If the amount paid by the redemptioner exceeds the amount necessary to redeem the property intended or more than the amount required to be paid for the use of the property pursuant to Chapter 3 of Part 7 of this division the applicant is entitled to a refund of the excess which shall be paid in the same manner as an overcollection of tax is refunded; provided, however, that if the refund is made within 90 days after the date of payment it may be made by the tax collector.

SEC. 42. Section 4986 of the Revenue and Taxation Code is amended to read:

4986. (a) All or any portion of any tax, penalty, or costs, heretofore or hereafter levied, may, on satisfactory proof, be canceled by the auditor on order of the board of supervisors with the written consent of the county legal adviser if it was levied or charged:

(1) More than once.

(2) Erroneously or illegally.

(3) On the canceled portion of an assessment that has been decreased pursuant to a correction authorized by Article 1 (commencing with Section 4876) of Chapter 2 of this part.

(4) On property which did not exist on the lien date.

(5) On property annexed after the lien date by the public entity owning it.

(6) On property acquired prior to September 18, 1959, by the United States of America, the state, or by any county, city, school district or other political subdivision and which, because of such public ownership, became not subject to sale for delinquent taxes.

(b) On property acquired after the lien date by the United States of America, if such property upon such acquisition becomes exempt from taxation under the laws of the United States, or by the state or by any county, city, school district or other public entity, and because of such public ownership becomes not subject to sale for delinquent taxes, no cancellation shall be made in respect of all or any portion of any such unpaid tax, or penalties or costs, but such tax, together with such penalties and costs as may have accrued thereon while on the secured roll, shall be paid through escrow at the close of escrow or, if unpaid for any reason, they shall be collected like any other taxes on the unsecured roll. If unpaid at the time set for the sale of property on the secured roll to the state, they shall be transferred to the unsecured roll pursuant to Section 2921.5, and collection thereof shall be made and had as provided therein, except that the statute of limitations on any suit brought to collect such taxes and penalties shall commence to run from the date of transfer of such taxes, penalties and costs to the unsecured roll, which date shall be entered on the unsecured roll by the auditor opposite the name of the assessee at the time such transfer is made. The foregoing toll of the statute of limitations shall apply retroactively to all such unpaid taxes

and penalties so transferred, the delinquent dates of which are prior to the effective date of the amendment of this section at the 1959 Regular Session.

If any property described in this subdivision is acquired by a negotiated purchase and sale, gift, devise, or eminent domain proceeding after the lien date but prior to the commencement of the fiscal year for which current taxes are a lien on the property, the amount of such current taxes shall be canceled and neither the person from whom the property was acquired nor the public entity shall be liable for the payment of such taxes. If, however, the property is so acquired after the commencement of the fiscal year for which the current taxes are a lien on the property, that portion only of such current taxes, together with any allocable penalties and costs thereon, which are properly allocable to that part of the fiscal year which ends on the day before the date of acquisition of the property shall be paid through escrow at the close of escrow, or if unpaid for any reason, they, shall be transferred to the unsecured roll pursuant to Section 2921.5 and shall be collectible from the person from whom the property was acquired. The portion of such taxes, together with any penalties and costs thereon, which are allocable to that part of the fiscal year which begins on the date of the acquisition of the property, shall be canceled and shall not be collectible either from the person from whom the property was acquired nor from the public entity.

In no event shall any transfer of unpaid taxes, penalties or costs be made with respect to property which has been tax deeded to the state for delinquency.

For purposes of this subdivision, if proceedings for acquisition of the property by eminent domain have not been commenced, the date of acquisition shall be the date that the conveyance is recorded in the name of the public entity or the date of actual possession by the public entity, whichever is earlier. If proceedings to acquire the property by eminent domain have been commenced and an order of immediate possession obtained prior to acquisition of the property by deed, the date of acquisition shall be the date upon or after which the plaintiff may take possession as authorized by such order of immediate possession.

The subject of the amount of the taxes which may be due on the property shall not be considered relevant on any issue in the condemnation action, and the mention of said subject, either on the voir dire examination of jurors, or during the examination of witnesses, or as a part of the court's instructions to the jury, or in argument of counsel, or otherwise, shall constitute grounds for a mistrial in any such action.

No cancellation under paragraph (2) of subdivision (a) of this section shall be made in respect of all or any portion of any tax, or penalties or costs attached thereto, collectible by county officers on behalf of a municipal corporation without the written consent of the city attorney or other officer designated by the city council unless the

city council, by resolution filed with the board of supervisors, has authorized the cancellation by county officers. The resolution shall remain effective until rescinded by the city council. For the purpose of this section and Section 4986.9, the date of possession shall be the date after which the plaintiff may take possession as authorized by order of the court or as authorized by a declaration of taking.

SEC. 43. Section 5097.1 of the Revenue and Taxation Code is amended to read:

5097.1. Notwithstanding the provisions of Sections 5096 and 5097 any taxes paid before or after delinquency may be refunded by the tax collector within 90 days after the date of the last payment if:

(a) Paid more than once.

(b) The amount paid exceeds the amount due on the property as shown on the roll.

CHAPTER 1102

An act to repeal Chapter 1.3 (commencing with Section 4671) of, and to add Chapter 1.3 (commencing with Section 4671) to, Part 8 of Division 1 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.3 (commencing with Section 4671) of Part 8 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 2. Chapter 1.3 (commencing with Section 4671) is added to Part 8 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 1.3. DISTRIBUTION OF PROCEEDS FROM SALE OF TAX-DEEDED PROPERTY

4671. As used in this chapter, "taxes" includes all liens determined by the application of an ad valorem tax rate which were, at the time of sale by the state, included in the amount necessary to redeem the property from the sale to the state under Chapter 1 (commencing with Section 4101) of Part 7 of this division.

4671.3. As used in this chapter, "assessments" includes all liens other than taxes which were, at the time of sale by the state, included in the amount necessary to redeem the property from the sale to the state under Chapter 1 (commencing with Section 4101) of Part 7 of this division, and included in the amount necessary to redeem the property from sale to any taxing agency entitled to share in the proceeds.

4672. There shall be distributed to the State of California, to be placed in the General Fund, the following:

One dollar and fifty cents ($1.50) for all or any portion of each separately valued parcel of real property deed to the state and sold to private parties or to a taxing agency.

If property is deeded to a taxing agency under a pro rata division agreement it shall not be deemed "sold" until resold by the taxing agency to a private party.

The one dollar and fifty cents ($1.50) for property sold shall be paid from the total amount to be distributed. If the total amount is insufficient the one dollar and fifty cents ($1.50) shall be reduced accordingly.

4673. Amounts received to reimburse the county for the cost of advertising sales of tax-deeded property shall be distributed to the county general fund.

4674. Any surplus proceeds after satisfaction of the amounts specified in Section 4672 and Section 4673 shall be distributed as follows:

(a) A pro rata share of the surplus proceeds shall be distributed to each assessment fund in an amount bearing the same proportion to the surplus proceeds as the assessment due each fund bears to the total amount of taxes and assessments necessary to redeem the deeded property at the time of sale by the state, provided, however, that there shall not be distributed to any such assessment fund, an amount greater than the amount due each fund at the time of sale by the state. If the pro rata share of the surplus proceeds to be distributed to each assessment fund is greater than the assessment due each fund at the time of sale by the state, the amount in excess of the assessment due shal be distributed as provided in subdivision (b).

(b) The balance of surplus proceeds remaining shall be distributed to each tax fund in an amount bearing the same proportion to the balance remaining as the tax rate for each fund bears to the total tax rate applicable to the deeded property for the fiscal year preceding that in which the deeded property was sold by the state.

CHAPTER 1103

An act to amend Sections 23002, 25004, 25100, 25102, 25131, 25133, 25166, and 25507 of the Corporations Code, and Section 28712 of the Education Code, relating to corporations.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 23002 of the Corporations Code is amended to read:

23002. A qualification of the sale of securities by the Commissioner of Corporations finding that an unincorporated trust or association is a real estate investment trust or, in the case of an unincorporated trust or association exempted from the requirements to obtain such qualification, an order of the Commissioner of Corporations making such a finding, shall be conclusive evidence that the trust or association is a real estate investment trust, so far as Section 23001 is concerned, as to all persons who become shareholders or beneficiaries of the unincorporated trust or association after the effective date of the qualification or order and prior to its suspension or revocation, if any, and as to all obligations of the unincorporated trust or association arising after the effective date of this part, whether they arose before or after the effective date of the qualification or order and prior to suspension or revocation of the qualification or order. Expiration of the effective period of the qualification shall not be deemed a suspension or revocation within the meaning of this section.

SEC. 2. Section 25004 of the Corporations Code is amended to read:

25004. "Broker-dealer" means any person engaged in the business of effecting transactions in securities in this state for the account of others or for his own account. "Broker-dealer" also includes a person engaged in the regular business of issuing or guaranteeing options with regard to securities not of his own issue. "Broker-dealer" does not include (a) any other issuer, (b) an agent, when an employee of a broker-dealer or issuer, (c) a bank, trust company, or savings and loan association, (d) any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business, (e) a person who has no place of business in this state if he effects transactions in this state exclusively with (1) the issuers of the securities involved in the transactions or (2) other broker-dealers, (f) a broker licensed by the Real Estate Commissioner of this state when engaged in transactions in securities exempted by subdivision (f) or (p) of Section 25100 or in securities the issuance of which is subject to authorization by the Real Estate Commissioner of this state or in transactions exempted by subdivision (e) of Section 25102, or (g) an exchange certified by the Commissioner of Corporations pursuant to this section when it is issuing or guaranteeing options. The commissioner may by order certify an exchange under this section upon such conditions as he by rule or order deems appropriate, and upon notice and opportunity to be heard he may suspend or revoke such certification, if he finds such certification, suspension, or revocation to be in the public interest and necessary and appropriate for the protection of investors.

SEC. 3. Section 25100 of the Corporations Code is amended to read:

25100. The following securities are exempted from the provisions of Sections 25110, 25120, and 25130:

(a) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any city, county, city and county, public district, public authority, public corporation, public entity, or political subdivision of a state or any agency or corporate or other instrumentality of any one or more of the foregoing; or any certificate of deposit for any of the foregoing.

(b) Any security issued or guaranteed by the Dominion of Canada, any Canadian province, any political subdivision or municipality of any such province, or by any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor; or any certificate of deposit for any of the foregoing.

(c) Any security issued or guaranteed by and representing an interest in or a direct obligation of a national bank or a bank or trust company incorporated under the laws of this state, and any security issued by a bank to one or more other banks and representing an interest in an asset of the issuing bank.

(d) Any security issued or guaranteed by a federal savings and loan association or federal land bank or joint land bank or national farm loan association or by any savings and loan association which is subject to the supervision and regulation of the Savings and Loan Commissioner of this state.

(e) Any security (other than an interest in all or portions of a parcel or parcels of real property which are subdivided land or a subdivision or in a real estate development), the issuance of which is subject to authorization by the Insurance Commissioner, the Public Utilities Commission, or the Real Estate Commissioner of this state.

(f) Any security consisting of any interest in all or portions of a parcel or parcels of real property which are subdivided lands or a subdivision or in a real estate development; provided that the exemption in this subdivision shall not be applicable to any investment contract sold or offered for sale with, or as part of, any such interest, or to any corporation engaged in the business of selling, distributing or supplying water for irrigation purposes or domestic use which is not a public utility.

(g) Any shares, investment certificates or borrower's membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force from the Savings and Loan Commissioner of this state.

(h) Any security issued or guaranteed by any federal credit union, or by any credit union organized and supervised under the laws of this state.

(i) Any security issued or guaranteed by any railroad, other common carrier, public utility, or public utility holding company which is (1) subject to the jurisdiction of the Interstate Commerce

Commission or (2) a holding company registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act or (3) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, of any state, of Canada or of any Canadian province; and the security is subject to registration with or authorization of issuance by such authority.

(j) Any security (except evidences of indebtedness, whether interest bearing or not) of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit, if no part of the net earnings of the issuer inures to the benefit of any private shareholder or individual, or (2) organized as a chamber of commerce or trade or professional association. The fact that amounts received from memberships or dues or both will or may be used to construct or otherwise acquire facilities for use by members of the nonprofit organization does not disqualify the organization for this exemption. This exemption does not apply to the securities of any nonprofit organization if any promoter thereof expects or intends to make a profit directly or indirectly from any business or activity associated with the organization or operation of such nonprofit organization or from remuneration received from such nonprofit organization.

(k) Any agreement, commonly known as a "life income contract," of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit and (2) which the commissioner designates by rule or order, with a donor in consideration of a donation of property to such issuer and providing for the payment to the donor or persons designated by him of income or specified periodic payments from the donated property or other property for the life of the donor or such other persons.

(*l*) Any note, draft, bill of exchange, or banker's acceptance which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal; except such promissory notes offered to the public in amounts of less than five thousand dollars ($5,000) in the aggregate to any one purchaser.

(m) Any security issued by any corporation organized and existing under the provisions of Chapter 1 (commencing with Section 54001) of Division 20 of the Agricultural Code.

(n) Any beneficial interest in a retirement system as defined in subdivision (a) of Section 28002.

(o) Any security listed or approved for listing upon notice of issuance on a national securities exchange certified by rule or order

of the commissioner and any warrant or right to purchase or subscribe to any such security.

Such certification of an exchange shall be made by the commissioner upon the written request of the exchange if he finds that the exchange, in acting on applications for listing of common stock substantially applies each of the minimum standards set forth in subparagraph (1) below, and in considering suspension or removal from listing, substantially applies each of the criteria set forth in subparagraph (2) below.

(1) Listing standards:

(i) Net tangible assets of at least two million dollars ($2,000,000).

(ii) Net income of at least two hundred fifty thousand dollars ($250,000) after all charges including federal income taxes in the fiscal year immediately preceding the filing of a listing application and net income before such taxes of at least five hundred thousand dollars ($500,000).

(iii) Minimum public distribution of 250,000 shares excluding the holdings of officers, directors, controlling shareholders and other concentrated or family holdings among not less than 900 holders including not less than 600 holders of lots of 100 shares or more, with a corresponding requirement that such securities not be largely held in blocks by institutional investors.

(iv) Minimum price of four dollars ($4) per share for reasonable period of time prior to the filing of a listing application.

(v) An aggregate market value for publicly held shares of at least one million five hundred thousand dollars ($1,500,000).

(2) Criteria for consideration of suspension or removal from listing:

(i) If a company which (A) has net tangible assets of less than one million dollars ($1,000,000) has sustained net losses in each of its two most recent fiscal years, or (B) has net tangible assets of less than three million dollars ($3,000,000) and has sustained net losses in three of its four most recent fiscal years.

(ii) If the number of shares publicly held (excluding the holdings of officers, directors, controlling shareholders and other concentrated or family holdings) is less than 150,000.

(iii) If the total number of shareholders of record is less than 450 or if the number of shareholders of lots of 100 shares or more is less than 300.

(iv) If the aggregate market value of shares publicly held is less than seven hundred fifty thousand dollars ($750,000).

(v) If shares of common stock sell at a price of less than four dollars ($4) per share for a substantial period of time and the issuer shall fail to effectuate a reverse stock split of such shares within a reasonable period of time after being requested by the exchange to take such action.

The commissioner after appropriate notice and opportunity for hearing in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part

I of Division 3 of Title 2 of the Government Code, may by rule or order, decertify any exchange previously certified which ceases substantially to apply the standards or criteria as set forth above. A rule or order of certification shall conclusively establish that any security listed or approved for listing upon notice of issuance on any exchange named in a rule or order of certification and any warrant or right to purchase or subscribe to any such security is exempt under this subdivision until the adoption of any rule or order decertifying such exchange.

(p) A promissory note secured by a lien on real property, which is not one of a series of notes secured by interests in the same real property.

SEC. 4. Section 25102 of the Corporations Code is amended to read:

25102. The following transactions are exempted from the provisions of Section 25110:

(a) Any offer (but not a sale) not involving any public offering and the execution and delivery of any agreement for the sale of securities pursuant to such offer if (1) the agreement contains substantially the following provision: "The sale of the securities which are the subject of this agreement has not been qualified with the Commissioner of Corporations of the State of California and the issuance of such securities or the payment or receipt of any part of the consideration therefor prior to such qualification is unlawful. The rights of all parties to this agreement are expressly conditioned upon such qualification being obtained."; and (2) no part of the purchase price is paid or received and none of the securities are issued until the sale of such securities is qualified under this law.

(b) Any offer (but not a sale) of a security for which a registration statement has been filed under the Securities Act of 1933 but has not yet become effective, if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under Section 8 of such act and no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law.

(c) Any offer (but not a sale) and the execution and delivery of any agreement for the sale of securities pursuant to such offer as may be permitted by the commissioner upon application. Any negotiating permit under this subdivision shall be conditioned to the effect that none of the securities may be issued and none of the consideration therefor may be received or accepted until the sale of such securities is qualified under this law.

(d) Any transaction or agreement between the issuer and an underwriter or among underwriters if the sale of the securities is qualified prior to distribution thereof in this state, if any.

(e) Any offer or sale of any evidence of indebtedness, whether secured or unsecured, and any guarantee thereof, in a transaction not involving any public offering.

(f) Any offer or sale, in a transaction not involving any public offering, of any bona fide general partnership, joint venture or

limited partnership interest, or any beneficial interest in a trust which is a "security" within the meaning of Section 25019, if in the case of such beneficial trust interests immediately after the sale and issuance they are owned by no more than five persons.

(g) Any offer or sale of conditional sale agreements, equipment trust certificates, or certificates of interest or participation therein or partial assignments thereof, covering the purchase of railroad rolling stock or equipment or the purchase of motor vehicles, aircraft, or parts thereof, in a transaction not involving any public offering.

(h) Any offer or sale of voting common stock by a corporation incorporated in any state if, immediately after the proposed sale and issuance, there will be only one class of stock of such corporation outstanding which is owned beneficially by no more than 10 persons, provided all of the following requirements have been met:

(1) All such stock shall be evidenced by certificates which shall have stamped or printed prominently on their face a legend in a form to be prescribed by rule of the commissioner restricting transfer of such stock in such manner as the rule provides.

(2) The offer and sale of such stock is not accompanied by the publication of any advertisement, and no selling expenses have been given, paid, or incurred in connection therewith.

(3) The consideration to be received by the issuer for the stock to be issued shall consist of (i) only assets (which may include cash) of an existing business enterprise transferred to the issuer upon its initial organization, of which all of the persons who are to receive the stock to be issued pursuant to this exemption were owners during, and such enterprise was operated for, a period of not less than one year immediately preceding the proposed issuance, and the ownership of such enterprise immediately prior to such proposed issuance was in the same proportions as the shares of stock are to be issued, or (ii) only cash or cancellation of indebtedness for money borrowed or both upon the initial organization of the issuer, provided all such stock is issued for the same price per share, or (iii) only cash, provided the sale is approved in writing by each of the existing shareholders and the purchaser or purchasers are existing shareholders, or (iv), in a case where after the proposed issuance there will be only one owner of the stock of the issuer, any legal consideration.

(4) No promotional consideration has been given, paid, or incurred in connection with such issuance. Promotional consideration means any consideration paid directly or indirectly to a person who, acting alone or in conjunction with one or more other persons, takes the initiative in founding and organizing the business or enterprise of an issuer, for services rendered in connection with such founding or organizing.

(5) A notice in a form prescribed by rule of the commissioner, signed by an active member of the State Bar of California, shall be filed with or mailed for filing to the commissioner not later than 10 business days after receipt of consideration for the securities by the

issuer, which notice shall contain an opinion of such member of the State Bar of California that the exemption provided by this subdivision is available for the offer and sale of the securities. Such notice, except when filed on behalf of a California corporation, shall be accompanied by an irrevocable consent, in such form as the commissioner by rule prescribes, appointing the commissioner or his successor in office to be the issuer's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against it or its successor which arises under this law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the issuer. An issuer on whose behalf a consent has been filed in connection with a previous qualification or exemption from qualification under this law (or application for a permit under any prior law if the application or notice under this law states that such consent is still effective) need not file another. Service may be made by leaving a copy of the process in the office of the commissioner but it is not effective unless (1) the plaintiff, who may be the commissioner in a suit, action or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at its last address on file with the commissioner, and (2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

For the purposes of this subdivision, all securities held by a husband and wife, whether or not jointly, shall be considered to be owned by one person, and all securities held by a corporation which has issued stock pursuant to this exemption shall be considered to be held by the shareholders to whom it has issued such stock.

(i) Any offer or sale (1) to a bank, savings and loan association, trust company, insurance company, investment company registered under the Investment Company Act of 1940, pension or profit-sharing trust (other than a pension or profit-sharing trust of the issuer), or such other institutional investor or governmental agency or instrumentality as the commissioner may designate by rule, whether the purchaser is acting for itself or as trustee, or (2) to any corporation with outstanding securities registered under Section 12 of the Securities Exchange Act of 1934 or any wholly owned subsidiary of such a corporation which after the offer and sale will own directly or indirectly 100 percent of the outstanding capital stock of the issuer; provided the purchaser represents that it is purchasing for its own account (or for such trust account) for investment and not with a view to or for sale in connection with any distribution of the security.

(j) Any offer or sale of any certificate of interest or participation in an oil or gas title or lease (including subsurface gas storage and payments out of production) if (1) all of the purchasers: (i) are and have been during the preceding two years engaged primarily in the business of drilling for, producing, or refining oil or gas (or whose

corporate predecessor, in the case of a corporation, has been so engaged), or (ii) are persons described in clause (1) of subdivision (i) of this section, or (iii) have been found by the commissioner upon written application to be substantially engaged in the business of drilling for, producing or refining oil or gas so as not to require the protection provided by this law (which finding shall be effective until rescinded), or (2) such security is concurrently hypothecated to a bank in the ordinary course of business to secure a loan made by such bank; provided each purchaser represents that it is purchasing for its own account for investment and not with a view to or for sale in connection with any distribution of the security.

(k) Any offer or sale of any security under, or pursuant to, a plan of reorganization or arrangement which, pursuant to the provisions of the National Bankruptcy Act, has been confirmed or is subject to confirmation by the decree or order of a court of competent jurisdiction.

(*l*) Any offer or sale of an option, warrant, put, call, or straddle, and any guarantee of any of these securities, by a person who is not the issuer of the security subject to such right, if the transaction, had it involved an offer or sale of the security subject to such right by such person, would not have violated Section 25130.

SEC. 5. Section 25131 of the Corporations Code is amended to read:

25131. (a) The securities to be offered or sold in a nonissuer transaction, which are not eligible for qualification under Section 25111, shall be qualified by notification under this section; provided however that securities offered in a nonissuer transaction pursuant to an exemption under Regulation A under the Securities Act of 1933 shall be qualified under Section 25113.

(b) The application for qualification by notification under this section shall be signed and verified by the person on whose behalf the offering is being made or by the issuer or by any broker-dealer and shall contain such information and be accompanied by such documents as shall be required by rule of the commissioner, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165. For this purpose, the commissioner may classify issuers and types of securities.

(c) If no stop order or order under subdivision (a) of Section 25143 is in effect under this law, a qualification under this section automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application as amended) at 12 o'clock noon California time on the 10th business day after the filing of the application or the last amendment thereto or at such earlier time as the commissioner determines.

(d) Information may not be required under this section unless it is known to the person filing the application or to the persons on whose behalf the distribution is to be made, or can be furnished by them without unreasonable effort or expense.

SEC. 6. Section 25133 of the Corporations Code is amended to read:

25133. It is unlawful for any person without the written consent of the commissioner to consummate the sale or transfer of any securities heretofore or hereafter placed in escrow pursuant to a condition ordered by the commissioner and which have not been released from escrow, or which are subject to a currently effective legend condition requiring such consent (except as permitted therein), or which are issued pursuant to the exemption in subdivision (h) of Section 25102 (except as permitted by rule or order of the commissioner), or concerning which the commissioner has issued a written notice to the holders thereof pursuant to Section 25534 ordering the certificates evidencing such securities to be stamped or printed with a legend as provided in such section.

SEC. 7. Section 25166 of the Corporations Code is amended to read:

25166. It is unlawful for any person willfully to make any untrue statement of a material fact in any application, notice, or report filed with the commissioner under this part or pursuant to subdivision (b) of Section 25507, or willfully to omit to state in any such application, notice, or report any material fact which is required to be stated therein.

SEC. 8. Section 25507 of the Corporations Code is amended to read:

25507. (a) No action shall be maintained to enforce any liability created under Section 25503 (or Section 25504 insofar as it relates to that section) unless brought before the expiration of two years after the violation upon which it is based or the expiration of one year after the discovery by the plaintiff of the facts constituting such violation, whichever shall first expire.

(b) No buyer may commence an action under Section 25503 (or Section 25504 insofar as it relates to that section) if, before suit is commenced, such buyer shall have received a written offer approved as to form by the commissioner (1) stating the respect in which liability under such section may have arisen, (2) offering to repurchase the security for a cash price payable upon delivery of the security or offering to pay the buyer an amount in cash equal in either case to the amount recoverable by the buyer in accordance with Section 25503, or, offering to rescind the transaction by putting the parties back in the same position as before the transaction, (3) providing that such offer may be accepted by the buyer at any time within a specified period of not less than 30 days after the date of receipt thereof unless rejected earlier during such period by the buyer, (4) setting forth the provisions of this subdivision (b), and (5) containing such other information as the commissioner may require by rule or order, and such buyer shall have failed to accept such offer in writing within the specified period after receipt thereof.

(c) The commissioner may by rule or order impose as a condition to approval of an offer under subdivision (b) of this section, if the

commissioner finds such action is necessary and appropriate for the protection of investors, conditions requiring:

(1) That equivalent and concurrent offers be made to all investors as to whom liability may have arisen and still exists under Section 25503 (or Section 25504 insofar as it relates to that section) in connection with the distribution or transaction;

(2) That the offer be made subject to a condition voiding such offer if the issuer, by reason of acceptances, is disabled from commencing or continuing business;

(3) That the offer be made within a specified period after approval thereof by the commissioner;

(4) If the consideration paid by the offeree was other than monetary or if the offer is of rescission, and if the offer is rejected by the offeree on the ground that it does not accord him the damages payable under Section 25503 or that the rescission offered does not place the parties back in the same position as before the transaction, that an offer so rejected shall not bar the commencement of an action by the offeree under Section 25503 (or Section 25504 insofar as it relates to that section); or

(5) That the offeror file a report or reports with the commissioner containing such information as he may require concerning the making of the offer, its acceptance or rejection, and compliance with its terms and conditions or with conditions imposed under this subdivision.

SEC. 9. Section 28712 of the Education Code is amended to read:

28712. The articles of incorporation shall not be accepted for filing by the Secretary of State without the endorsement upon them of the approval of the Attorney General. Such approval shall be given where it appears to the Attorney General that it is sought to organize the proposed corporation in good faith, and shall be refused where it does not appear that it is sought to organize the proposed corporation in good faith.

CHAPTER 1104

An act to add Section 21662.6 to the Public Utilities Code, relating to airports.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 21662.6 is added to the Public Utilities Code, to read:

21662.6. (a) The department may issue permits valid for not over 30 days for temporary helicopter landing sites in accordance with regulations established by the department. No charge shall be

made for the issuance of a permit by the department.

(b) The department may delegate the authority to issue such permits to any political subdivision. A political subdivision issuing a permit pursuant to this section may charge a reasonable fee for inspection incidental to the issuance of a permit in accordance with regulations established by the department.

(c) The department may establish and charge a reasonable fee for the granting of authority to political subdivisions to issue permits pursuant to this section.

CHAPTER 1105

An act to amend Section 10012.5 of the Elections Code, relating to candidates' statements of qualifications.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10012.5 of the Elections Code is amended to read:

10012.5. Each candidate for elective office in any local agency, including any city, county, city and county or district, may prepare a statement of qualifications on an appropriate form provided by the clerk. Such statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself; provided, however, that the governing body of such local agency may authorize an increase in the limitations on words for such statement from 200 to 400 words. Such statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Such statement shall be filed in the office of the clerk when his nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. Such statement shall be filed in the office of the clerk no later than the 59th day before the election, if it is for an election for which nomination papers are not required to be filed. It may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

The clerk shall send to each voter together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate's qualifications that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing. The clerk shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide such translation from the list of

approved Spanish language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

The local agency may bill each candidate availing himself of these services a sum not greater than the actual prorated costs of printing, handling, and translating the candidate's statement, if any, incurred by the agency as a result of providing this service. Only those charges may be levied with respect to the candidate's statement and each candidate using these services shall be charged the same.

The clerk shall reject any statement, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress.

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

The governing body of the local agency may adopt regulations to permit each candidate for elective office to prepare separately other materials to be sent to each voter in addition to the sample ballot and the voter's pamphlet. Such regulations may pertain to size, weight, form, physical composition, and content of such other materials and may specify that the cost of handling, packaging and mailing may be borne by the local agency authorizing the same or may be billed in whole or in part to the candidate submitting the materials. Such regulations shall apply equally to all candidates, including incumbents.

CHAPTER 1106

An act to add Article 4 (commencing with Section 45891) to Chapter 14 of, and Chapter 20.5 (commencing with Section 47501) to, Division 17 of the Food and Agricultural Code, relating to fruit, nut and vegetable standards.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 45891) is added to Chapter 14 of Division 17 of the Food and Agricultural Code, to read:

Article 4. Exceptions to Quality Standards

45891. This chapter does not prohibit any person from transporting carrots that fail to meet the quality standards of this chapter, for processing, preserving, or manufacturing purposes, within or out of state, under a permit issued pursuant to this article by the director.

45892. The director shall adopt such regulations for the issuance of the permit as he deems necessary to insure that all such carrots which are transported, within or out of state, for processing, preserving, or manufacturing purposes shall be used only for such purposes.

SEC. 2. Chapter 20.5 (commencing with Section 47501) is added to Division 17 of the Food and Agricultural Code, to read:

CHAPTER 20.5. KIWI FRUIT

47501. Kiwi fruit, also known as Chinese gooseberry, shall conform to the quality standards established, by the director, by regulations, when he finds that such standards shall provide acceptable kiwi fruit to the consumer.

47502. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell kiwi fruit in bulk or in any container or subcontainer, unless such kiwi fruit and their containers conform to the provisions of the regulations adopted by the director.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because the provisions of this act will not result in any increased expenditures by local agencies, and, although there may be state-mandated costs as a result of regulations promulgated pursuant to this act which may require reimbursement under that section, such reimbursement can be provided through the regular state budget process.

CHAPTER 1107

An act to amend Sections 253.5, 254, 255, 255.3, 255.4, 255.6, 275, 408, 531.6, 2610.5, and 19501.5 of, to amend and renumber Section 255.5 of, and to repeal Section 2615.5 of, the Revenue and Taxation Code, and to amend Section 16 of Chapter 60 of, and Section 4 of Chapter 84 of, the Statutes of 1974, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 253.5 of the Revenue and Taxation Code, as added by Chapter 60 of the Statutes of 1974, is amended to read:

253.5. Any person claiming the homeowners' property tax exemption shall submit to the assessor an affidavit, giving any information required by the board. Such information shall include, but shall not be limited to, the name of the person claiming the exemption, the address of the property, and a statement to the effect that the claimant owned and occupied the property as his principal place of residence on the lien date, or that he owns and intends to occupy the property as his principal place of residence on the next succeeding lien date.

A claim for the homeowners' exemption filed by the owner of a dwelling, as defined in Section 218, once granted for the 1974–75 fiscal year or any fiscal year thereafter, shall remain in effect until such time as title to the property changes, the owner does not occupy the home as his principal place of residence on the lien date, or the property is otherwise ineligible pursuant to the provisions of Section 218.

If the exemption is lost by the owner of the property for any reason, he may file a new claim in the same manner as a new owner may file one.

SEC. 2. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, orphanage, college, exhibition, welfare, veterans' organization, free public libraries, free museums, or public schools property tax exemption and anyone claiming the classification of a vessel as a documented vessel eligible for assessment under Section 227, shall submit to the assessor annually an affidavit, giving any information required by the board.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that a filing once made shall continue in effect until such time as there is a change in the exterior boundary of the property originally claimed as exempt.

SEC. 2.5. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, college, exhibition, welfare, veterans' organization, free public libraries, free museums, or public schools property tax exemption and anyone claiming the classification of a vessel as a documented vessel eligible for assessment under Section 227, shall submit to the assessor annually an affidavit, giving any information required by the board.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that a filing once made shall continue in effect until such time as there is a change in the exterior boundary of the property originally claimed as exempt.

SEC. 3. Section 255 of the Revenue and Taxation Code, as

amended by Chapter 60 of the Statutes of 1974, is amended to read:

255. Affidavits required for exemptions named in this article, except the veterans' exemption and the homeowners' exemption, shall be filed with the assessor between the lien date and 5 o'clock p.m. on March 15. Affidavits for the veterans' exemption shall be filed with the assessor between the lien date and 5 o'clock p.m. on April 15. Affidavits for the homeowners' exemption except as otherwise provided in Sections 255.1, 255.2, and 275, shall be filed with the assessor any time after the claimant becomes eligible but no later than 5 o'clock p.m. on April 15.

Affidavits required for classification of vessels as documented vessels eligible for assessment under Section 227 shall be filed with the assessor between the lien date and 5 o'clock p.m. on April 1.

SEC. 4. Section 255.3 of the Revenue and Taxation Code, as added by Chapter 60 of the Statutes of 1974, is amended to read:

255.3. (a) For the 1974–75 fiscal year only, before the lien date, the assessor shall mail a claim form for the homeowners' exemption to all homeowners who received the exemption for the 1973–74 fiscal year, except where such person has transferred title in the property since the lien date in 1973.

(b) For the 1975–76 fiscal year and thereafter, the assessor shall each year mail a notice, on or before March 15, to each homeowner who received the homeowners' exemption in the immediately preceding year, except where such person has transferred title in the property since the immediately preceding lien date, and to each person who has filed an exemption claim during the preceding assessment year. The notice shall inform the taxpayer of the circumstances under which he becomes ineligible for the exemption, of the penalties which are applicable if he allows the exemption to continue when he is not eligible for the exemption, and of his duty to inform the assessor when he is no longer eligible for the exemption. Failure to receive the notice shall not excuse the taxpayer of the duty to inform the assessor of his ineligibility for the exemption.

(c) For the 1974–75 fiscal year and thereafter, the assessor shall each year on or before March 15 mail a claim form for the homeowners' exemption to a person acquiring title to, and recording his ownership of an eligible dwelling after the immediately preceding lien date and before the lien date of the calendar year of the claim. The failure of a person to receive a claim form shall not, however, excuse the person from timely filing of the required affidavit.

SEC. 5. Section 255.4 of the Revenue and Taxation Code, as amended by Chapter 60 of the Statutes of 1974, is amended to read:

255.4. The notice or claim form required to be sent to homeowners by Section 255.3 shall be accompanied by a notice regarding the additional property tax relief available under the Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Relief Act. The language text of this latter notice shall be prepared by the

Franchise Tax Board and shall include the eligibility requirements under the act as to age and income limitations, the filing period for claims, and where additional information concerning the relief can be obtained. The notice shall also state that the relief is granted under the Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Relief Act.

SEC. 6. Section 255.5 of the Revenue and Taxation Code is amended and renumbered to read:

252.1. Among other facts, the veterans' exemption affidavit shall contain a statement, showing the claimant's residence. When the affidavit is filed in a county other than the county of the claimant's residence, it shall be filed in duplicate and the assessor shall transmit the duplicate copy to the assessor of the county of residence.

SEC. 7. Section 255.6 of the Revenue and Taxation Code, as added by Chapter 60 of the Statutes of 1974, is amended to read:

255.6. The assessor shall verify the eligibility of each claimant who is receiving a homeowners' exemption to continue to receive such an exemption in accordance with rules issued by the board to provide for a periodic audit and for the establishment of a control system for the homeowners' exemption claims.

SEC. 8. Section 275 of the Revenue and Taxation Code, as added by Chapter 60 of the Statutes of 1974, is amended to read:

275. (a) If a claimant for the homeowners' property tax exemption for the 1973–74 fiscal year failed to file the required affidavit with the assessor between March 1, 1973 and 5 o'clock p.m. on April 15, 1973, but files such claim on or before March 31, 1974, an exemption of the lesser of one thousand four hundred dollars ($1,400) or 80 percent of the assessed value of the dwelling shall be granted by the assessor.

(b) If a claimant for the homeowners' property tax exemption for the 1974–75 fiscal year fails to file the required affidavit with the assessor between March 1, 1974, and 5 o'clock p.m. on April 15, 1974, but files such claim on or before December 1, 1974, an exemption of the lesser of one thousand four hundred dollars ($1,400) or 80 percent of the assessed value of the dwelling shall be granted by the assessor.

(c) If a claimant for the homeowners' property tax exemption for the 1975–76 fiscal year or any year thereafter fails to file the required affidavit with the assessor by 5 o'clock p.m. on April 15 of the calendar year in which the fiscal year begins, but files such claim on or before the following December 1, an exemption of the lesser of one thousand four hundred dollars ($1,400) or 80 percent of the assessed value of the dwelling shall be granted by the assessor.

(d) On such claims filed pursuant to subdivision (a), (b) or (c) after November 15, this partial homeowners' exemption may be applied to the second installment, and if applied to the second installment, the first installment will still become delinquent on December 10 and a 6-percent penalty will attach if the tax amount due is not paid.

If this partial homeowners' exemption is applied to the second installment and if both installments are paid on or before December 10 or if the reduction in taxes from this partial exemption exceeds the amount of taxes due on the second installment, a refund shall be made to the taxpayer upon a claim submitted by the taxpayer to the auditor.

SEC. 9. Section 408 of the Revenue and Taxation Code is amended to read:

408. (a) Except as otherwise provided in subdivisions (b) and (c) any information and records in the assessor's office which are not required by law to be kept or prepared by the assessor, and homeowners' exemption claims, are not public documents and shall not be open to public inspection. Property receiving the homeowners' exemption shall be clearly identified on the assessment roll. The assessor shall maintain records which shall be open to public inspection to identify those claimants who have been granted the homeowners' exemption.

(b) The assessor may provide any appraisal data in his possession to the assessor of any county and shall provide any market data in his possession to an assessee of property or his designated representative upon request. The assessor shall permit an assessee of property or his designated representative to inspect at the assessor's office any information and records, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of his property. An assessee or his designated representative, however, shall not be provided or permitted to inspect information and records, other than market data, which also relate to the property or business affairs of another person, unless such disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of his assessment.

(c) The assessor shall disclose information, furnish abstracts or permit access to all records in his office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the State Controller, the State Board of Equalization and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such records.

(d) For purposes of this section, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his assessment of the assessee's property, in whole or in part, on such comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of such property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise, but for purposes of providing such market data, the

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assessor shall not display any document relating to the business affairs or property of another.

SEC. 10. Section 531.6 of the Revenue and Taxation Code, as added by Chapter 60 of the Statutes of 1974, is amended to read:

531.6. The taxpayer who has filed a claim for the homeowners' exemption which has not been denied by the assessor is responsible for notifying the assessor when the property is no longer eligible for the exemption.

Upon any indication that a homeowners' exemption has been incorrectly allowed, the assessor shall make a redetermination of eligibility for the homeowners' exemption. If the assessor determines that the property is no longer eligible for the exemption, he shall immediately cancel the exemption on the property.

If a homeowners' exemption has been incorrectly allowed, an escape assessment as allowed by Section 531.2 in the amount of the exemption with interest as provided in Section 506 shall be made, except that where the exemption was allowed as the result of an assessor's error, the amount of interest shall be forgiven. If the exemption was incorrectly allowed because of erroneous or incorrect information submitted by the claimant with knowledge that such information was erroneous or incomplete or because the claimant failed to notify the assessor in a timely manner that the property was no longer eligible for the exemption, the penalty provided in Section 504 shall be added to the assessment.

SEC. 11. Section 2610.5 of the Revenue and Taxation Code, as added by Chapter 60 of the Statutes of 1974, is amended to read:

2610.5. On or before November 1 each year, the tax collector of every county shall mail a county tax bill or copy thereof to each assessee or fee owner of property on the secured roll. This requirement need not be met where the computation of taxes results in a zero amount. The failure to receive a tax bill does not relieve the fee owner from the liability to pay taxes owed, nor does it relieve the imposition of penalties imposed by this code.

SEC. 12. Section 2615.5 of the Revenue and Taxation Code is repealed.

SEC. 13. Section 19501.5 of the Revenue and Taxation Code is amended to read:

19501.5. "Income" means the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, including items of income which would otherwise be excluded by Article 3 (commencing with Section 17131) of Chapter 3 of Part 10 of this division (other than transfers by gift or inheritance between members of the household), net income from sources outside the state, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits received under Title XVIII), all benefits received under state unemployment insurance laws and veterans disability payments, all interest received from the federal

government or any of its instrumentalities, all interest received from the State of California or any of its political subdivisions, realized capital gains, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits, life insurance proceeds, and gifts of cash or property (other than transfers by gift between members of the household) in excess of a value of three hundred dollars ($300). Income shall be reduced by realized capital losses, without limitation. It does not include surplus food or other relief in kind supplied by a governmental agency or assistance received under this part. Total income shall be determined for the calendar year (or approved fiscal year ending within such calendar year) which ends within the fiscal year for which the property taxes have been assessed.

SEC. 14. Section 19501.5 of the Revenue and Taxation Code is amended to read:

19501.5. "Income" means the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, including items of income which would otherwise be excluded by Article 3 (commencing with Section 17131) of Chapter 3 of Part 10 of this division (other than transfers by gift or inheritance between members of the household), net income from sources outside the state, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits received under Title XVIII), all benefits received under state unemployment insurance laws and veterans disability payments, all interest received from the federal government or any of its instrumentalities, all interest received from the State of California or any of its political subdivisions, realized capital gains, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits, life insurance proceeds, and gifts of cash or property (other than tranfers by gift between members of the household) in excess of a value of three hundred dollars ($300). Income shall be reduced by realized capital losses, without limitation. It does not include surplus food or other relief in kind supplied by a governmental agency or assistance received under this part. Total income shall be determined for the calendar year (or approved fiscal year ending within such calendar year) which ends within the fiscal year for which the property taxes have been assessed on the claimant's homestead or presumed to be levied on his rented residence.

SEC. 15. Section 16 of Chapter 60 of the Statutes of 1974 is amended to read:

Sec. 16. The provisions of this act shall become operative as follows:

(a) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 15 shall take effect immediately.

(b) Section 1 shall become operative on July 1, 1975, and there shall be no reimbursement pursuant to such section for any fiscal

year after the 1974–75 fiscal year.

(c) Section 13 shall be operative with respect to the 1975–76 fiscal year and thereafter.

SEC. 16. Section 4 of Chapter 84 of the Statutes of 1974 is amended to read:

Sec. 4. Sections 1 and 2 of this act shall apply to claims for assistance for property taxes for the 1974–75 property tax fiscal year and property tax fiscal years thereafter. Section 3 of this act shall apply to claims for assistance for property taxes for the 1973–74 property tax fiscal year and property tax fiscal years thereafter.

SEC. 17. It is the intent of the Legislature in amending Section 408 of the Revenue and Taxation Code in Section 9 of this act that homeowners' property tax exemption claims and the data contained on these claims, such as the social security numbers of claimants, not be public documents or open to public inspection, but that properties receiving the exemption be so identified on the local assessment roll in order that the public continues to have access to information as to which properties are receiving the exemption.

Further, the amendments to Section 408 of the Revenue and Taxation Code in Section 9 of this act shall apply to all homeowners' property tax exemption claims in the possession of the assessor on the effective date of Section 9 of this act or in the future.

SEC. 18. It is the intent of the Legislature in amending Section 19501.5 of the Revenue and Taxation Code in Section 13 of this act that for the purpose of determining income pursuant to Section 19501.5 that realized capital gains be included in income and realized capital losses be deducted from income, without regard to any holding periods or any limitations on deductions of such losses as may be provided elsewhere in the Revenue and Taxation Code.

SEC. 19. Any claim filed pursuant to Section 19532 of the Revenue and Taxation Code that is filed after August 31, 1974, but on or before October 15, 1974, shall be deemed a late filing for reasonable cause, and assistance shall be granted for property taxes paid for the 1973–74 fiscal year after August 31, 1974, if such claim is filed on or before October 15, 1974, because the Legislature adopted a measure in February 1974 which changed the filing period without providing adequate notice of such change to eligible senior citizens.

SEC. 20. No appropriation is made by this act and no obligation is created thereby under Section 2231 of the Revenue and Taxation Code for reimbursing local government for state-mandated costs as any costs incurred pursuant to the provisions of this act are minor in nature.

SEC. 21. The provisions of this act shall become operative as follows:

(a) Sections 1 to 8, inclusive, and Section 10 shall be operative with respect to the 1974–75 fiscal year and thereafter.

(b) Sections 11 and 12 shall be operative with respect to the 1975–76 fiscal year and thereafter.

(c) Sections 9, 15, 16, 17, and 19 shall take effect immediately

(d) Sections 13 and 18 shall apply to claims for assistance for property taxes for the 1974–75 fiscal year and thereafter.

SEC. 21.5. Section 2 of this act shall remain operative until the operative date of Section 2.5. Section 2.5 shall become operative only if Assembly Constitutional Amendment No. 32 of the 1973–74 Regular Session of the Legislature is adopted by the electorate in the general election to be held on November 5, 1974, in which case, Section 2.5 shall be operative with respect to the 1974–75 fiscal year and thereafter.

SEC. 21.6. It is the intent of the Legislature, in enacting Sections 2 and 2.5 of this act to prevail over those provisions of Chapters 60, 186, and 311 of the Statutes of 1974 which amend Section 254 of the Revenue and Taxation Code, as specified in Section 9605 of the Government Code, in order to incorporate the changes made in such section by such chapters.

SEC. 22. It is the intent of the Legislature, if this bill and Assembly Bill No. 113 are both chaptered and both bills amend Section 19501.5 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill No. 113, that the amendments to Section 19501.5 proposed by both bills be given effect as incorporated in Section 19501.5 in the form set forth in Section 14 of this act. Therefore, Section 14 of this act shall become operative only if this bill and Assembly Bill No. 113 are both chaptered and both amend Section 19501.5, and this bill is chaptered after Assembly Bill No. 113, in which case Section 13 of this act shall not become operative.

SEC. 23. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions of this act apply to the following fiscal year, it is necessary that this act take effect immediately.

CHAPTER 1108

An act to amend Section 6012.7 of the Revenue and Taxation Code, relating to factory-built housing.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6012.7 of the Revenue and Taxation Code is amended to read:

6012.7. (a) For the purposes of this part, "gross receipts" from the sale of factory-built housing, and the "sales price" of factory-built housing, sold or stored, used, or otherwise consumed in this state shall be 40 percent of the sales price of the factory-built housing to the

consumer.

(b) For purposes of this section, "factory-built housing" includes:

(1) A residential building, dwelling unit or an individual dwelling room or combination of rooms thereof, including units designed for use as part of an institution for resident or patient care, which is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with regulations adopted by the Commission of Housing and Community Development of the State of California pursuant to Section 19990 of the Health and Safety Code or in accordance with applicable local building requirements if such factory-built housing is inspected and approved by the local enforcement agency at the place of, and during the time of, manufacture.

(2) "Modular housing," which is a three-dimensional box or cube-shaped structure or structures making up one or more rooms of a residential building.

(3) "Sectionalized housing," which generally consists of two modules which form a total living unit.

(4) "Modular," "utility," or "wet cores," which are three-dimensional habitable rooms or modules and which are generally comprised of a kitchen or a bathroom or bathrooms.

(c) For purposes of this section, "factory-built housing" does not include.

(1) A "mobilehome," as defined in Section 18008 of the Health and Safety Code.

(2) "Precut housing packages" where more than 50 percent of the package consists of precut lumber only.

(3) "Panelized construction," such as walls or components that may become one or more rooms of a building, unless a complete housing package is provided by the builder or manufacturer, such as by providing wall panels, floors, and a roof which will form a complete housing structure.

(4) "Porches" or "awnings" which are not purchased as a part of the original housing package.

(d) If a purchaser certifies in writing to a retailer that the factory-built housing purchased will be consumed in a manner or for a purpose entitling the retailer to exclude 60 percent of the gross receipts or sales price from the measure of tax, and uses the property in some other manner or for some other purpose, the purchaser shall be liable for payment of tax measured by 60 percent of the sales price.

CHAPTER 1109

An act to add Sections 19403 and 19404 to the Welfare and Institutions Code, relating to rehabilitation.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

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The people of the State of California do enact as follows:

SECTION 1. Section 19403 is added to the Welfare and Institutions Code, to read:

19403. It is the intent of the Legislature to encourage state organizations, cities, counties, districts, and other political subdivisions to purchase products manufactured by and services provided by public or private nonprofit California corporations operating workshops serving the handicapped whenever it is feasible to do so and the proximity of the public or private nonprofit California corporations operating workshops serving the handicapped makes such purchases reasonably convenient and to provide equality of competitive advantage for organizations operating workshops for handicapped persons and organizations operating workshops for blind persons.

SEC. 2. Section 19404 is added to the Welfare and Institutions Code, to read:

19404. Any state agency, city or county, political subdivision, or district of this state may, without advertising or calling for bids, purchase materials and supplies manufactured and services provided by public or private nonprofit California corporations operating workshops serving the handicapped who have indicated an interest in supplying such goods and services and may, on an equitable basis apportion the business among the interested workshops, provided such goods or services meet the specifications and needs of the purchasing agency and are purchased at a fair market price as determined by the appropriate state or local agency and provided that such public or private nonprofit California corporations comply with the following:

(a) Maintain a handicapped-to-ablebodied ratio equal to or in excess of 3:1 (75%–25%) of man-hours of direct labor at all times.

(b) Agree to make those elections permitted of any nonprofit corporation under the federal Insurance Contributions Act and the California Unemployment Insurance Code in order to provide social security and unemployment and disability benefits for its employees commencing with its first contract or purchase order under this section and continuing thereafter. In the event that the nonprofit corporation ceases to provide such benefits, any existing contract or purchase order under this section with such corporation is terminated and no further contracts or purchase orders shall be awarded to such corporation for the period of two years after the corporation ceases to provide such benefits. For the purposes of this subdivision, a client shall be considered an employee when performing productive work.

(c) Provide in its articles of incorporation that at least one-quarter of the directors of its board of directors shall be comprised of handicapped persons or the parents, guardians, or conservators of mentally retarded or mentally disabled handicapped persons, including representatives of organizations of the handicapped whose

membership is open to handicapped persons in the state and including at least one handicapped employee from each manufacturing center operated by the nonprofit corporation provided, however, that directors who are also employees of the nonprofit corporation shall not participate in or be present at discussions of the board of directors concerned with labor-management contract negotiations.

(d) Provide for handicapped employees of said nonprofit corporation benefits and other employer-employee agreements substantially equal to such benefits and agreements set forth in the memorandum of understanding entered into May 21, 1971, as amended June 16, 1971, until a subsequent memorandum of understanding or collective bargaining agreement is entered into between each such nonprofit corporation and the representatives designated by a majority of the employees. Nothing contained in this subdivision shall be construed to require such benefits and agreements to include the recognition of the Union of State Employees, Local 411 as contained in the memorandum of understanding of May 21, 1971, as amended June 16, 1971, or any other union to represent any of such employees. Such memorandum of understanding shall be on file and available from the Department of Rehabilitation.

(e) Not commit any unfair labor practices as defined in Section 8(a) of the National Labor Relations Act.

(f) Abide by the provisions of the Federal Fair Labor Standards Act, the Walsh-Healy Public Contract Act, the Wagner O'Day Act, and the regulations of the State Division of Industrial Welfare.

For purposes of the section the word handicapped is defined to mean any person (other than a blind person) who is so severely incapacitated by any physical or mental disability that he cannot engage in normal competitive employment because of such disability.

CHAPTER 1110

An act to add Section 2985.71 to, and to amend Section 2985.81 of, the Civil Code, relating to automobile leasing.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 2985.71 is added to the Civil Code, to read:

2985.71. (a) If any solicitation to enter into a leasing contract described in Section 2985.7 includes a statement of the periodic payment, the solicitation shall also include all of the following:

(1) The value of the vehicle.

(2) The maximum for which the lessee could be held liable at the end of the lease period.

(3) The amount, if any, required by the lessor as a security deposit, advance payment of rent, or other cash prepayment.

(4) The term of the lease expressed in months.

(b) A failure to comply with the provisions of this section shall not affect the validity of the leasing contract. There is no liability on the part of any owner or personnel as such of any medium for any violation of this section.

SEC. 2. Section 2985.81 of the Civil Code is amended to read:

2985.81. No agreement in connection with the bailment or leasing of a motor vehicle which provides for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the leasing contract, or accessories therefor, or special and auxiliary equipment used in connection therewith, as security for the payment of the contract obligations, shall be enforceable. This section does not apply to a security deposit, advance payment of rent, or other cash prepayment. This section shall apply to such contracts executed on or after the effective date of this section.

SEC. 3. Section 2 of this act is declaratory of existing law and is intended to clarify and restate existing law.

CHAPTER 1111

An act to amend Sections 17053.5, 19057, 23772, and 26075 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 17053.5 of the Revenue and Taxation Code is amended to read:

17053.5. (a) For taxable years beginning after December 31, 1972, in the case of qualified renters, there shall be allowed credits against the tax computed under this part, minus all other credits provided for in this part except the credit provided in Section 18551.1 (relating to withholding credit) and the credit provided in Section 17061 (relating to excess tax credit). The credit shall be in the amount indicated on the following table:

If adjusted gross income is	The credit is.
Less than $5,000	$25
$5,000–5,999	$30
$6,000–6,999	$35

$7,000–7,999	$40
$8,000 and up	$45

Except as provided in subdivision (b) of this section a husband and wife shall receive but one credit under this section. If the husband and wife file separate returns, the credit may be taken by either or equally divided between them, except as follows:

(A) If one spouse was a resident for the entire taxable year and the other spouse was a nonresident for part or all of the taxable year, the resident spouse shall be allowed the full credit.

(B) If both spouses were nonresidents for part of the taxable year, the credit shall be divided equally between them subject to the proration provided in subdivision (d) of this section.

(b) In the case of a husband and wife, if each spouse maintained a separate place of residence and resided in this state during the entire taxable year, each spouse will be allowed the full credit provided in subdivision (a).

(c) For purposes of this section, a "qualified renter" means an individual who on March 1 of the taxable year—

(1) Was a resident of this state, as defined in Section 17014, and

(2) On such date rented and occupied premises in this state which constitute his principal place of residence.

The term "qualified renter" does not include an individual who on March 1 of the taxable year rented and occupied premises which were exempt from property taxes, except that an individual, otherwise qualified, shall be deemed a qualified renter if he is required to pay property taxes on his possessory interest in a residence that is otherwise tax exempt during the taxable year.

The term "qualified renter" does not include an individual whose principal place of residence is with any other person who claimed such individual as a dependent for income tax purposes.

The term "qualified renter" does not include an individual who has been granted or whose spouse has been granted the homeowners' property tax exemption during the taxable year. This paragraph shall not apply in the case of an individual whose spouse has been granted the homeowners' property tax exemption if each spouse maintained a separate residence for the entire taxable year.

The term "qualified renter" does not include an individual or the spouse of an individual who, for the entire taxable year, received public assistance grants which took into account housing or shelter needs. If such grants were received for a part of the taxable year, the credit provided by this section shall be claimed at the rate of one-twelfth for each full month such grants were not received during the income year.

(d) Any individual who is a nonresident for any portion of the taxable year shall claim the credits set forth in subdivision (a) at the rate of one-twelfth of such credits for each full month such individual resided within this state during the taxable year.

(e) Every person claiming the credit provided in this section shall,

as part of such claim, and under penalty of perjury, furnish such information as the Franchise Tax Board prescribes on a form supplied by such board.

(f) The credit provided in this section shall be claimed on returns in such form as the Franchise Tax Board may from time to time prescribe, and shall be filed with the Franchise Tax Board on the date prescribed by Section 18432.

(g) For the purposes of this section, the term "premises" means a house or a dwelling unit used to provide living accommodations in a building or structure and the land incidental thereto, but does not include land only, except in the case where the dwelling unit is a mobilehome.

(h) In the case of qualified renters whose credits provided in this section exceed their tax liability computed under this part, minus all other credits provided for in this part except the credits provided in Section 18551.1 and Section 17061, the qualified renter shall be allowed a credit to the extent of his tax liability plus a refund in excess of that amount up to a combined credit and refund equal to the credit otherwise provided in this section.

SEC. 2. Section 19057 of the Revenue and Taxation Code is amended to read:

19057. (a) Except as provided in subdivision (b), the expiration of 90 days from the mailing of the notice, the Franchise Tax Board's action upon the claim is final unless within the 90-day period the taxpayer appeals in writing from the action of the Franchise Tax Board to the board.

(b) If within the period set forth in Section 19083 for filing a suit for refund the Franchise Tax Board receives information which it determines clearly establishes that a disallowed claim should have been allowed, in whole or in part, the Franchise Tax Board shall credit the amount of the overpayment against any taxes due from the taxpayer under this part and the balance shall be refunded to the taxpayer.

SEC. 3. Section 23772 of the Revenue and Taxation Code is amended to read:

23772. (a) For the purposes of this part—(1) Except as provided in paragraph (2) every organization exempt from taxation under Section 23701 and every trust treated as a private foundation because of Section 4947(a)(1) of the Internal Revenue Code shall file an annual return, stating specifically the items of gross income, receipts, and disbursements, and such other information for the purpose of carrying out the laws under this part as the Franchise Tax Board may by rules or regulations prescribe, and shall keep such records, render under oath such statements, make such other returns, and comply with such rules and regulations as the Franchise Tax Board may from time to time prescribe. The return shall be filed on or before the 15th day of the fifth full calendar month following the close of the income year.

(2) Exceptions from filing—

(A) Mandatory exceptions—Paragraph (1) shall not apply to—

(i) Churches, their integrated auxiliaries, and conventions or association of churches,

(ii) Any organization (other than a private foundation as defined in Section 23709), the gross receipts of which in each taxable year are normally not more than five thousand dollars ($5,000), or

(iii) The exclusively religious activities of any religious order.

(B) Discretionary exceptions—The Franchise Tax Board may permit the filing of a simplified return for organizations based on either gross receipts or total assets or both gross receipts and total assets, or may permit the filing of an information statement (without fee), or may permit the filing of a group return for incorporated or unincorporated branches of a state or national organization for branches with gross receipts of which in each taxable year are not more than ten thousand dollars ($10,000) where it determines that an information return is not necessary to the efficient administration of this part.

(3) An organization that is required to file an annual information return shall pay a filing fee of five dollars ($5) on or before the due date for filing the annual information return (determined with regard to any extension of time for filing the return) required by this section. In case of failure to pay the fee on or before such due date unless it is shown that such failure is due to reasonable cause, the filing fee shall be ten dollars ($10). All collection remedies provided in Chapter 23 (commencing with Section 26131) of this part shall be applicable to collection of the filing fee. However, the filing fee shall not apply to the organization described in paragraph (4).

(4) Paragraph (3) shall not apply to: (A) a religious organization exempt under Section 23701d; (B) an educational organization exempt under Section 23701d, if such organization normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on; (C) a charitable organization, or an organization for the prevention of cruelty to children or animals, exempt under Section 23701d, if such organization is supported, in whole or in part, by funds contributed by the United States or any state or political subdivision thereof, or is primarily supported by contributions of the general public; (D) an organization exempt under Section 23701d, if such organization is operated, supervised, or controlled by or in connection with a religious organization described in subparagraph (A).

(b) Every organization described in Section 23701d which is subject to the requirements of subdivision (a) shall furnish annually information, at such time and in such manner as the Franchise Tax Board may by rules or regulations prescribe, setting forth—

(1) Its gross income for the year,

(2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements within the year for the purposes for which

it is exempt,

(4) A balance sheet showing its assets, liabilities, and net worth as of the beginning of such year,

(5) The total of the contributions and gifts received by it during the year, and the names and addresses of all substantial contributors,

(6) The names and addresses of its foundation manager (within the meaning of Section 4946 of the Internal Revenue Code) and highly compensated employees, and

(7) The compensation and other payments made during the year to each individual described in paragraph (6).

(c) In addition to the above annual return any organization which is required to file an annual report under Section 6056 of the Internal Revenue Code will furnish a copy of the report to the Franchise Tax Board at the time the annual return is due.

(d) For the purposes of this part—

(1) In the case of a failure to file a return required under Section 23772 (relating to returns by exempt organizations) on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (on notice and demand by the Franchise Tax Board and in the same manner as tax) by the exempt organization or trust failing so to file, five dollars ($5) for each month or part thereof during which such failure continues, but the total amount imposed hereunder on any organization for failure to file any return shall not exceed forty dollars ($40).

(2) The Franchise Tax Board may make written demand upon a private foundation failing to file under paragraph (1) of this subdivision or subdivision (c) specifying therein a reasonable future date by which such filing shall be made, and if such filing is not made on or before such date, and unless it is shown that failure so to file is due to reasonable cause, there shall be paid (on notice and demand by the Franchise Tax Board and in the same manner as tax) by the person failing so to file, in addition to the penalty prescribed in paragraph (1), a penalty of five dollars ($5) each month or part thereof after the expiration of the time specified in the written demand during which such failure continues, but the total amount imposed hereunder on all persons for such failure to file shall not exceed twenty-five dollars ($25). If more than one person is liable under this paragraph for a failure to file, all such persons shall be jointly and severally liable with respect to such failure. The term "person" as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs.

(e) The reporting requirements and penalties shall be applicable for income years beginning after December 31, 1970, except that the provisions of subparagraph (B) of paragraph (2) of subdivision (a) shall apply to income years ending after December 31, 1970.

SEC. 4. Section 26075 of the Revenue and Taxation Code is amended to read:

26075. (a) If the Franchise Tax Board disallows any claim for refund, it shall notify the taxpayer accordingly. Except as provided in subdivision (b), at the expiration of 90 days from the mailing of the notice, the Franchise Tax Board's action upon the claim shall be final unless within the 90 days the taxpayer appeals in writing from the action of the Franchise Tax Board to the board.

(b) If within the period set forth in Section 26103 for filing a suit for refund the Franchise Tax Board receives information which it determines clearly establishes that a disallowed claim should have been allowed, in whole or in part, the Franchise Tax Board shall credit the amount of the overpayment against any taxes due from the taxpayer under this part and the balance shall be refunded to the taxpayer.

CHAPTER 1112

An act to amend Sections 34270, 34271, 34272, 34290, 34331, 34332, and 34513 of, and to add Sections 34213.5, 34219, 34286, 34315.3, 34333, 34334, 35495, and 36072 to, the Health and Safety Code, relating to housing authorities.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 34213.5 is added to the Health and Safety Code, to read:

34213.5. "Tenant" means a person of low income lawfully residing in housing provided by or through an authority, including persons residing in leased housing.

SEC. 2. Section 34219 is added to the Health and Safety Code, to read:

34219. "Leased housing" includes, but is not limited to, low-rent housing in private accommodations for which the federal government or a state public body extends assistance by leasing from the owner at a higher rent than is charged to the tenant.

SEC. 3. Section 34270 of the Health and Safety Code is amended to read:

34270. When the governing body of a city adopts a resolution declaring the need for an authority, it shall promptly notify the mayor of the adoption. Upon receiving the notice and if his office is one filled by election by the people, the mayor, subject to the confirmation of a majority of the members of the governing body, shall appoint five persons as commissioners of the authority. The mayor may appoint two additional commissioners to an authority which has tenants eligible for appointment to increase the number of commissioners of an authority to seven. If seven, rather than five,

commissioners are appointed, the two additional commissioners shall be tenants eligible for appointment and one shall be a senior citizen over 62 years of age if the authority has senior citizens of such age.

If the office of the mayor is not elective, the city governing body shall make the appointments.

The amendments to this section enacted by the Legislature at the 1973–74 Regular Session shall not affect the office of any commissioner of a housing authority, which on January 1, 1975, has seven commissioners, but the successors to the two additional commissioners appointed pursuant to the changes in this section which were made by Chapter 120 of the Statutes of 1972 shall be tenants eligible for appointment and one shall be a senior citizen over 62 years of age if the authority has senior citizens of such age.

SEC. 4. Section 34271 of the Health and Safety Code is amended to read:

34271. When the governing body of a county adopts such a resolution it shall appoint five persons as commissioners of the authority. The governing body may appoint two additional commissioners to an authority which has tenants eligible for appointment to increase the number of commissioners of an authority to seven. If seven, rather than five, commissioners are appointed, the two additional commissioners shall be project tenants eligible for appointment and one shall be a senior citizen over 62 years of age if the authority has senior citizens of such age.

The amendments to this section enacted by the Legislature at the 1973–74 Regular Session shall not affect the office of any commissioner of a housing authority, which on January 1, 1975, has seven commissioners, but the successors to the two additional commissioners appointed pursuant to the changes in this section which were made by Chapter 120 of the Statutes of 1972 shall be tenants eligible for appointment and one shall be a senior citizen over 62 years of age if the authority has senior citizens of such age.

SEC. 5. Section 34272 of the Health and Safety Code is amended to read:

34272. (a) In the case of a commission of five persons, three of the commissioners first appointed shall be designated by the appointing authority to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. If two tenant commissioners are added to increase the number of commissioners of an authority, such commissioners shall serve for terms of four years from the date of their appointments, and their successors shall be tenants. Successors of commissioners shall be appointed for a term of four years, except that all vacancies shall be filled for the unexpired term. A tenant commissioner shall have all the powers, duties, privileges, and immunities of any other commissioner. If a tenant commissioner ceases to be a tenant of the authority, he shall be disqualified as commissioner and another tenant shall be appointed to fill the unexpired term.

(b) Notwithstanding any other law, and subject to the conditions in this section, a commissioner may be an officer or employee of the county or city for which the authority is created, or he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community.

(c) An officer or employee of a city or county in which an authority is established may serve as a commissioner only if such officer or employee does not exercise powers or duties in his office or employment that may conflict with the exercise of the independent judgment required to carry out the purposes of an authority.

(d) Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

The amendments to this section enacted by the Legislature at the 1973–74 Regular Session shall not affect the office of any commissioner of a housing authority, which on January 1, 1975, has seven commissioners, but the successors to the two additional commissioners appointed pursuant to the changes in this section which were made by Section 2 of Chapter 367 of the Statutes of 1972 shall be tenants eligible for appointment and one shall be a senior citizen over 62 years of age if the authority has senior citizens of such age.

SEC. 6. Section 34286 is added to the Health and Safety Code, to read:

34286. Any tenant shall be eligible for appointment as a commissioner of any authority if such person is a tenant in any housing provided by or through such authority pursuant to the provisions of this part, the Temporary Housing Projects Law, Part 4 (commencing with Section 35450) of, or the Farm Labor Center Law, Part 7 (commencing with Section 36050) of, this division.

SEC. 7. Section 34290 of the Health and Safety Code is amended to read:

34290. (a) As an alternative to the appointment of five commissioners of the authority, the governing body of any county or city, at the time of the adoption of a resolution pursuant to Section 34240 of this chapter or at any time thereafter, may declare itself to be the commissioners of the authority, in which case, all the rights, powers, duties, privileges and immunities, vested by this chapter in the commissioners of an authority, except as otherwise provided in this article, shall be vested in the governing body.

(b) If the governing body of any county or city has declared itself to be the commissioners of the authority, the governing body may appoint two tenants as commissioners if the authority has tenants eligible for appointment. One tenant commissioner shall be a senior

citizen over 62 years of age if the authority has senior citizens of such age. Tenant commissioners appointed pursuant to this subdivision shall serve, and their successors shall be appointed, as provided in Section 34272.

(c) If the governing body declares itself to be the commissioners of the authority after tenant commissioners have been appointed pursuant to Section 34270 or 34271, the governing body shall appoint two tenants as commissioners, one of whom shall be a senior citizen over 62 years of age if the authority has senior citizens of such age. Tenant commissioners appointed pursuant to this section shall serve and their successors shall be appointed as provided in Section 34272. A tenant commissioner shall have all the rights, powers, duties, privileges, and immunities of any other commissioner.

SEC. 8. Section 34315.3 is added to the Health and Safety Code, to read:

34315.3. An authority may accept financial or other assistance from any public or private source, including, but not limited to the federal government, and expend any funds so received for the purposes of this chapter, including leased housing.

SEC. 9. Section 34331 of the Health and Safety Code is amended to read:

34331. In the operation or management of housing projects an authority shall not do any of the following:

(a) Evict any tenant without reasonable cause and unless the tenant has been given a written statement of such cause.

(b) Directly or indirectly subject any tenant to any punitive action of any kind because of his membership or activity in any tenant organization.

(c) Require that a tenant, in a lease or rental agreement, waive his rights under Section 1942 of the Civil Code, or any other rights as a tenant he might have under California or federal law.

(d) Disclaim liability for injury as a result of its negligence or failure to repair, in any rental agreement or lease.

(e) Terminate or refuse to renew a lease because a tenant has complained to any governmental authority of a possible violation of any building code, health ordinance, or similar regulation or has attempted lawfully to redress his grievances against the authority.

(f) Hold any tenant liable for property damage for which a private tenant would not be liable.

(g) File an eviction action for property damage before a decision has been reached by a grievance panel, if the tenant has requested a grievance hearing.

SEC. 10 Section 34332 of the Health and Safety Code is amended to read:

34332. An authority shall do all of the following:

(a) Expressly covenant in all of its leases and rental agreements to repair the premises to comply with all building ordinances effective at the time of construction of the unit being leased or rented as to which it has not received an exception from the county

or city in which the unit is situated pursuant to Section 34513 and not affected by a resolution adopted pursuant to Section 34517.

(b) Within each managed structure of four or more dwelling units with one or more common entrances, except leased housing, post notice that a copy of all its leasing and occupancy policies, regulations and procedures is at each housing project office for inspection during regular business hours.

(c) Make available public documents and records of the authority for inspection, except any applications for eligibility and occupancy which are submitted by prospective or current tenants of the authority.

(d) Make an inspection of the premises before a tenant moves in and allow the tenant or prospective tenant the opportunity to examine the record of inspection.

(e) Hold all of its public meetings at a time convenient to most tenants and in a public room large enough to accommodate the persons who may reasonably be expected to attend. Any person may speak at such a meeting, if such person informs the authority at any time before the meeting begins that he desires to speak.

(f) Within each managed structure of four or more dwelling units with one or more common entrances, except leased housing, post notice of the schedule of regular meetings of the commissioners and of the posting of changes in schedule and of summary agendas in housing project offices.

(g) At each project office post a copy of all its leasing and occupancy policies, regulations and procedures, and post a notice of each meeting of the commissioners together with a summary agenda for the meeting at least three days in advance of each meeting. Unintentional or unavoidable failure to post, or changes in the agenda, shall not affect the validity of the proceedings.

(h) Distribute as an addendum to its lease form notice of the availability of: (1) leasing and occupancy policies, regulations and procedures, (2) notices of meetings, and summary agendas (3) grievance procedures, (4) any available written translations into languages other than English of notices, records, or documents required by this section to be posted or made available to tenants, and (5) any oral translation services available to tenants not speaking, reading, or understanding English.

SEC. 11. Section 34333 is added to the Health and Safety Code, to read:

34333. Any attempted waiver in any lease or rental agreement entered into by the authority of any of the rights granted tenants as against the authority by Sections 34331 and 34332 shall be void as against public policy.

SEC. 12. Section 34334 is added to the Health and Safety Code, to read:

34334. No responsibility of a private landlord of leased housing, or duty of a housing authority to impose a responsibility upon a private landlord of leased housing, shall be implied from Section

34331 or 34332.

SEC. 13. Section 34513 of the Health and Safety Code is amended to read:

34513. A state public body may:

(a) Plan or replan, zone or rezone any part of its territory.

(b) Make exceptions to building regulations and ordinances to the extent that such exceptions do not conflict with the provisions of the State Housing Law, Part 1.5 (commencing with Section 17910) of Division 13, the rules and regulations promulgated pursuant thereto, or any modifications made pursuant to Section 17958.5. Any exceptions which conflict with such provisions, rules and regulations, or modifications, shall be invalid.

SEC. 14. Section 35495 is added to the Health and Safety Code, to read:

35495. Within its area of operation and with reference to temporary housing projects, a city, county, or housing authority shall comply with the provisions of Sections 34331, 34332, and 34333. A housing authority need not comply with subdivision (a) of Section 34332 as to units required by law to be demolished at a specified future date.

SEC. 15. Section 36072 is added to the Health and Safety Code, to read:

36072. Within its area of operation and with reference to farm labor centers, a housing authority shall comply with the provisions of Sections 34331, 34332, and 34333. The covenant required by subdivision (a) of Section 34332 shall incorporate the regulations adopted pursuant to Section 36071, rather than the State Housing Law, Part 1.5 (commencing with Section 17910) of Division 13, and the rules and regulations promulgated pursuant thereto, if the lease is made subsequent to the effective date of the regulations adopted pursuant to Section 36071.

CHAPTER 1113

An act to amend Sections 73484, 73486, 73487, 73488, 73674, 73708, 73709, 73710, 73712, 73713, 73714, 74803, 74804, 74806, 74807, 74808, 74819, 74820, 74821, 74822, 74823, 74824, and 74843 of, and to add Section 74822.5 to, the Government Code, relating to courts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 73484 of the Government Code is amended to read:

73484. There shall be one marshal who shall receive the biweekly salary specified in range 44.5, step B, as set forth in the biweekly

salary schedule contained in Section 73486.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the said class of lieutenant.

SEC. 2. Section 73486 of the Government Code is amended to read:

73486. The following biweekly salary schedule shall apply to persons employed in the clerk's office and marshal's office:

Salary range number	Steps A	B	C	D	E
25	$222.40	$233.60	$245.60	$257.60	$270.40
26	233.60	245.60	257.60	270.40	284.00
27	245.60	257.60	270.40	284.00	298.40
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80
50	757.60	795.20	835.20	876.80	920.80
51	795.20	835.20	876.80	920.80	967.20
52	835.20	876.80	920.80	967.20	1,015.20
53	876.80	920.80	967.20	1,015.20	1,065.60
54	920.80	967.20	1,015.20	1,065.60	1,119.20

SEC. 3. Section 73487 of the Government Code is amended to read:

73487. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73486, except that if the range shown opposite the title of the position includes a

fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

(a) Deputy clerk I.....Range 26.5
(b) Deputy clerk II.....Range 28.5
(c) Deputy clerk III .....Range 30.5
(d) Deputy clerk IV .....Range 33.75
(e) Clerk .....Range 38.75
(f) Clerk-typist II.....Range 26.5
(g) Deputy marshal .....Range 37.5

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 4. Section 73488 of the Government Code is amended to read:

73488. Certain classes of positions herein authorized are equated for purposes of salary adjustments with certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the related classes of court positions shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the related class in the classified service of the County of San Joaquin. Such adjustments shall be effective as of the same date that salary adjustments for the related classes in said classified service are made effective by action of the board of supervisors but such adjustments shall be effective only until January 1, 1977.

SEC. 4.5. Section 73674 of the Government Code is amended to read:

73674. The clerk may appoint: (a) one chief deputy clerk; (b) two courtroom clerks; (c) three senior deputy clerks; (d) one account clerk III; (e) 13 deputy clerks II or deputy clerks I as may be determined by the judge with the concurrence of the board of supervisors. Each of these employees shall receive the monthly salary specified in Section 73677 for his classification.

SEC. 5. Section 73708 of the Government Code is amended to read:

73708. The clerk of the western division may appoint:

(a) One deputy clerk III who shall be assistant administrative officer and chief deputy.

(b) Three deputy clerks II.

(c) One deputy clerk I.

SEC. 6. Section 73709 of the Government Code is amended to read:

73709. There shall be one marshal in each division who shall be a resident eligible to vote in the division in which he is elected or appointed. The marshal of the eastern division shall receive the biweekly salary specified in range 44.5, step B, as set forth in the biweekly salary schedule contained in Section 73712 and the marshal of the western division shall receive the biweekly salary specified in range 42.5, step B, of the salary schedule.

SEC. 7. Section 73710 of the Government Code is amended to read:

73710. The marshal of the eastern division may appoint:

(a) Two deputy marshals.

(b) Two clerk-typists II.

SEC. 8. Section 73712 of the Government Code is amended to read:

73712. The following biweekly salary schedule shall apply to persons employed in each division of the municipal court established in said judicial district:

Salary	Steps				
range number	A	B	C	D	E
26	233.60	245.60	257.60	270.40	284.00
27	245.60	257.60	270.40	284.00	298.40
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80
50	757.60	795.20	835.20	876.80	920.80
51	795.20	835.20	876.80	920.80	967.20
52	835.20	876.80	920.80	967.20	1,015.20
53	876.80	920.80	967.20	1,015.20	1,065.60

54	920.80	967.20	1,015.20	1,065.60	1,119.20

SEC. 9. Section 73713 of the Government Code is amended to read:

73713. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73712, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

(a) Deputy clerk I.....Range 26.5
(b) Deputy clerk II.....Range 28.5
(c) Deputy clerk III .....Range 30.5
(d) Clerk (eastern division) .....Range 38.75
(e) Clerk (western division) .....Range 38.75
(f) Clerk-typist II.....Range 26.5
(g) Deputy marshal .....Range 37.5

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office or marshal's office, including the clerk, but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 10. Section 73714 of the Government Code is amended to read:

73714. Certain classes of positions herein authorized are equated for purposes of salary adjustments with certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the related classes of court positions shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the related class in the classified service of the County of San Joaquin. Such adjustments shall be effective as of the same date that salary adjustments for the related classes in said classified service are made effective by action of the board of supervisors but such adjustments shall be effective only until January 1, 1977.

SEC. 10.5. Section 74803 of the Government Code is amended to read:

74803. The clerk may appoint:

(a) One deputy clerk who shall be assistant administrative officer and chief deputy.

(b) Nine deputy clerks IV.

(c) Six deputy clerks III.
(d) One deputy clerk III (stenographer).
(e) Two deputy clerks II (stenographer).
(f) Six deputy clerks II.
(g) Eighteen deputy clerks I.

SEC. 11. Section 74804 of the Government Code is amended to read:

74804. There shall be one marshal who shall receive the biweekly salary specified in range 47.5, step C, as set forth in the biweekly salary schedule contained in Section 74806.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the such class of lieutenant.

SEC. 12. Section 74806 of the Government Code is amended to read:

74806. The following biweekly salary schedule shall apply to persons employed in the clerk's office and in the marshal's office:

Salary Schedule

Salary range number	Steps A	B	C	D	E
25	$222.40	$233.60	$245.60	$257.60	$270.40
26	233.60	245.60	257.60	270.40	284.00
27	245.60	257.60	270.40	284.00	298.40
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80
50	757.60	795.20	835.20	876.80	920.80

51	795.20	835.20	876.80	920.80	967.20
52	835.20	876.80	920.80	967.20	1,015.20
53	876.80	920.80	967.20	1,015.20	1,065.60
54	920.80	967.20	1,015.20	1,065.60	1,119.20

SEC. 13. Section 74807 of the Government Code is amended to read:

74807. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the biweekly salary schedule contained in Section 74806, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

(a) Deputy clerk I.....Range 26.5
(b) Deputy clerk II (stenographer).....Range 28
(c) Deputy clerk II.....Range 28.5
(d) Deputy clerk III.....Range 30.5
(e) Deputy clerk III (stenographer).....Range 31
(f) Deputy clerk IV.....Range 33.75
(g) Chief deputy clerk.....Range 38
(h) Clerk.....Range 46.75
(i) Deputy marshal.....Range 37.5
(j) Senior deputy marshal.....Range 39.75

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office or marshal's office may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 14. Section 74808 of the Government Code is amended to read:

74808. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the comparable classification in the classified service of the County of San Joaquin. Such adjustments shall be effective as of the same date that salary adjustments for the related classes in said classified service are made effective by action of the board of supervisors but

such adjustments shall be effective only until January 1, 1977.

(a) The class of deputy clerk I in the clerk's office is equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II and deputy clerk III shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk III (stenographer) is equivalent in job and salary to the class of clerk-stenographer III in the service of San Joaquin County. Whenever the class of clerk-stenographer III is adjusted, the class of deputy clerk III (stenographer) shall be adjusted an equal number of ranges on the salary schedule.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk in the service of San Joaquin County. Whenever the class of superior court clerk is adjusted, the classes of deputy clerk IV, chief deputy clerk and clerk shall be adjusted an equal number of ranges on the salary schedule.

(d) The class of deputy clerk II (stenographer) is equivalent in job and salary level to the class of clerk-stenographer II in the service of San Joaquin County. Whenever the class of clerk-stenographer II is adjusted, the class of deputy clerk II (stenographer) shall be adjusted an equal number of ranges on the salary schedule.

(e) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal and senior deputy marshal shall be adjusted an equal number of ranges on the salary schedule.

SEC. 15. Section 74819 of the Government Code is amended to read:

74819. There shall be one marshal who shall receive the biweekly salary specified in range 44.5, step B, as set forth in the biweekly salary schedule contained in Section 74821.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the class of lieutenant.

SEC. 16. Section 74820 of the Government Code is amended to read:

74820. The marshal may appoint:

(a) Two deputy marshals.

(b) Two clerk-typists II

SEC. 17. Section 74821 of the Government Code is amended to read:

74821. The following biweekly salary schedule shall apply to persons employed in the clerk's office and marshal's office:

Salary range number	Steps A	B	C	D	E
26	233.60	245.60	257.60	270.40	284.00
27	245.60	257.60	270.40	284.00	298.40
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80
50	757.60	795.20	835.20	876.80	920.80

SEC. 18. Section 74822 of the Government Code is amended to read:

74822. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74821, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin, as amended by Ordinance No. 1686, passed and adopted May 28, 1970:

(a) Deputy clerk I.....Range 26.5
(b) Deputy clerk II.....Range 28.5
(c) Deputy clerk III .....Range 30.5
(d) Clerk .....Range 38.75
(e) Clerk-typist II .....Range 26.5
(f) Deputy marshal .....Range 36.5

Subject to the provisions of the San Joaquin County salary ordinance, each person employed in the clerk's office or marshal's

office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 19. Section 74822.5 is added to the Government Code, to read:

74822.5. Notwithstanding any other provisions of this article, the salary range of deputy marshal shall be not less than one full range below the salary range of the class of deputy sheriff II in the service of San Joaquin County.

SEC. 20. Section 74823 of the Government Code is amended to read:

74823. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the comparable classification in the classified service of the County of San Joaquin. Such adjustments shall be effective as of the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until January 1, 1977.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office are equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III and clerk-typist II shall be adjusted an equal number of ranges on the salary schedule.

(b) Whenever the salary of the class of superior court clerk is adjusted, the salary of the clerk shall be adjusted an equal number of ranges on the salary schedule.

(c) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal shall be adjusted an equal number of ranges on the salary schedule.

SEC. 21. Section 74824 of the Government Code is amended to read:

74824. Notwithstanding any other provisions of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all employees, except the marshal, in the same manner and to the same extent as applicable generally to officers and employees of San Joaquin County.

Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, including uniform allowances for deputy marshals, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the

same manner and with the same effect as is or may be provided by the current salary ordinance of San Joaquin County, or the civil service ordinance of the county, for other employees of the county.

SEC. 22. Section 74843 of the Government Code is amended to read:

74843. The clerk may appoint:

(a) One chief deputy clerk.

(b) Two municipal courtroom clerks.

(c) One account clerk III.

(d) Three senior deputy clerks.

(e) One legal secretary.

(f) Twelve deputy clerks II or deputy clerks I as shall be determined by the judges with the concurrence of the board of supervisors.

Each of these employees shall receive the monthly salary specified in Section 74847 for his classification.

SEC. 23. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 1114

An act to add Section 19705 to the Government Code, relating to the State Personnel Board.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 19705 is added to the Government Code, to read:

19705. Notwithstanding Section 19704, the State Personnel Board may, after public hearing, adopt a system in which applicants for employment in the state civil service shall be asked to provide, voluntarily, ethnic data about themselves where such data is determined by the board to be necessary to an assessment of the ethnic and sex fairness of the selection process and to the planning and monitoring of affirmative action efforts. The board shall provide by rule for safeguards to insure that such data shall not be used in a discriminatory manner in the selection process. Ethnic data may be compiled for women and minorities. Ethnic data information gathered pursuant to this section on an individual applicant shall not be available to any interviewer or any officer or employee empowered to make or influence the civil service appointment of

such individual. The board shall report annually to the Governor and the Legislature on the results of the selection process as determined by data gathered under this section.

CHAPTER 1115

An act to add Section 21339 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 21339 is added to the Government Code, to read:

21339. A member who elected to receive optional settlement 2, optional settlement 3, or optional settlement 4, involving life contingency of the beneficiary, and whose designated beneficiary was his spouse, may, if his spouse predeceases him and he remarries, elect to have the allowance equivalent as of the date of election of the allowance payable for the remainder of his lifetime under the optional settlement previously chosen applied to a lesser allowance during his remaining lifetime under one of the optional settlements specified in this article and name his spouse as beneficiary. Such election must be within 12 months following remarriage. In the case of such a member whose remarriage occurred prior to the effective date of this section, such election must be made within 12 months after the effective date of this section.

CHAPTER 1116

An act to amend Section 6854 of the Business and Professions Code, relating to collection agencies.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6854 of the Business and Professions Code is amended to read:

6854. "Collection agency" does not include any of the following unless they are conducting collection agencies:

(a) Members of the State Bar of California.

(b) Persons collecting accounts for not more than one employer if all collection efforts are carried on in the name of the employer and

if an employer-employee relationship exists.

(c) Common carriers.

(d) Duly licensed real estate brokers or agents doing a real estate business.

(e) Duly licensed personal property brokers.

(f) Any savings and loan association subject to the jurisdiction of the Savings and Loan Commissioner of the State of California or the Federal Home Loan Bank Board.

(g) Any industrial loan company subject to the jurisdiction of the Corporation Commissioner of the State of California.

(h) Any title insurance company or underwritten title company as defined in Section 12402 of the Insurance Code.

"Collection agency" does not include any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

CHAPTER 1117

An act to amend Section 35402 of, and to add Section 35403 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 35402 of the Vehicle Code is amended to read:

35402. (a) Any extension or device, including any adjustable axle added to the front or rear of a vehicle, used to increase the carrying capacity of a vehicle shall be included in measuring the length of a vehicle, except that a drawbar shall not be included in measuring the length of a vehicle but shall be included in measuring the overall length of a combination of vehicles.

(b) Notwithstanding the provisions of subdivision (a), extensions of not more than 18 inches in length on each end of a vehicle or combination of vehicles used exclusively to transport vehicles shall not be included in measuring the length of a vehicle or combination of vehicles when the vehicles are loaded.

SEC. 2. Section 35403 is added to the Vehicle Code, to read:

35403. Safety devices which are required to be mounted upon a vehicle pursuant to provisions of this code, may extend beyond the permissible length of a vehicle, or a combination of vehicles, to a distance not exceeding 10 inches.

CHAPTER 1118

An act to amend Section 19161 of the Business and Professions Code and to amend Section 13115 of the Health and Safety Code, relating to fire safety.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 19161 of the Business and Professions Code is amended to read:

19161. All mattresses manufactured for sale in this state, including any mattress manufactured for sale for use in a hotel, motel, or other place of public accommodation in this state, shall be fire retardant. On and after October 1, 1975, all upholstered furniture sold or offered for sale by a manufacturer or wholesaler for use in this state, including any upholstered furniture sold to or offered for sale for use in a hotel, motel, or other place of public accommodation in this state, shall be fire retardant and shall be labeled in a manner specified by the bureau. "Fire retardant," as used in this section, means a product that meets the regulations adopted by the bureau.

SEC. 2. Section 13115 of the Health and Safety Code is amended to read:

13115. (a) It is unlawful for any person, firm or corporation to establish, maintain or operate any circus, side show, carnival, tent show, theater, skating rink, dance hall, or a similar exhibition, production, engagement or offering or other place of assemblage in or under which 10 or more persons may gather for any lawful purpose, in any tent, awning or other fabric enclosure unless such tent, awning or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings and all decorative materials, are made from a nonflammable material or are treated and maintained in a flame-retardant condition. This subdivision shall not apply to tents used to conduct committal services on the grounds of a cemetery, nor to tents, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.

(b) One year after the adoption of regulations by the State Fire Marshal, but not later than July 1, 1976, it shall be unlawful for any person to sell or offer for sale any tent designed and intended for use for occupancy by less than 10 persons unless the tent is made from flame-retardant fabrics or materials approved by the State Fire Marshal. One year after the adoption of regulations by the State Fire Marshal, but not later than July 1, 1976, all tents manufactured for sale in this state shall be flame retardant and shall be labeled in a manner specified by the State Fire Marshal. Any manufacturer of tents for sale in this state who fails to use flame-retardant fabrics or materials or who fails to label them as specified by the State Fire Marshal shall be strictly liable for any damage which occurs to any

person as a result of such violation of this section.

(c) "Flame retardant," as used in this section, means a fabric or material resistant to flame or fire to the extent that it will successfully withstand standard fire-resistive tests adopted and promulgated by the State Fire Marshal.

SEC. 3. The Bureau of Home Furnishings in the Department of Consumer Affairs shall develop standards of fire retardance for sleeping bags and recommend such standards to the Legislature by April 1, 1975.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because such costs are minimal.

CHAPTER 1119

An act to add Section 830.12 to the Penal Code, and to add Section 12819 to the Public Utilities Code, relating to municipal utility districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 830.12 is added to the Penal Code, to read:

830.12. (a) Persons designated as security officers by a municipal utility district pursuant to Section 12819 of the Public Utilities Code are peace officers while engaged in the performance of their duties as security officers.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property, the protection of which is the immediate duty of such officer.

(c) The district shall adopt regulations controlling the use of firearms by such security officers. Such regulations shall ensure that such peace officers shall not carry firearms except when there is a public emergency, as defined by such regulations, necessitating the immediate use of firearms.

SEC. 2. Section 12819 is added to the Public Utilities Code, to read:

12819. (a) A district may employ a suitable security force. The employees of the district that are designated by the general manager as security officers shall have the authority and powers conferred by

Section 830.12 of the Penal Code upon peace officers. The district shall adhere to the standards for recruitment and training of peace officers established by the Commission on Peace Officer Standards and Training pursuant to Title 4 (commencing with Section 13500) of Part 4 of the Penal Code.

(b) Every security officer employed by a district shall conform to the standards for peace officers of the Commission on Peace Officers Standards and Training. Any officer who fails to conform to such standards shall not continue to have the powers of a security officer.

SEC. 3. It is the intent of the Legislature that the changes effected by this act shall serve only to define peace officers, and that there shall be no change in the status of individual peace officers or classes of peace officers for purposes of retirement workmen's compensation or similar injury or death benefits, or other employee benefits.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The East Bay Municipal Utility District is developing and opening recreational areas for public use. In order to provide the means for the district to provide security, maintain order, and protect the public safety and welfare, it is necessary that this act go into effect immediately.

CHAPTER 1120

An act to amend Section 13988 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13988 of the Education Code is amended to read:

13988. A member may receive credit for time served in certificated teaching positions in job corps centers administered by the United States government in this state providing education programs authorized by the State Department of Education in lieu of California public school programs.

A member may elect to receive job corps credit if he was employed in a position requiring membership in the system within one year prior to entering such service, and returns to position requiring membership in the system within six months following the date of termination of service in the job corps. In no event shall a member receive credit for more than two years of job corps service

nor shall a member receive credit for such service if he receives retirement allowance for such service from another retirement system.

A member who receives credit for job corps service shall pay employer and employee contributions plus regular interest in accordance with Section 13997. These contributions shall be based upon the full-time compensation the employee receives at the time the election is made to receive credit under the provisions of this section.

CHAPTER 1121

An act to amend Section 1352.1 of the Labor Code, relating to labor.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1352.1 of the Labor Code is amended to read:

1352.1. The provisions of this article shall not apply to or affect executives, administrators, or professional people. No person shall be considered to be employed in an administrative, executive or professional capacity unless one of the following conditions prevail:

(a) The employee is engaged in work which is predominately intellectual, managerial, or creative; which requires exercise of discretion and independent judgment; and for which the remuneration is not less than four hundred dollars ($400) per month, or

(b) The employee is licensed or certified by the State of California and is engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering or accounting.

CHAPTER 1122

An act to amend Sections 3014 and 3027 of the Business and Professions Code, relating to optometry.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 3014 of the Business and Professions Code is amended to read:

3014. The board shall organize and elect from its membership a president, a vice president and a secretary who shall hold office for one year or until the election and qualification of a successor.

SEC. 2. Section 3027 of the Business and Professions Code is amended to read:

3027. Except as provided by Section 159.5, and in lieu of Section 3016, the board shall employ an executive officer and other necessary assistance in the carrying out of the provisions of this chapter.

The executive officer shall perform such duties as are delegated by the board and shall be responsible to it for the accomplishment of such duties. The executive officer shall not be a member of the board. With the approval of the Director of Finance, the board shall fix the salary of the executive officer. The executive officer shall be entitled to traveling and other necessary expenses in the performance of his duties.

The Attorney General shall act as the legal counsel for the board and his services shall be a charge against it.

CHAPTER 1123

An act to amend Sections 895.6, 895.7, and 895.8 of the Education Code, relating to public schools.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 895.6 of the Education Code is amended to read:

895.6. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before August 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded pupils who come within the provisions of Section 6902 and for the rental of property and the purchase of equipment by the county superintendent of schools for special training schools and classes for such pupils. The amount shall be determined by subtracting from the total costs of the education of such pupils, including transportation, to the county superintendent of schools (1) the total of any balances remaining to be expended for this purpose, and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of mentally retarded pupils who come within the provisions of Section 6902 and by adding to the result the amount required for rental of property and purchase

of equipment.

The county auditor and the county board of supervisors shall determine the tax necessary to produce the amount certified when levied upon the taxable property of all the districts under the jurisdiction of the county superintendent of schools which have not been approved by the county superintendent of schools to maintain such schools or classes. The board of supervisors shall at the time of levying other county taxes levy the tax so determined in each school district which had during the preceding fiscal year not been approved by the county superintendent of schools to maintain such schools or classes, except that the tax levied shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation and shall be levied notwithstanding the provisions of Section 20751 or 20803.

The amount received from the tax shall be deposited in the county school service fund.

In the event the amount received from the tax levied is less than the amount certified by the county superintendent of schools the difference shall, with the approval of the Superintendent of Public Instruction, be paid the county superintendent of schools from the county school service fund contingency account pursuant to Section 18353.

SEC. 2. Section 895.7 of the Education Code is amended to read:

895.7. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before August 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded pupils who come within the provisions of Section 6903 and for rental of property and the purchase of equipment by the county superintendent of schools for special training schools or classes for such pupils. The amount shall be determined by subtracting from the total cost of the education of such pupils, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded pupils and by adding to the result the amount required for rental of property and the purchase of equipment. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of mentally retarded pupils who come within the provisions of Section 6903 and any school

district with a elementary or high school average daily attendance of more than 8,000 for which the county superintendent maintains such class upon the taxable property in such districts sufficient to produce an amount equal to all costs of the education of such pupils which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such pupils. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

SEC. 3. Section 895.8 of the Education Code is amended to read:

895.8. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before August 15th of each year, the amount of money required to be raised by a county tax for the identification and education of physically handicapped pupils who come within the provisions of Section 6801 or 6802 and for the rental of property and the purchase of equipment by the county superintendent of schools for the schools or classes for such pupils.

The county superintendent of schools, when actually maintaining schools or classes for handicapped pupils for districts with an average daily attendance in excess of 8,000 in the elementary or secondary schools of the district when such education is by agreement of the governing board of such school district, shall with the approval of the county board of education certify to the county auditor and the county board of supervisors on or before August 15th of each year the amount of money required to be raised by tax for the education of physically handicapped pupils who come within the provisions of Section 6801 or 6802 under the same conditions and circumstances as an amount of money is certified and the tax levied for districts with less than 8,000 average daily attendance in the elementary or secondary schools of the district for the education of such physically handicapped pupils, but such tax in districts of more than 8,000 average daily attendance shall not include any amount for the education of physically handicapped pupils actually conducted by the local school district or for contract services of such education by another school district.

The amount shall be determined by subtracting from the total cost of the education of such pupils, including transportation, to the county superintendent of schools the total amounts to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such physically handicapped pupils and by adding to the result the amount required for rental of property, the purchase of equipment, and capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of physically handicapped pupils who come within the provisions of Section 6801 or 6802 upon the taxable property in such districts sufficient to produce such amounts. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

The Superintendent of Public Instruction shall adopt such rules and regulations as he may deem necessary to the implementation of this section.

CHAPTER 1124

An act to amend Section 30251 of the Public Utilities Code, relating to the Southern California Rapid Transit District.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 30251 of the Public Utilities Code is amended to read:

30251. The board shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability. The board shall choose a secretary, who shall not be a member of the board, and shall provide for the time and place of holding its regular meetings which shall be held at least once each month. The board may hold such additional meetings as it may see fit. The time and place for holding all of its meetings shall be fixed by the board of directors. An attendance fee of fifty dollars ($50) per meeting attended, but not to exceed five hundred dollars ($500) in any calendar month to any member, shall be paid to members of the board of directors.

CHAPTER 1125

An act to amend Section 19019 of the Welfare and Institutions Code, relating to rehabilitation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 19019 of the Welfare and Institutions Code is amended to read:

19019. The Director of Rehabilitation may determine that any real or personal property presently utilized in the program of the California Industries for the Blind and the opportunity work centers is surplus to the needs of the state, and he may request the Director of General Services to transfer any or all of such property in trust to effect the purposes described in Articles 3 (commencing with Section 19550) and 4 (commencing with Section 19600) of Chapter 6 of Part 2 of this division to any nonprofit corporation which operates manufacturing centers, salesrooms, or opportunity centers.

The consideration from any such corporation to the state for such transfer may consist solely of the obligation of the nonprofit corporation to continuously utilize the property so transferred for the purposes herein provided for the term of the trust. Except as otherwise provided in this section, as to personal property, the trust shall not extend for a period which exceeds the useful life thereof as determined by the Director of General Services; and at the end of any such period, such property shall become the property of such corporation, provided that it has been continuously devoted to the purpose of the trust. Any other terms or conditions of any such agreement shall be such as the Director of General Services shall determine to be in the best interests of the state. Any such agreement shall be subject to the approval of the Director of Rehabilitation.

The Director of General Services with the approval of the Director of Rehabilitation may upon the request and consent of the nonprofit corporation extend the period for payment of any fiscal obligations under any such agreement up to 10 years in order to avoid undue hardship.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Legislature finds it necessary to give the directors of the appropriate departments immediate authority to take such action as the directors deem appropriate to avoid undue fiscal hardships on the nonprofit corporation authorized by this act and the impairment of services to the blind, and therefore, it is necessary that this act take immediate effect.

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CHAPTER 1126

An act to amend Section 69995 of, to amend the heading of Article 10.4 (commencing with Section 69995) of Chapter 5 of Title 8 of, and to add Sections 68513, 69996, 69997, 69998, and 69999 to, the Government Code, relating to court reporters, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 68513 is added to the Government Code, to read:

68513. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in any county with a population of more than 375,000 and less than 400,000, as determined by the 1970 federal census. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose; and

(5) Such other information as the Judicial Council may required.

SEC. 1.5. The heading of Article 10.4 (commencing with Section 69995) of Chapter 5 of Title 8 of the Government Code is amended to read:

Article 10.4. Official Reporters and Fees in Counties With a Population of 375,000 to 400,000

SEC. 2. Section 69995 of the Government Code is amended to read:

69995. In each county with a population of more than 375,000 and less than 400,000, as determined by the 1970 federal census, a majority of the judges of the superior court may appoint as many competent official phonographic reporters as the business of the superior court requires, and as required to provide court reporting service to the municipal court of the county as provided in subdivision (c). The court may additionally employ as many pro tempore phonographic reporters as may from time to time be required to supplement the services of the official court reporters. The court may further appoint one of the official court reporters to serve as senior superior court reporter to coordinate and supervise the activities of official and pro tempore court reporters.

Official reporters of the superior court shall be exempt from the provisions of any civil service system as employees of the court. They shall serve at the pleasure of a majority of the judges thereof, subject to such court rules and policy as may be adopted by the judges for regulation of superior court personnel. Official and pro tempore superior court reporters shall provide court reporting services for such departments of the superior court and divisions of the municipal court, for such criminal, juvenile and civil proceedings, and proceedings before the grand jury, as directed by the presiding judges of the respective courts, subject to the provisions of this section.

(b) The salary paid to official full-time superior court reporters for services in reporting any and all testimony and proceedings in the superior and municipal courts and before the grand jury, shall be a five-step salary range with biweekly amounts equivalent to ninety percent (90%) of the corresponding steps in the established salary range for official superior court reporters in Los Angeles County. The initial hiring rate for official superior court reporters shall be the first step of the salary range, and subsequent increases within the range shall be at intervals of six months from the first to second step, and one year between each succeeding step, as determined by the court, based on satisfactory performance. Nothing herein shall prohibit the initial appointment or subsequent elevation of a reporter's salary from the steps herein specified, as may be determined by the court on the basis of experience, qualifications and meritorious performance. The salary of the official court reporter who is appointed to serve as senior superior court reporter, shall be fixed at fifteen percent (15%) above the biweekly salary steps specified for official superior court reporters.

Notwithstanding any other provision to the contrary, one year after the operative date of Assembly Bill No. 3812 of the 1973–74 Regular Session and thereafter, the salary range of official court reporters may be adjusted by joint action and approval of the board of supervisors and a majority of the judges on the superior court. Such changes in compensation made pursuant to this provision shall be on an interim basis and shall expire January 1 following adjournment of the next regular session of the Legislature unless ratified at such

session.

The per diem compensation for pro tempore reporters serving the superior or municipal court or the grand jury shall be established at one-tenth (1/10) of the top step in the biweekly salary range established for official superior court reporters, for each day of service or any portion thereof.

Official reporters of the superior court shall be entitled to all benefits provided for the employees of the county, including, but not limited to, participation in county retirement plans, vacation, holiday and sick leave benefits, and insurance plans. These benefits shall also include the same lump sum payments for benefit accrual balances upon separation from service, as are made to employees of the county. All other compensation, fees, and benefits for official and pro tempore superior court reporters shall be as elsewhere provided by law.

(c) Upon request of the presiding judge of the municipal court of Ventura County, official and pro tempore reporters of the superior court shall act as pro tempore reporters in the municipal court in all proceedings of the municipal court where their services may be required. Official superior court reporters who are assigned to serve as pro tempore municipal court reporters under this provision, shall receive no additional compensation for such services, and pro tempore superior court reporters who are assigned to serve as pro tempore municipal court reporters shall not receive compensation in excess of one per diem fee for service in either or both of such courts on any single court day. Requests to provide the municipal court with the services of superior court reporters, shall be directed to either the presiding judge or the executive officer of the superior court by either the presiding judge or the executive office of the municipal court, and shall be effective only during the pleasure of the judges of both courts, a majority of the judges of each court concurring.

SEC. 3. Section 69996 is added to the Government Code, to read:

69996. In addition to any fee otherwise required, a fee of five dollars ($5) shall be paid to the county clerk by each party, or jointly by parties appearing jointly in each of the following instances:

(a) Where Section 26821 of this code requires such party or parties to pay the county clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(b) Where Sections 26822 to 26825, inclusive, of this code require such party or parties to pay the county clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(c) Where Section 26826 of this code requires such party or parties to pay the county clerk a fee for the appearance in a civil action or special proceeding of a defendant intervenor, respondent, correspondent, or adverse party except in an appeal from an inferior court. However, if any of the parties named in this subdivision shall

appear jointly, they shall only pay the additional fee of five dollars ($5) as provided in this section.

(d) Where Section 26827 of this code requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

SEC. 4. Section 69997 is added to the Government Code, to read:

69997. In addition to any fee otherwise required, in all contested civil trials wherein the services of a court reporter have been requested by any party to the action, a per diem fee shall be charged to the party requesting such service for each day of court reporting service or portion thereof, equal to the per diem rate established for pro tempore reporters of the court.

SEC. 5. Section 69998 is added to the Government Code, to read:

69998. No further fee than that prescribed in this article shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court, but a phonographic reporter shall be allowed and unless waived by him shall receive the fees allowed for transcribing his shorthand notes of the testimony and proceedings reported by him, as elsewhere provided by law.

SEC. 6. Section 69999 is added to the Government Code, to read:

69999. Any fee required by this article shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. Such fee shall not be subject to the provisions of Section 6103 of this code. Such fee shall not be required of any party who is exempted from the payment of costs by any statute other than Section 6103 of this code.

On or before the first day of each calendar month, the county clerk shall transmit to the county treasurer all money paid to him pursuant to this article during the preceding calendar month, or up to the day immediately preceding that on which he transmits the money. The money shall be deposited in the general fund of the county.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

SEC. 8. This is an urgency statute, necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

The legislative authority for continued employment and payment of salaries and employment benefits of court reporters in Ventura County, as presently provided by Section 69995 of the Government Code, expires with fiscal year 1973–74, on June 30, 1974. Further, the extreme competition for the services of certified shorthand reporters

mandates immediate adjustments in the rate of court reporters' compensation in order to preserve the continued effective operation of the courts in Ventura County.

CHAPTER 1127

An act to amend Section 25131 of the Government Code, relating to counties.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25131 of the Government Code, is amended to read:

25131. Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the supervisors present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section. This section shall not apply to ordinances which by statute can be passed only after notice and a public hearing.

CHAPTER 1128

An act to add Section 237 to, and to add Chapter 6 (commencing with Section 460) to Division 1 of, the Water Code, relating to water resources.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 237 is added to the Water Code, to read:

237. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, including, but not limited to, the State Energy Resources Conservation and Development Commission, shall conduct studies

and investigations on the need and availability of water for thermal electric powerplant cooling purposes, and shall report thereon to the Legislature from time to time. The department shall make available to the State Energy Resources Conservation and Development Commission all data and information compiled in connection with such studies and investigations.

SEC. 2. Chapter 6 (commencing with Section 460) is added to Division 1 of the Water Code, to read:

CHAPTER 6. WASTE WATER REUSE

Article 1. Short Title

460. This chapter shall be known as and may be cited as the Waste Water Reuse Law of 1974.

Article 2. Declaration of Policy

461. It is hereby declared that the primary interest of the people of the state in the conservation of all available water resources requires the maximum reuse of waste water in the satisfaction of requirements for beneficial uses of water.

Article 3. Action by the Department of Water Resources

462. The department shall conduct studies and investigations on the availability and quality of waste water and the uses of reclaimed waste water for beneficial purposes, including, but not limited to, ground water recharge, municipal and industrial use, irrigation use, and cooling for thermal electric powerplants.

463. The department shall study and investigate the technology of the reuse of waste water and further the development of the technology of the reclamation of waste water.

464. The department shall make findings and recommendations concerning its studies and investigations under this article and shall report thereon to the Legislature from time to time.

SEC. 3. Nothing herein contained in this act shall interfere with, or supersede, the powers, duties, and responsibilities of the State Energy Resources Conservation and Development Commission, as set forth in Chapter 276 of the Statutes of 1974.

CHAPTER 1129

An act to amend Section 3801 of the Fish and Game Code, relating to birds.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

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The people of the State of California do enact as follows:

SECTION 1. Section 3801 of the Fish and Game Code is amended to read:

3801. Unless otherwise provided by the regulations of the commission the following nongame birds may be taken and possessed by any person at any time, except as provided in Section 3000:

(a) English sparrows (Passer domesticus).

(b) Starlings (Sturnus vulgaris).

CHAPTER 1130

An act to amend Section 8022 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 8022 of the Fish and Game Code is amended to read:

8022. The receipts, reports, or other records filed with the department pursuant to the provisions of Articles 2 through 6 of this chapter, and the information contained therein, shall, except as otherwise provided in this section, be confidential, and the records shall not be public records, and, insofar as possible, the information contained in the records shall be compiled or published as summaries, so as not to disclose the individual record of business of any person.

Notwithstanding the foregoing, commercial landing receipts recorded pursuant to Sections 8011 and 8023, except for the actual name of the seller and buyer of the fish, filed with the department may be used or disseminated as determined by the director to be necessary for development of interstate management plans for Dungeness crab.

CHAPTER 1131

An act to amend Section 24001 of the Government Code, relating to eligibility for local office.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 24001 of the Government Code is amended to read:

24001. Except as otherwise provided in Sections 27550.1 and 27641.1 of this code or in this section, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 18 years or over, a citizen of the state, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to any such position be a citizen of the state or an elector of the county or district at the time of his appointment.

The assessor, tax collector, or treasurer of a district formed under the Irrigation District Law (commencing with Section 20500 of the Water Code) or under the California Water District Law (commencing with Section 34000 of the Water Code) need not be a resident or an elector of the district in which the duties of the office are to be exercised.

The board of supervisors of any county may, if it finds that the best interests of the county will be served, waive the requirement that the administrative officer be an elector of the county.

The board of supervisors or any other legally constituted appointing authority in a county that is consolidated with a city may, if it finds that the best interests of the county will be served, waive the requirements of this section for an appointment to the office of chief juvenile probation officer or chief adult probation officer that the appointee be a citizen of the state and an elector of the county.

CHAPTER 1132

An act to amend Section 1626 of the Business and Professions Code, relating to dentistry.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1626 of the Business and Professions Code is amended to read:

1626. The following practices, acts and operations, however, are exempt from the operation of this chapter:

(a) The practice of oral surgery by a physician and surgeon licensed under the Medical Practice Act.

(b) The operations by bona fide students of dentistry or dental hygiene in the clinical departments or the laboratory of a reputable dental college approved by the Board of Dental Examiners, including operations by unlicensed students while engaged in dental

extension programs which have been approved by a school of dentistry, and approved by the Board of Dental Examiners, and which are offered by the educational institution comprising the approved school of dentistry, and which are under the general programmatic and academic supervision of such school of dentistry.

(c) The practice of dentistry by licensed dentists of other states or countries while appearing and operating as bona fide clinicians or instructors in dental colleges approved by the Board of Dental Examiners.

(d) The practice of dentistry by licensed dentists of other states or countries in conducting or making a clinical demonstration before any bona fide dental or medical society, association or convention; provided, however, the consent of the Board of Dental Examiners to the making and conducting of such clinical demonstration must be first had and obtained.

(e) The construction, making, alteration or repairing of bridges, crowns, dentures, or other prosthetic appliances, or orthodontic appliances, when the casts or impressions for this work have been made or taken by a licensed dentist, but a written authorization signed by a licensed dentist shall accompany the order for the work or it shall be performed in the office of a licensed dentist under his supervision. The burden of proving written authorization or direct supervision is upon the person charged with the violation of this chapter.

It is unlawful for any person acting under the exemption of this subdivision (e) to represent or hold out to the public in any manner that he will perform or render any of the services exempted by this subdivision that are rendered or performed under the provisions of this chapter by a licensed dentist, including the construction, making, alteration or repairing of dental prosthetic or orthodontic appliances.

(f) The manufacture or sale of wholesale dental supplies.

(g) The practice of dentistry or dental hygiene by applicants during a licensing examination conducted in this state by the licensing agency of another state which does not have a dental school; provided, however, that the consent of the board to the conducting of such examination shall first have been obtained and that the examination shall be conducted in a dental college accredited by the board.

CHAPTER 1133

An act to amend Section 11512.4 of, and to add Section 10270.3 to, the Insurance Code, relating to blanket disability insurance.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 10270.3 is added to the Insurance Code, to read:

10270.3. A blanket disability policy of a type permitted under subdivision (b) or (e) of Section 10270.2 may include either a coordination of benefits policy provision or a nonduplication of benefits policy provision, at the option of the policyholder.

The essential features of any such plan under subdivision (b) or (e) shall be disclosed to the insured, or the parent or legal guardian of the insured, prior to enrollment in any such plan. All such disclosures shall state whether or not the benefits payable under such blanket insurance policy are subject to reduction, to the extent provided in such policy, if an individual insured thereunder is entitled to benefits, whether on an indemnity basis or on a provision-of-service basis for hospital, medical, dental, or surgical expenses under any other valid and collectible individual, group, or blanket insurance policy or contract, hospital or medical service program, or group-practice prepayment plan, except for automobile medical payments insurance.

The disclosure material shall be submitted to the commissioner for review along with the blanket insurance policy.

SEC. 2. Section 11512.4 of the Insurance Code is amended to read:

11512.4. (a) Blanket hospital service contracts may be issued to a college or school or to the head or principal thereof or to the governing board of any school district providing for services to pupils of such schools when such services are required as the result of accident to such pupils while they are required to be in or on buildings or other premises of the school or district during the time they are required to be therein or thereon by reason of their attendance upon a college or regular day school or any regular day school of a school district or while being transported to and from school or other place of instruction. No pupil shall be compelled to accept such service without the consent of his parent or legal guardian.

(b) A blanket hospital service contract authorized by this section may include either a coordination of benefits contract provision or a nonduplication of benefits contract provision, at the option of the contracting agency. Any contract containing such a provision shall disclose to the contracting agency, or the parents or legal guardians of pupils served by such contract, the essential features of any such provision. All such disclosures shall state whether or not the services provided under such blanket hospital service contract are subject to reduction, to the extent provided in such contract, if an individual covered thereunder is entitled to benefits, whether on an indemnity basis or on a provision-of-service basis, for hospital, medical, dental, or surgical expenses under any other valid and collectible individual, group, or blanket insurance policy or contract, hospital or medical

service program, or group-practice prepayment plan, except for automobile medical payments insurance.

The disclosure material shall be submitted to the commissioner for review along with the blanket hospital service contract.

CHAPTER 1134

An act to amend Section 8352.7 of, and to add Section 8352.9 to, the Revenue and Taxation Code, relating to transportation financing.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 8352.7 of the Revenue and Taxation Code is amended to read:

8352.7. (a) Subject to the provisions of Sections 8352 and 8352.1, there shall be transferred from money deposited to the credit of the Motor Vehicle Fuel Account to the Off-Highway Vehicle Fund created by Section 38225 of the Vehicle Code, the following amounts:

(1) In the first quarter of the 1975–76 fiscal year, the amount of the estimate contained in the report prepared pursuant to this section for the 1974–1975 fiscal year, less an amount equal to the expenses of the Department of Transportation attributable to preparing the first report specified in this section.

(2) In the first quarter of the 1976–77 fiscal year, and in the first quarter of each fiscal year thereafter, an amount equal to the estimate contained in the most recent report prepared pursuant to this section.

(b) The amounts described in paragraphs (1) and (2) of subdivision (a) represent the money deposited to the credit of the Motor Vehicle Fuel Account attributable to taxes imposed upon distributions of motor vehicle fuel used in motor vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, while engaged in off-highway recreational use, for which a refund has not been claimed, or for which no person is entitled to a refund. Payments made pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(c) On or before August 15, 1975, and every two years thereafter, the Department of Transportation shall prepare, or cause to be prepared, in cooperation with the Department of Parks and Recreation, a report, a copy of which shall be submitted to the Legislature, setting forth the current estimate of the amount of money credited to the Motor Vehicle Fuel Account attributable to taxes imposed on distributions of motor vehicle fuel used in motor vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, while engaged in off-highway

recreational use, and for which a refund has not been claimed, or for which no person is entitled to a refund.

(d) It is the intent of the Legislature that the off-highway recreational use, to be determined by the Department of Transportation pursuant to this section, be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use of vehicles registered under Division 16.5 (commencing with Section 38000) of the Vehicle Code may occur.

SEC. 2. Section 8352.9 is added to the Revenue and Taxation Code, to read:

8352.9. The Controller shall withhold from any funds transferred pursuant to any section of this chapter an amount equal to the cost, as determined by the Department of Transportation, to the State Highway Account for preparing any report needed in order to establish the appropriate amount of any such transfer. He shall transfer such amounts withheld to the State Highway Account in the State Transportation Fund.

CHAPTER 1135

An act to amend Section 213.1 of the Elections Code, relating to elections.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 213.1 of the Elections Code is amended to read:

213.1. The county clerk of any county in this state may take the affidavit of registration of any elector who resides or claims residence in another county in this state if it is within seven days prior to the close of registration for any statewide primary or general election, and the elector will not have sufficient time to either return to his county of residence to register or write for registration by mail before the close of registration for the election. The county clerk of any county in this state may take the affidavit of registration of any elector who resides or claims residence in another county in this state if the elector's registration is taken in connection with a naturalization hearing at which the elector became a citizen. The affidavit shall be forwarded to the county clerk of the county in which the elector resides The county clerk of the county in which the elector resides may use the affidavit of registration from the other county as his permanent record or may copy the information from the affidavit of registration on to the form used in his county and in this instance shall forward the copied form to the elector for

signature. If the information from the affidavit of registration is copied on to the form used in his county, the county clerk shall immediately mail the copied form to the elector for his signature. The signature shall not need verification other than comparison by the county clerk on return. The copied form shall be accompanied by a postage prepaid self-addressed envelope for the return of the affidavit. The original affidavit of registration shall serve to qualify the elector to vote in subsequent elections until the return of the copied form. The copied form shall, in all respects, serve as a valid affidavit of registration taken in the county in which the elector resides.

CHAPTER 1136

An act to repeal Section 153 of Chapter 963 of the Statutes of 1967, relating to capital outlay.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 153 of Chapter 963 of the Statutes of 1967 is repealed.

CHAPTER 1137

An act to amend Section 50274 of the Government Code, relating to city selection committees.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 50274 of the Government Code is amended to read:

50274. At the first organizational meeting of a city selection committee held pursuant to Section 50273, it shall select from among its members a permanent chairman and vice chairman, and such other officers as it deems necessary. The term of office of the chairman and vice chairman shall be not less than one year nor more than four years as determined in the rules and regulations adopted by a city selection committee pursuant to Section 50275. At least 60 days prior to the expiration of the term of office of the chairman and vice chairman, or as otherwise provided in the rules and regulations adopted by a city selection committee pursuant to Section 50275, the

city selection committee shall meet and select a successor to the chairman and to the vice chairman.

CHAPTER 1138

An act to amend Sections 16321, 16373, 16384, 16385, 16681, and 16830 of, to amend the heading of Chapter 5 (commencing with Section 16500) of Part 4 of Division 9 of, and to add Sections 16345 and 16504 to, the Water Code, relating to the Bay Area Sewage Services Agency.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 16321 of the Water Code is amended to read:

16321. The first meeting of the agency board selection committee of each county shall be held on or before June 30, 1972, in the chambers of the board of supervisors of such county for the purpose of making recommendations for appointments to the first board of agency. For purposes of organizing the first meeting of each agency board selection committee, the county clerk of each county shall act as temporary chairman of the agency board selection committee. The temporary chairman of each agency board selection committee shall fix a date and time for the first meeting of the committee and shall give mailed notice of such date and time to the mayor of each city within the county and the president of the board of directors of each special district having territory within the county which operates water quality control facilities, as defined in Section 16029. The committee shall meet on such date and at such time and thereafter shall meet on such dates and times as it may determine.

At the first meeting of the agency board selection committee, it shall select from its members a permanent chairman and such other officers as it deems necessary. The county clerk of each county as defined in Section 50270.5 of the Government Code shall act as the permanent secretary and recording officer of the agency board selection committee organized within such county and all meetings of the committee shall be conducted in the presence of such county clerk or his deputy. In counties having an organized conference of mayors meeting on a regular basis, the chairman thereof may be designated as permanent chairman of the selection committee by virtue of such office.

SEC. 2. Section 16345 is added to the Water Code, to read:

16345. The board shall appoint one of the members of its finance committee as the agency board controller who shall hold office for the term prescribed in the agency bylaws. The agency board controller shall review and check expenditures of the agency and

shall render a monthly report to the agency board.

SEC. 3. Section 16373 of the Water Code is amended to read:

16373. The general manager with approval of the board may appoint a finance director, a clerk, a treasurer, an attorney, and such other officers as the agency board may authorize, who shall hold office at the pleasure of the board.

SEC. 4. Section 16384 of the Water Code is amended to read:

16384. The finance director shall install and maintain a system of auditing and accounting which shall completely and at all times show the financial condition of the agency. He shall make payment for demands against the agency following approval by the general manager and the agency board. He shall perform such other duties as the agency board or general manager may require.

SEC. 5. Section 16385 of the Water Code is amended to read:

16385. The treasurer shall be the custodian of the funds of the agency. He shall keep an account of all receipts and disbursements.

SEC. 6. The heading of Chapter 5 (commencing with Section 16500) of Part 4 of Division 9 of the Water Code is amended to read:

CHAPTER 5. CONSULTANTS, ADVISORY COMMITTEE, AND AUDIT

SEC. 7. Section 16504 is added to the Water Code, to read:

16504. The agency board shall appoint a qualified firm of certified public accountants to conduct an annual outside audit of the agency's fiscal records and accounts and to render an audit report for the fiscal year to the agency board.

SEC. 8. Section 16681 of the Water Code is amended to read:

16681. The agency may assume the responsibility for construction and operation, and may construct and operate water quality control facilities, or local sewage collection facilities to the extent necessary to provide service to existing development, consistent with the adopted and approved regional water quality management plan under the following conditions:

(a) When requested to do so by a local agency or group of local agencies.

(b) When the agency, after notice and a public hearing, finds both of the following:

(1) The proposed water quality control facilities and a firm commitment for their construction and operation are needed.

(2) A local agency or, collectively, a group of local agencies does not wish to proceed or cannot proceed.

"Existing development", for purposes of this section, means those areas designated by a board of supervisors or a city council, as the case may be, as areas intended for land uses which will require sewage collection facilities. A board of supervisors or city council shall make such designation by resolution within 30 days after receipt of an appropriate request from the agency. Such areas of existing development shall be consistent with the regional land use plan of the areawide agency designated by the federal or state government

to perform regional planning for the entire region.

SEC. 9. Section 16830 of the Water Code is amended to read:

16830. For the purpose of payment of operating and other expenses the board may borrow money and issue notes in anticipation of the receipt of revenues to be obtained pursuant to this division. Any such notes may mature and may be made payable not later than the end of such fiscal year in which revenues anticipated will be received. The principal sum borrowed, together with all interest and any other amounts to become due and payable to the holders of the notes, shall not exceed the estimated amount to be received as provided for in this division. Except as otherwise provided for in this section, the notes shall be authorized and issued pursuant to Sections 53853 to 53857, inclusive, of the Government Code.

SEC. 10. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local agency which desired legislative authority to carry out the program specified in this act.

CHAPTER 1139

An act to amend Section 5474 of the Health and Safety Code, relating to sanitation.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 5474 of the Health and Safety Code is amended to read:

5474. An entity shall have the power by ordinance approved by two-thirds vote of the members of the legislative body thereof to fix fees or charges for the privilege of connecting to its sanitation or sewerage facilities and improvements constructed by the entity pursuant to Sections 5463 and 5464, to fix the time or times at which such fees or charges shall become due, to provide for the payment of said fees or charges prior to connection or in installments over a period of not to exceed 15 years, to provide the rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges, and to provide that the amount of such fees or charges and the interest thereon shall constitute a lien against the respective lots or parcels of land to which said facilities are connected at the time and in the manner specified in Sections 5473.5 and 5473.8. Prior to making such fees or charges a lien against the land, the legislative body shall give notice to the owners of the lots or parcels

of land affected, which notice shall set forth the following:

1. The schedule of fees or charges to be imposed by the entity.

2. A description of the property subject to such fees or charges, which description may be by reference to a plat or diagram on file in the office of the clerk of the legislative body, or to maps prepared in accordance with Section 327, Revenue and Taxation Code, and on file in the office of the county assessor.

3. The time or times at which such fees or charges shall become due.

4. The number of installments in which such fees or charges shall be payable.

5. The rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.

6. That it is proposed that the fees or charges and interest thereon shall constitute a lien against the lots or parcels of land to which the facilities are furnished.

7. The time and place at which the legislative body will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.

CHAPTER 1140

An act to amend Section 39151 of the Health and Safety Code, relating to air pollution.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 39151 of the Health and Safety Code is amended to read:

39151. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter or the standards set pursuant to Section 39052.5 or 39052.6, or revised standards set pursuant to subdivision (k) of Section 39052, shall be sold and registered in this state unless the engine and transmission combination used in that vehicle (1) is designed to operate satisfactorily on a gasoline having a research octane number not greater than 91 if the engine used in such combination is required to use unleaded fuel and (2) has been approved by the board.

Vehicle manufacturers shall test engine and transmission combinations in vehicles which are representative of the types of vehicles in which that engine and transmission combination is used.

CHAPTER 1141

An act to add Section 12156 to the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 12156 is added to the Welfare and Institutions Code, to read:

12156. In determining, for purposes of this chapter, whether an individual is blind, there shall be an examination of such individual by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select in accordance with applicable federal law.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to fully implement that portion of the federal regulations pertaining to determination of blindness under Title XVI of the Social Security Act, it is necessary that this act take immediate effect.

CHAPTER 1142

An act to add Section 10756 to the Education Code, relating to pupil records.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 10756 is added to the Education Code, to read:

10756. Whenever there is included in the written records or the cumulative record of a pupil information concerning any disciplinary action that was employed by school district personnel in connection with the pupil, including, but not limited to, the suspension or expulsion of the pupil, the governing board of the school district maintaining such record or records shall allow the pupil's parent or guardian to include in such written records or cumulative record a written statement or response concerning the disciplinary action.

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CHAPTER 1143

An act to add Section 30836.1 to the Public Utilities Code, relating to the Southern California Rapid Transit District.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 30836.1 is added to the Public Utilities Code, to read:

30836.1. (a) No funds derived from taxes imposed pursuant to this article shall be expended for any purpose, other than research, planning, and necessary preliminary engineering of public mass transit guideways (and their related fixed facilities) unless the report submitted pursuant to subdivision (c) is adopted by each local jurisdiction or the points of issue between the district and each local jurisdiction are resolved by an arbitration board appointed pursuant to subdivision (f).

(b) For purposes of this section, "local jurisdiction" means (1) the County of Los Angeles acting in unincorporated areas and (2) any incorporated city in the county, in which the proposed capital improvement project, in whole or in part, is located or is located within one mile of its boundaries.

(c) Prior to expenditure of such funds for other than such research, planning, and necessary preliminary engineering purposes and prior to incurring any obligation to pay limited tax bonds, and after consultation with the local jurisdictions, the district shall prepare and file a report approved by the board of directors with each local jurisdiction showing:

(1) A general description of the capital improvement project, its route, the transit mode, and the area to be served thereby.

(2) General plans, profiles, and cross sections of the work to be done on the project.

(3) A general description of how the work is to be performed, including projected scheduling and staging of improvements.

(4) An estimate of the total cost of the project, including an estimate of the cost of lands, rights-of-way, and easements, and a listing of the sources of funds necessary to pay for the project.

(d) Each local jurisdiction shall have 60 days following receipt of the report from the district in which to review the report and either adopt or reject the project as represented in the report. In its review an incorporated city shall consider any comments and recommendations made by the County of Los Angeles concerning the effect of the project on major county facilities and services located within the city. In its review the County of Los Angeles shall consider any comments and recommendations made by any incorporated city affected by the project concerning the effect of the project on major city facilities and services located in unincorporated

areas of the county. If no formal action of rejection is taken by a local jurisdiction within 60 days, the report shall be deemed adopted by that local jurisdiction. Rejection may be based on physical, social, economic, environmental or other considerations in the sound discretion of the local jurisdiction, but a written report documenting the reasons for rejection shall be furnished to the district.

(e) In the event that any local jurisdiction rejects the report as prepared by the district, all points of issue outlined in the rejection report required of the local jurisdiction shall be submitted to an arbitration board.

(f) The arbitration board shall be composed of the Director of Transportation, two representatives of the district, one of whom shall be a member of the board of directors, and two representatives of the local jurisdiction rejecting the report. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of the Director of Transportation shall be provided half by the district and half by the local jurisdiction. If, within 30 days, the arbitration board cannot reach a decision, the Director of Transportation shall render a decision which shall be final and binding upon the parties.

CHAPTER 1144

An act to amend Sections 12530, 12531, 12532, 12534, 12535, 12538.3, 12538.4, 12538.5, 12539, 12539.1, and 12539.3 of, and to add Sections 12535.1, 12538.6, 12538.7, 12538.8, 12539.5, 12539.6, and 12539.7 to, the Government Code, relating to the Knox-Mills Health Plan Act, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 12530 of the Government Code is amended to read:

12530. This article shall be known and may be cited as the Knox-Mills Health Plan Act.

In this article unless the context otherwise requires:

(a) "Health care service plan" shall mean any form of organization or any arrangement whereby any person undertakes responsibility to provide, arrange for, pay for or reimburse any part of the cost of any health care service for a consideration consisting in part of prepaid or periodic charges. The provisions of this article shall not apply to such a plan operated by an insurer, a nonprofit hospital service plan, or a fraternal benefit society, while such plan is so operated within the scope of the current certificate of authority

issued by the Insurance Commissioner. Further, the provisions of this article shall not apply to a health care service plan directly operated by a bona fide public or private institution of higher education which is a direct provider of health care services to its students, faculty, staff, and administration, and their respective dependents, provided that such plans shall submit copies of its advertising and brochures to the Attorney General; nor shall the provisions of this article apply to a health care service plan operated and managed by a trust fund negotiated by collective bargaining between an employer and a labor organization, as those terms are defined below or established and operated by an employer for his employees; provided that:

(1) The charges for the health care service are paid entirely by the trust fund, or entirely by the employer, or jointly by employer and employee; and

(2) No persons other than employees of the employer, or their family dependents, are eligible to become members of the health care service plan; and

(3) The plan is not advertised nor solicited except to persons eligible to subscribe to the plan. "Employer" shall mean any person acting directly as an employer or indirectly in the interest of an employer in relation to an employee health care service plan, and includes a group or association of employers acting for an employer in such capacity. "Labor organization" shall mean any labor union which exists for the purpose, in whole or in part, of negotiating with an employer concerning an employee health care service plan, or other matters incidental to employment relationships. "Employee" shall mean any individual employed by an employer, or any family dependent of such individual.

(b) "Health care service" means any service included in the furnishing to any person of medical or dental care, treatment; or hospitalization or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of services purporting to constitute any system of alleviating, curing, or healing human illness or injury.

(c) "Member" shall mean a person who has been enrolled as a subscriber or a family dependent of a subscriber to a health care service plan and is entitled under the membership contract issued by such plan to receive health care services;

(d) "Membership contract" shall mean any contract, or in the absence of a formal contract, any other written description of rights and benefits enjoyed by members of the plan, issued by a health care service plan to its members;

(e) "Representative" shall mean any person directly or indirectly associated, whether as an officer, agent, employee, partner, associate, consultant, independent contractor or otherwise, with any health care service plan or with any provider of health care services pursuant to arrangements in effect with any health care service plan.

(f) "Healing arts" shall mean all professions or other occupations, the practice of which is governed by Division 2 (commencing with

Section 500) of the Business and Professions Code, or by the Chiropractic Initiative Act;

(g) "Advertising" shall mean communication to the public or any segment thereof by means of radio, television, newspaper, magazine, periodical, brochure, pamphlet, circular, or any other means, information purporting to relate to or describe a health care service plan or the costs or benefits thereof, if such communication is intended to cause, or may reasonably be expected to cause, recipients to become interested in becoming members of a health care service plan; provided however, that annual reports, written addresses, articles, statistical reports, reports of surveys or research studies and similar documents shall not be deemed to constitute advertising unless used for the purpose of attracting members to enroll in a health care service plan.

(h) "Solicitation" shall mean any communication, written or oral, in person or by means of telephone, radio, television, newspaper, magazine, periodical, brochure, circular, or otherwise, of any offer of coverage in a health care service plan, or invitation, or request to enroll in a health care service plan, or attempt to obtain consideration for the coverage of a health care service plan, or any other device, the apparent purpose or reasonable effect of which would be to induce the recipient thereof to enroll in, or pay any consideration for the coverage provided by, a health care service plan.

(i) "Cash or equivalent" means any or all of the following:

(1) Cash on hand;

(2) Cash in bank subject to immediate withdrawal;

(3) Readily marketable securities listed on a national securities exchange;

(4) Bank acceptances, time deposits or certificates of deposits that mature within 90 days of the date of purchase or are negotiable;

(5) Investments in savings and loan associations upon satisfactory proof that the funds of the health care service plans are readily available upon demand;

(6) United States Treasury bills and United States bonds and bonds of state and other government units whose marketability and value are established by satisfactory proof; and

(7) Such other assets readily convertible into cash as the Attorney General may by regulation authorize.

The valuation to be assigned to a cash equivalent is the price at which such asset is immediately marketable at a forced sale.

(j) "Net equity" means the excess of total assets over total liabilities determined in accordance with generally accepted accounting principles.

(k) "Tangible net equity" means net equity reduced by the value assigned to intangible assets including but not limited to such items as goodwill, going concern value, organization expense, starting up costs, long-term prepayments of deferred charges and nonreturnable deposits.

The foregoing definitions are intended to apply only to the interpretation of this article and shall not alter or affect the application of any other law or regulation.

SEC. 1.5. Section 12531 of the Government Code is amended to read:

12531. For the purposes of this article:

(a) A representation shall be deemed to be untrue if it does not conform to fact in any respect which is or may be significant to a member of, or person considering enrollment in or payment to, a health care service plan, or considering utilization of a plan's services.

(b) A representation shall be deemed to be misleading, whether or not it may be literally untrue, if, in the total context in which such representation is made, the representation tends to mislead a reasonable person, not possessing special knowledge regarding health care service plans.

(c) A membership contract shall be deemed to be deceptive if the contract taken as a whole, and with consideration given to typography and format, as well as language, shall be such as to cause a reasonable person, not possessing special knowledge regarding health care coverage and contracts therefor, to expect benefits, services, rates or other advantages which the contract does not provide or which the health care service plan issuing such contract does not regularly make available for members covered under such contract.

SEC. 2. Section 12532 of the Government Code is amended to read:

12532. It shall be a violation of this article for any health care service plan or any representative of a health care service plan to use, or cause, or knowingly permit the use of either of the following:

(a) Representations which are untrue or misleading. As used in this article, "representation" includes, but is not limited to, "advertising" and "solicitation."

(b) Any form of membership contract which is deceptive.

SEC. 3. Section 12534 of the Government Code is amended to read:

12534. The Attorney General, acting in the name of the state, may issue an order directing a health care service plan or a representative of a health care service plan to cease and desist from engaging in any act or practice in violation of the provisions of this article, and from accepting new members or operating as long as such violation or violations exist.

Within 15 days after service of the order of cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearings shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and judicial review shall be available as provided by Section 11523 of the Government Code. Such request shall not automatically stay the

effect of the cease and desist order, unless the cease and desist order either prohibits acceptance of new members by a plan or orders cessation of the operation of the plan. In either such event, the order, or that portion of the order, shall be stayed if a timely request is made for a hearing. If a hearing is held, and a finding is made that the health or safety of the members and potential members of the plan might be adversely affected by its continued operation, the stay shall be terminated. Such a finding shall be made, if at all, not later than 30 days after the date of the hearing.

SEC. 4. Section 12535 of the Government Code is amended to read:

12535. In the case of any violation of the provisions of this article, if the Attorney General elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued pursuant to Section 12534, the Attorney General may institute a proceeding to obtain injunctive relief, in receivership, or seeking other appropriate relief, in the superior court in and for the county in which the violation occurs, or in which the principal place of business of the plan is located. Any proceeding under this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the Attorney General shall not be required to allege facts tending to show the lack of an adequate remedy at law or tending to show irreparable damage or loss. The remedy set forth in this section, and all others set forth in this article, are cumulative to any other remedies which are otherwise available to the Attorney General.

SEC. 5. Section 12535.1 is added to the Government Code, to read:

12535.1. In any case in which it appears to the Attorney General to be in the public interest, the Attorney General may, with the consent of the health care service plan, appoint a conservator for a period not exceeding 90 days. The powers and duties of the conservator shall be set forth in a document entitled "Appointment of Conservator—Powers and Duties." The cost of the services of the conservator shall be borne entirely by the health care service plan.

SEC. 6. Section 12538.3 of the Government Code is amended to read:

12538.3. The books and records of any health care service plan and the books and records of any plan maintained by any management company shall be open to inspection or examination of the Attorney General at all times during normal business hours. Each health care service plan shall inform the Attorney General of the name and address of each management company with which it has contracted, and shall supply to the Attorney General copies of all contracts entered into between the plan and the management company. As used in this article, "management company" shall mean any corporation, partnership, or other business entity which contracts with a health care service plan for management services.

SEC. 6.5. Section 12538.4 of the Government Code is amended to read:

12538.4. (a) Upon initial application for registration, each health care service plan shall pay an initial application fee of five hundred dollars ($500), which shall be nonrefundable. For each year thereafter, the annual registration fee shall be five hundred dollars ($500) plus eight cents ($0.08) for each individual or family unit covered as of the close of its last accounting year, as it is the legislative intent that this measure be self-supporting. Any prepaid drug plan entered into by the State Department of Health for recipients of public assistance shall not be subject to such registration fee.

(b) All funds received by the Attorney General pursuant to the provisions of this article shall be deposited in the Health Care Service Plan Account, which is hereby created as a special account in the General Fund. All funds in such account shall be continuously appropriated to the Attorney General and allocated by the Director of the Department of Finance to the extent necessary to carry out the provisions and purposes of this article.

SEC. 7. Section 12538.5 of the Government Code is amended to read:

12538.5. For the protection of the public, the Attorney General may adopt, amend, or repeal such rules and regulations as are necessary or proper for the enforcement of the provisions of this act. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act. The violation of any rules or regulations enacted by the Attorney General for the enforcement of the provisions of this act shall be deemed a violation of the provisions of this article.

SEC. 8. Section 12538.6 is added to the Government Code, to read:

12538.6. The Attorney General may require periodic financial reports by health care service plans. Each health care service plan shall report to the Attorney General on such periodic financial reports and at the inception of any guarantee or any agreement to guarantee the obligation of any person, corporation, partnership, or any other entity.

SEC. 9. Section 12538.7 is added to the Government Code, to read:

12538.7. If, on the first day of any given month, a health care service plan has bills outstanding for payment for more than 120 days from the date of the receipt for any service, the plan shall immediately notify the Attorney General.

SEC. 10. Section 12538.8 is added to the Government Code, to read:

12538.8. Every health care service plan which contracts for management services or consultant services, or which agrees to pay compensation for the solicitation of members or subscribers, shall provide in such contracts that the books of such management, consultant, or solicitation companies, groups, or other business

entities, as they relate to the health care service plan, shall be available for inspection by the Attorney General. Copies of all such contracts shall be supplied to the Attorney General.

SEC. 11. Section 12539 of the Government Code is amended to read:

12539. No health care service plan subject to the provisions of this article shall establish, maintain or operate a health care service plan unless such plan shall have and at all times maintain a tangible net equity equal to the following minimum amounts in relation to the number of individuals and family units entitled to health care services under contracts issued by such health plan:

Number of individual family units	Amount of tangible net equity
2,500 or less	$10,000
2,501 to 3,500 inclusive	15,000
3,501 to 4,500 inclusive	20,000
4,501 to 5,500 inclusive	25,000
5,501 to 10,000 inclusive	30,000
10,001 to 20,000 inclusive	40,000
20,001 to 30,000 inclusive	50,000
30,001 to 40,000 inclusive	60,000
40,001 to 50,000 inclusive	70,000
50,001 to 60,000 inclusive	80,000
60,001 to 70,000 inclusive	90,000
70,001 to 80,000 inclusive	100,000
80,001 to 90,000 inclusive	110,000
90,001 to 100,000 inclusive	120,000
100,001 to 200,000 inclusive	170,000
200,001 to 300,000 inclusive	220,000
300,001 to 400,000 inclusive	270,000
400,001 to 500,000 inclusive	320,000
500,001 and above	370,000

The failure of any health care service plan to maintain the required minimum tangible net equity constitutes a violation of this article.

SEC. 12. Section 12539.1 of the Government Code is amended to read:

12539.1. Every health care service plan which reimburses providers of health care service that do not contract in writing with the health plan to provide health care services for a specified consideration, or which reimburses its members for expenditures incurred in having received health care service from providers that do not contract with the health plan, in an amount which exceeds 10 percent of its total expenditures for health care services for the immediately preceding two calendar quarters, shall either (a) maintain cash or equivalents at least equal to the aggregate sum of the last four months of such payments which were made and accrued to such providers of service and its members, or (b) maintain

adequate insurance to compensate for any loss resulting from the insolvency of the health care service plan; provided however, that the Attorney General may, in his discretion, waive or reduce these requirements to such amount as he deems sufficient to protect subscribers to such plan. Every health care service plan shall promptly report to the Attorney General whenever such reimbursals exceed 10 percent of its total expenditures for health care services over the immediately preceding two calendar quarters.

SEC. 13. Section 12539.3 of the Government Code is amended to read:

12539.3. Every health care service plan which reimburses providers of health care service on a fee-for-service basis, or which directly reimburses its members, to an extent exceeding 10 percent of its total payments for health care services, shall estimate and record in the books of account a liability for incurred and unreported claims. Upon a determination by the Attorney General that the estimate is inadequate, the Attorney General may require the health care service plan to increase its estimate of incurred and unreported claims. Every health care service plan shall promptly report to the Attorney General whenever such reimbursals exceed 10 percent of its total expenditures for health care services.

As used herein the term "fee for service" refers to the situation where the amount of reimbursement paid by the health care service plan to providers of service is determined by the amount and type of service rendered by the provider of service.

SEC. 14. Section 12539.5 is added to the Government Code, to read:

12539.5. Every health care service plan shall report quarterly all changes in the number of individual family units which would affect the amount of tangible net equity required pursuant to Section 12539.

SEC. 15. Section 12539.6 is added to the Government Code, to read:

12539.6. Every contract between a health care service plan and a provider of health care services shall set forth that in the event the health care service plan fails to pay for medical service as set forth in the membership contract, the member shall not be liable to the provider for any sums owed by the plan. The contract shall also require the provider to notify the Attorney General upon cancellation or amendment of the contract. Every health care service plan shall notify the Attorney General of the name of each provider who has contracted with the health care service plan, and shall supply copies of such contracts or a copy of a form contract if form contracts are used.

SEC. 16. Section 12539.7 is added to the Government Code, to read:

12539.7. An enrollment or a subscription in a health care service plan may be canceled or refused renewal only for one or more of the following reasons:

(a) Failure to pay the charge for coverage under such plan.

(b) Knowingly permitting fraud or deception by another in the use of the services or facilities of the plan.

(c) Such other good cause as is agreed upon in the contract between the plan and the subscriber and enrollee in such plan.

SEC. 17. Existing contracts between health care service plans and providers of health care services shall be brought into conformity with the provisions of this act, by amendment or rider, within one year after the effective date of this act.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to alleviate or minimize at the earliest possible time the adverse conditions caused by the unregulated state of the health care service plan industry as it affects the citizens of California, it is necessary that this act take effect immediately.

CHAPTER 1145

An act to add Section 25270.5 to the Vehicle Code, relating to warning lights.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25270.5 is added to the Vehicle Code, to read:

25270.5. Any motor vehicle engaged in, or aiding in, the herding of sheep along or across a public roadway may display flashing amber warning lights to the front and rear of the vehicle while it is stopped in the roadway near the sheep or is proceeding with the sheep along the roadway.

CHAPTER 1146

An act to amend Section 25536 of the Government Code, relating to county contracts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25536 of the Government Code is amended to read:

25536. Nothing in this article shall prevent the board of supervisors of a county from, and the board of supervisors of any county is empowered to make contracts, acquiring, leasing or subleasing property pursuant to Section 1261 of the Military and Veterans Code, or, by a four-fifths vote of the board, entering into leases or concession or managerial contracts involving leasing, subleasing all or any part of county-owned, leased or managed property devoted to or held for ultimate use for airport, vehicle parking, fairground, beach, park, amusement or recreation or employee cafeteria purposes or industrial or commercial development incidental thereto or not inconsistent therewith without compliance with this article.

CHAPTER 1147

An act to amend Section 31521 of the Government Code, relating to the County Employees Law of 1937.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 31521 of the Government Code is amended to read:

31521. The board of supervisors may provide that the fourth and fifth members, and in counties having a board consisting of nine members, the fourth, fifth, sixth, eighth, and ninth members and in counties having a board of investments under Section 31520.2, the fifth, sixth and seventh members of such board of investment, shall receive compensation at a rate of not more than one hundred dollars ($100) a meeting for not more than three meetings per month together with actual and necessary expenses.

CHAPTER 1148

An act to amend Section 5254 of the Education Code, relating to kindergarten.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5254 of the Education Code is amended to read:

5254. (a) A child shall be admitted to a kindergarten in any term during the first school month of the term, if he is of the age prescribed. For good cause the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.

If there is but one term during the school year, the child shall be 4 years and 9 months of age on or before September 1st of the current school year. If there are two terms maintained during the school year, the child shall be 4 years and 9 months of age on or before September 1st of the current school year, before he may be admitted in the first term of the school year, or 4 years and 9 months of age on or before February 1st of the current school year, before he may be admitted in the second term in any school year.

A child who will be 4 years and 9 months of age on or before September 1st, may be admitted to the prekindergarten summer program maintained by the school district for pupils who will be enrolling in kindergarten in September.

(b) The governing board of any school district maintaining one or more kindergartens may admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian. The governing board shall provide the parent or guardian with information as to the advantages and disadvantages and any other explanatory information as to the effects of this early admittance.

CHAPTER 1149

An act to amend Sections 25605 and 25855 of the Education Code, relating to deaf and blind pupils.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 25605 of the Education Code is amended to read:

25605. All money expended under the authority of any such certificate for clothing and transportation, necessary dental work, eye care, operations, and hospitalization, and all money expended by the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency for which the Department of Education cannot be reimbursed by the parent or guardian of the child as shown by the certificate, constitutes a legal charge against the county from which the certificate is issued. Expenditures for clothing and

transportation shall not exceed the sum of three hundred eighty-five dollars ($385) for the 1974–75 school year, and an amount thereafter which shall be adjusted annually in conformance with the Consumer Price Index, all items, of the Bureau of Labor Statistics of the United States Department of Labor, measured for the calendar year next preceding the fiscal year to which it applies. The State Controller shall determine the amount authorized pursuant to this section for the 1975–76 school year and thereafter.

SEC. 2. Section 25855 of the Education Code is amended to read:

25855. All money expended under the authority of any such certificate for clothing and transportation, necessary dental work, eye care, operations and hospitalization, and all money expended by the Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency for which the Department of Education cannot be reimbursed by the parent or guardian of the child as shown by the certificate, constitutes a legal charge against the county from which the certificate is issued. Expenditures for clothing and transportation shall not exceed the sum of three hundred eighty-five dollars ($385) for the 1974–75 school year, and an amount thereafter which shall be adjusted annually in conformance with the Consumer Price Index, all items, of the Bureau of Labor Statistics of the United States Department of Labor, measured for the calendar year next preceding the fiscal year to which it applies. The State Controller shall determine the amount authorized pursuant to this section for the 1975–76 school year and thereafter.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 1150

An act to amend Section 6947 of, and to repeal Sections 6760, 6802.15, and 6904.3 of, the Education Code, relating to special education.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 6760 of the Education Code is repealed.

SEC. 2. Section 6802.15 of the Education Code is repealed.

SEC. 3. Section 6904.3 of the Education Code is repealed.

SEC. 4. Section 6947 of the Education Code is amended to read:

6947. It is the intent of the Legislature, in enacting this section,

to encourage school districts and county superintendents of schools to design, implement, and evaluate innovative, exemplary education and training programs for the exceptional pupils enrolled in the public schools of this state. Therefore, the Superintendent of Public Instruction is hereby granted broad administrative discretion to approve exemplary experimental programs to operate at variance with Education Code Sections 6421 through 6434, 6750 through 6759, 6801 through 6820, 6880 through 6880.50, 6901 through 6933, 11054, and 11227.

Such variance may include the guarantee of full apportionment for approved experimental programs which vary from maximum class size or duration or both and other provisions relating to deriving apportionment per average daily attendance when in the opinion of the Superintendent of Public Instruction the quality and innovativeness of the experimental program warrants.

Enrollment in experimental programs for exceptional pupils shall be limited to any combinations of children enrolled in programs for exceptional pupils as specified in this section, at the time of application for approval to operate the experimental program. In any event, no more than 5 percent of the statewide enrollment of exceptional pupils in each of the programs included in this section may be enrolled in experimental programs in a given fiscal year.

The State Board of Education shall adopt rules and regulations relating to the application for, operation of, and evaluation of, exemplary experimental programs for exceptional pupils.

CHAPTER 1151

An act to add Section 893 to the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 893 is added to the Welfare and Institutions Code, to read:

893. (a) The board of supervisors of any county with a population of five million or more may provide and maintain a pilot project school at a juvenile home, ranch or camp for the purpose of meeting the special educational needs of wards and dependent children of the juvenile court. Such pilot project school shall be conducted in such a manner and under such conditions as will minister to the specific individualized educational and training needs of each ward and dependent child in furtherance of the objective of assisting each of them, as much as possible, to fulfill his

potential to be a contributing, law-abiding member of society. In the event the board of supervisors determines that such objective may be promoted as well as or better by provision of educational and training services by a qualified private organization, the board of supervisors on behalf of the county may enter into annual contracts, with or without options to renew, for the provision of such services by such an organization.

(b) The Legislature hereby finds and determines that there are persons whose educational and vocational backgrounds and personal leadership qualities peculiarly fit them to instruct and train wards of the court in promotion of the aforesaid objective, but who lack certification qualifications. Accordingly, the probation officer is hereby authorized to certify to the county board of education and the Superintendent of Public Instruction that a person employed or to be employed by an organization retained by contract to provide vocational training courses at the pilot project school is peculiarly fit to instruct and train wards of the court in such vocational training courses in promotion of the aforesaid objective. Such certification shall specify the type or types of service the person is qualified to provide. Upon filing of such certification, such person shall be deemed to be a certificated employee for purposes of authorizing him to provide the services described in the certificate and for apportionment purposes.

(c) The pilot project school shall have a maximum enrollment of 100 students.

(d) The county superintendent of schools shall report on behalf of the county the average daily attendance for the schools and classes maintained by the county in such pilot project school in the manner provided in Section 17601.1 of the Education Code and other provisions of law.

(e) The Superintendent of Public Instruction shall compute the amount of allowance to be made to the county by reason of the average daily attendance at such pilot project school by multiplying the average daily attendance by the foundation program amount for a high school district which has an average daily attendance of 301 or more during the fiscal year, and shall make allowances based thereon and shall apportion to the county, the allowances so computed in the same manner and at the same times as would be done with respect to allowances and apportionments to the county school service fund.

(f) The pilot project shall end on or before January 1, 1977, unless further authorized by the Legislature. The Legislative Analyst shall study the pilot project for the purpose of reporting to the Legislature on the effectiveness of the pilot project, which report shall be made to the Legislature on or before July 1, 1976.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A pilot project school of the type authorized by this legislation is presently being conducted under a contract with a qualified private organization, but would require a change in administration of such school if this act were not to take effect immediately, thus seriously impairing the continuity of education for the juveniles in the pilot project school.

CHAPTER 1152

An act to add Sections 17539, 17539.1, 17539.2 and 17539.3 to the Business and Professions Code, relating to contests.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 17539 is added to the Business and Professions Code, to read:

17539. The Legislature finds that there is a compelling need for more complete disclosure of rules and operation of contests in which money or other valuable consideration may be solicited, that current methods of disclosure are inadequate and create misunderstandings as to the true requirements for participation and winning of prizes offered; that certain problems which have arisen are peculiar to contests; that the provisions of Sections 17539.1 through 17539.3 are necessary to the public welfare and that the terms hereof shall be interpreted so as to provide maximum disclosure to and fair treatment of persons who may or do enter such contests.

SEC. 2. Section 17539.1 is added to the Business and Professions Code, to read:

17539.1. The following unfair acts or practices undertaken by, or omissions of, any person in the operation of any contest are prohibited:

(a) Failing to clearly and conspicuously disclose, at the time of the initial contest solicitation, at the time of each pre-contest promotional solicitation and each time the payment of money is required to become or to remain a contestant, the total number of contestants anticipated based on prior experience and the percentages of contestants correctly solving each puzzle used in the three most recently completed contests conducted by the person. If the person has not operated or promoted three contests he shall disclose for each prior contest if any, the information required by this section.

(b) Failing to promptly send to each member of the public upon his request, the actual number and percentage of contestants correctly solving each puzzle or game in the contest most recently completed.

(c) Misrepresenting in any manner the odds of winning any prize.

(d) Misrepresenting in any manner, the rules, terms, or conditions of participation in a contest.

(e) Failing to clearly and conspicuously disclose with all contest puzzles and games and with all promotional puzzles and games all of the following:

(1) The maximum number of puzzles or games which may be necessary to complete the contest and determine winners.

(2) The maximum amount of money which a participant may be asked to pay to win each of the contest prizes then offered.

(3) That future puzzles or games, if any, or tie breakers, if any, will be significantly more difficult than the initial puzzle.

(4) The date or dates on or before which the contest will terminate and upon which all prizes will be awarded.

(5) The method of determining prizewinners if a tie remains after the last tie breaker puzzle is completed.

(6) All rules, regulations, terms, and conditions of the contest.

(f) Failing to clearly and conspicuously disclose the exact nature and approximate value of the prizes when offered.

(g) Failing to award and distribute all prizes of the value and type represented.

(h) Representing directly or by implication that the number of participants has been significantly limited, or that any particular person has been selected to win a prize unless such is the fact.

(i) Using the word "lucky" to describe any number, ticket, coupon, symbol, or other entry, or representing in any other manner directly or by implication that any number, ticket, coupon, symbol, or other entry confers or will confer an advantage upon the recipient that other recipients will not have, that the recipient is more likely to win a prize than are others, or that said number, ticket, coupon, symbol or other entry has some value that other entries do not have.

(j) Failing to obtain the express written or oral consent of individuals before their names are used for a promotional purpose in connection with a mailing to a third person.

(k) Using or distributing simulated checks, currency, or any simulated item of value unless there is clearly and conspicuously printed thereon the words: SPECIMEN—NONNEGOTIABLE.

(*l*) Representing, directly or by implication, orally or in writing, that any tie breaker puzzle may be entered upon the payment of money qualifying the contestant for an extra cash or any other type prize or prizes unless:

(1) It is clearly and conspicuously disclosed that such payments are optional and that contestants are not required to pay money to play for an extra cash or any other type of prize or prizes; and

(2) Contestants are clearly and conspicuously given the opportunity to indicate they wish to enter such phase of the contest for free. The contestants' opportunity to indicate they wish to enter for free shall be in immediate conjunction with and in a like manner as the contestants' opportunity to indicate they wish to play for an

extra prize.

SEC. 3. Section 17539.2 is added to the Business and Professions Code, to read:

17539.2. Every person who conducts any contest shall:

(a) Clearly and conspicuously disclose on each entry blank the deadline for submission of that entry.

(b) Refund all money or other consideration to contestants requesting such refund in writing within one year of payment and who are unable to participate in any aspect of any contest through no fault of the contestant.

(c) At the conclusion of the contest send to all entrants upon their request the names of all winners, the prize or prizes won by each, the correct solution to each puzzle and the winning solutions to each puzzle (if different from the correct solution).

(d) Maintain for no less than two years after all prizes are awarded all the following:

(1) Copies of all contest solicitations and puzzles.

(2) All puzzles and correspondence sent by a contestant or copies or records disclosing details thereof and records of replies thereto.

(3) Adequate records which disclose the names and addresses of all contestants, the approximate date each contestant was sent each puzzle or game, the number of prizes awarded, the method of selecting winners, the names and addresses of the winners, and facts upon which all representations or disclosures made in connection with the contest are based and from which the validity of the representations or disclosures can be determined.

SEC. 4. Section 17539.3 is added to the Business and Professions Code, to read:

17539.3. (a) Sections 17539.1 and 17539.2 shall not apply to a game conducted to promote the sale of an employer's product or service by his employees, when those employees are the sole eligible participants.

(b) As used in Sections 17539.1 and 17539.2 "person" includes firm, corporation, or association, but does not include any charitable trust, corporation or other organization exempted from taxation under Section 23701(d) of the Revenue and Taxation Code or Section 501(c) of the Internal Revenue Code of 1954.

(c) Nothing in Sections 17539 to 17539.2, inclusive, shall be construed to permit any contest or any series of contests or any act or omission in connection therewith which is prohibited by any other provision of law.

(d) Nothing in Section 17539.1 or 17539.2 shall be construed to hold any newspaper publisher or radio or television broadcaster liable for publishing or broadcasting any advertisement relating to a contest, unless such publisher or broadcaster is the person conducting or holding any such contest.

(e) As used in Sections 17539 to 17539.2, inclusive, the term contest includes any game, contest, puzzle, scheme or plan which holds out or offers to prospective participant or participants the

opportunity to receive or compete for gifts, prizes, or gratuities as determined by skill or any combination of chance and skill and which is, or in whole or in part may be, conditioned upon the payment of consideration;

(f) Sections 17539 to 17539.2, inclusive, shall not apply to (1) the mailing or otherwise sending of an application for admission, or a notification or token evidencing the right of admission to, or (2) the operation of a contest, performance, sporting event or tournament of skill, speed, or power or endurance between participants physically present at such contest, performance, sporting event or tournament.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1153

An act to amend Sections 13828, 13835, 13852.5, 13996, 14185, and 14226 of, to repeal and add Sections 13830, 14186, 14210, and 14260 of, and to add Sections 13835.3, 13838.1, 13838.2, 13846.9, 13980.1, 14024, 14070.2, 14186.1, 14186.2, and 14186.3 to, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13828 of the Education Code is amended to read:

13828. "Beneficiary" means any person receiving a survivor's allowance, death benefit, retirement allowance under option, or any other benefit. "Beneficiary" does not include a member, former member or retirant unless specifically named as a beneficiary or by operation of law. A corporation, trust eleemosynary or parochial institution or public entity may only be designated as a beneficiary to receive death benefits under Sections 14070, 14180 and 14185, except as otherwise provided in this chapter.

SEC. 2. Section 13830 of the Education Code is repealed

SEC. 2.5. Section 13830 is added to the Education Code, to read:

13830. "Child" or "children" means:

(a) The dependent unmarried offspring of a member under 18 years of age, not adopted by a person other than the spouse and in

the custody of or supported by the member on the date of the member's death or the effective date of disability allowance, or

(b) The unmarried child, under 18 years of age, adopted by the member and in the custody of or supported by the member on the effective date of disability allowance or death, or

(c) The dependent unmarried stepchild, under 18 years of age, in the custody of the member on the effective date of disability allowance or death, or

(d) The dependent unmarried child described in subdivision (a), (b) or (c) above who is under the age of 22 and who is registered as a full-time student, as defined in Section 13838.1 on the effective date of disability allowance or death.

For those members receiving a disability allowance and who subsequently die, the maximum number of children for family benefits shall be those who were eligible on the effective date of disability allowance.

For purposes of Sections 14152, 14155 and 14156, "child" or "children" means any offspring or adopted children of the member, retirant or other beneficiary.

SEC. 3. Section 13835 of the Education Code is amended to read:

13835. "Disabilitant" means a member of this system receiving a disability allowance. A member becomes a disabilitant on the date upon which the disability allowance is granted.

SEC. 4. Section 13835.3 is added to the Education Code, to read:

13835.3. "Effective date" means the date stated in the application upon and continuously after which should death occur the member is considered a retirant or disabilitant.

SEC. 5. Section 13838.1 is added to the Education Code, to read:

13838.1. "Full-time student" means a surviving child in full-time attendance at an educational institution. The final determination whether a person qualifies as a full-time student shall be made by the board in light of standards and practices of the institution involved.

An individual shall be deemed to be a full-time student during any period of nonattendance where he has been in full-time attendance if such period of nonattendance is less than four consecutive calendar months and there is sufficient evidence to satisfy the retirement board that he intends to continue to be in full-time attendance at such educational institution immediately following such period of nonattendance. In any event a full-time student who is in full-time attendance at such educational institution immediately following such period of nonattendance shall continue to qualify as a full-time student both before and after such period of nonattendance.

An individual shall not qualify as a full-time student if his attendance at an educational institution is paid for and provided by his employer or is in the course of his on-the-job training, unless such on-the-job training is part of the regularly established school training for which he receives credit toward a diploma, certificate or graduation. An individual shall not qualify as a full-time student for any full-time course in which he may be enrolled, which is directly

paid for and sponsored under the job corps of the Economic Opportunity Act or paid for or sponsored by any armed forces for this state or the United States of America.

An individual does not qualify as a full-time student during any period of nonattendance if the nonattendance is due to expulsion or suspension, notwithstanding such individual's intent to, or the fact he does, resume full-time attendance within four calendar months after the beginning of such period of nonattendance.

SEC. 6. Section 13838.2 is added to the Education Code, to read:

13838.2. "Educational institution" is any accredited public or private institution whose primary purpose is to provide classroom teaching and includes a high school, trade or vocational school or college, junior college, community college, or other college or university.

SEC. 7. Section 13846.9 is added to the Education Code, to read:

13846.9. "Proof of death" means filing with the system a certified copy of the public record of death.

SEC. 8. Section 13852.5 of the Education Code is amended to read:

13852.5. "Spouse" means a person who was married to the member at least 12 months prior to the death of the member unless a child is born to the union within the 12-months period or the surviving spouse is carrying the member's unborn child.

SEC. 9. Section 13980.1 is added to the Education Code, to read:

13980.1. Claims for creditable service shall be corroborated by a statement from the superintendent of schools or custodian of records of the employing agency or public school where the service was performed.

Claims for creditable service performed outside the United States or in federal schools within the United States shall be corroborated by a statement from the custodian of records.

When the official records of the service have been destroyed, the claim may be corroborated by one or more affidavits of knowledge of the service, preferably by persons who served with the member at the time the service was performed.

SEC. 10. Section 13996 of the Education Code is amended to read:

13996. A member shall receive credit for time during which he is excluded from membership because of membership in any other retirement system and during which he serves in a position requiring membership in this system or its predecessors, if he subsequently ceases to be a member of, and ceases to be entitled to benefits from, the other retirement system and becomes a member of this system.

Such credit shall not be given if the member may redeposit withdrawn contributions and subsequently be eligible for any benefits in any other retirement system.

SEC. 11. Section 14024 is added to the Education Code, to read:

14024. A member electing to pay contributions for nonmembership service shall pay for all such service.

SEC. 12. Section 14070.2 is added to the Education Code, to read:

14070.2. Prior to the system paying a refund of contributions, the employer or superintendent of schools shall certify that the member's employment has been terminated.

SEC. 14. Section 14185 of the Education Code is amended to read:

14185. Upon receipt of proof of the death of a retirant there shall be paid to the designated beneficiary the sum of two thousand dollars ($2,000) except for any reduction of the death benefit made under Section 14060.

From the death benefit provided in this section, there shall be deducted an amount equal to the lump-sum death benefit payable on account of death by a local system or by the Public Employees' Retirement System or the University of California Retirement System. The deduction shall be made whether such benefit is payable before or after retirement under such local or state system.

SEC. 14.3. Section 14186 of the Education Code is repealed.

SEC. 14.5. Section 14186 is added to the Education Code, to read:

14186. If on the date of death the member has met the following conditions:

(a) Death occurred after June 30, 1972, and

(b) Has one or more years of credited service, and

(c) If there has been a break in service of more than one year, one-half year of credited service has been performed after the end of last break, and

(d) The provisions of Sections 14180 and 14182 have been met, or

(e) Lacking the above, was a disabilitant receiving a disability allowance which began to accrue after June 30, 1972; a family allowance shall be paid subject to the provisions of this article and Section 14284 as follows:

(1) To the surviving spouse, having care of children there shall be paid an amount, in monthly installments, equal to 40 percent of the deceased's highest average monthly salary earned during any 12 consecutive months within the 36 months immediately preceding death, plus 10 percent of such salary for each child, up to a maximum of 90 percent of such salary, or

(2) If there is no surviving spouse or the surviving spouse subsequently dies and there are children who qualify under Section 13830, there shall be paid to the guardian of such children under age 18, or to the child if over age 18, an amount payable in monthly installments equal to 10 percent of the deceased's highest earned annual salary during any 12 consecutive months within the 36 months immediately preceding death, up to a maximum of 50 percent of such salary. If there are more than five such children, they shall share equally in the maximum of 50 percent, or

(3) If there is no allowance being paid under paragraphs (1) or (2) the unremarried spouse age 60 or over shall receive a monthly payment equal to the amount which would have been payable to such spouse based on projected service and projected earned salary, had the member continued service to age 60 and at that time elected option number three The allowance payable under this paragraph

shall be increased by application of the benefit improvement factor for time which elapses between the date the member would have reached age 60 and the date the allowances commence to accrue under this paragraph. For the calculation of the benefit, it shall be considered that the member died on the June 30 following the actual date of death and the spouse reached age 60 on the June 30 prior to attainment of that age, but the allowance shall not begin to accrue until the spouse attains age 60.

(4) If there is no surviving spouse or children entitled to allowances under paragraph (2), the dependent parent, age 60, or upon attainment of that age, shall receive an allowance based on projected service and projected earned salary equal to the amount which would have been paid if the member had retired at age 60 and elected option number three. If there are two parents who qualify under this paragraph the total benefit will be computed on the assumption that the youngest parent is the beneficiary, and the total shall be divided equally for so long as there are two such qualifying parents. Otherwise, the total amount shall be payable to the one who qualifies.

Allowances payable under this section are in lieu of the death benefit payable under subsection (1) of subdivision (b) of Section 14180 irrespective of the beneficiary designated to receive that benefit.

SEC. 14.6. Section 14186.1 is added to the Education Code, to read:

14186.1. If the person or persons to whom a family allowance is payable marries, dies or no longer qualifies for the allowance, the allowance shall be terminated on the last day of the month preceding such event.

SEC. 14.7. Section 14186.2 is added to the Education Code, to read:

14186.2. A stepchild or adopted child acquired subsequent to the death of the member shall not be entitled to any allowance and shall be excluded in the determination of allowances under this article.

SEC. 14.8. Section 14186.3 is added to the Education Code, to read:

14186.3. Upon termination of family allowances under Section 14186 and prior to such allowances totaling the amount payable under subsection (1) of subdivision (b) of Section 14180, the balance shall be paid in a lump sum to the survivor who is the highest on the following list:

(1) Nominated beneficiary.

(2) Spouse.

(3) Children, qualified under paragraph (1) or (2) of Section 14186.

(4) Parent.

(5) Estate of the last person who received a family allowance.

SEC. 14.9. Section 14210 of the Education Code is repealed.

SEC. 15. Section 14210 is added to the Education Code, to read:

14210. A retirement or a disability allowance shall become effective upon any date designated by the member, provided:

(a) An application for retirement or disability allowance is filed on a form provided by the system, which is executed no earlier than six months before the effective date of retirement or disability,

(b) The designated effective date is later than the last day of service for which salary is payable to the member,

(c) The designated date does not fall on a weekend or holiday contiguous with the last day of service for which salary is paid to the member,

(d) The designated date is no earlier than the first day of the month in which the application is received by the system in Sacramento,

(e) The designated date is no earlier than the date upon and continuously after which the member is determined to the satisfaction of the board to have been mentally incompetent.

SEC. 16. Section 14226 of the Education Code is amended to read:

14226. Any retirant who is retired for service may be employed in a position requiring certification qualifications providing he is not paid more than four thousand dollars ($4,000), including that compensation received under Section 14225, in any one fiscal year for such employment. The employment does not operate to reinstate the retirant as a member of this system, or to terminate or suspend his retirement allowance, and no deduction shall be made from his salary as contributions to this system. The retirant may be reemployed only if able to pass a physical examination prescribed by the State Board of Education.

At the end of each month in which a retirant performed service in a position requiring membership in the system, the employer or other authorized agency shall report to the system the retirant's name, social security number and salary.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within the immediately preceding 12-month period and filed with the county superintendent, or, in the case of a retirant to be employed as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, filed with the State Department of Education, shall be conclusive evidence of his passing the physical examination required by this section.

SEC. 17. Section 14260 of the Education Code is repealed.

SEC. 18. Section 14260 is added to the Education Code, to read:

14260. Upon qualification for disability, a member shall receive a disability allowance, payable monthly, equal to 50 percent of the highest average monthly salary earned during any 12 consecutive months within the 36 months immediately preceding the effective date of disability, increased by 10 percent of such salary for each child to a maximum of four such children. A stepchild or adopted child

acquired subsequent to eligibility for disability benefits shall not be entitled to any benefit and shall be excluded in the calculation of benefits under this section.

SEC. 19. In enacting this act, the Legislature hereby determines and finds that any duties, obligations, or responsibilities imposed on local government do not result in additional costs for local government, or an increase in level of service or an existing mandated program, and no additional economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, no appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code for reimbursement of any local agency for any costs that may be incurred by it.

CHAPTER 1154

An act to amend Section 13089 of the Education Code, relating to public school employer-employee relations.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 13089 of the Education Code is amended to read:

13089. (a) All initial proposals of employee organizations representing certificated employees or a certificated employee council, which relate to matters within the scope of meeting and conferring shall be presented to the public school employer or governing board thereof at a public meeting, and such proposals thereafter shall be a public record.

(b) Except in cases of emergency as provided in subdivision (d), no meeting and conferring shall take place on any proposal subject to subdivision (a) until not less than seven consecutive days have elapsed to enable the public to become informed and to publicly express itself regarding the proposals, as well as regarding other possible subjects of meeting and conferring and thereafter, the public school employer shall, in open meeting, adopt policies which shall comprise the initial proposals of the public school employer.

(c) Twenty-four hours after any proposal which includes any subject which has not first been presented as proposals for public reaction pursuant to this section is offered during any meet and confer session, such proposal and, if any, the position taken thereon by, or the rollcall vote thereon of, each representative of the public school employer shall be a public record.

(d) Subdivision (b) shall not apply when the public school employer determines that, due to an act of God, natural disaster, or

other calamity affecting the schools and which is beyond the control of the school employer or employee organization, it must meet and confer and take action upon such a proposal immediately and without sufficient time for the public to become informed and to publicly express itself.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because duties, obligations or responsibilities imposed on local government by this act are such that related costs are incurred as part of their normal operating procedures.

CHAPTER 1155

An act to amend Sections 32909, 36004, 37402, 37404, 37701, 37975, 38001, and 61411 of, to add Article 10 (commencing with Section 37641) to Chapter 4 of, and to repeal Article 10 (commencing with Section 37641), Article 11 (commencing with Section 37671), Article 12 (commencing with Section 37701) and Article 13 (commencing with Section 37721) of Chapter 4 of, Part 3 of Division 15 of, the Food and Agricultural Code, relating to cheese.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 32909 of the Food and Agricultural Code is amended to read:

32909. It is unlawful for any person to produce, manufacture, prepare for sale, or sell any of the following:

(a) Any milk, cream, or other product of milk to which has been added, or that contains, any compound of boron, salicylic acid, formaldehyde, or other preservative.

(b) Any milk or product of milk, except as otherwise provided in this division, to which has been added any coloring matter or any gelatin or other substance

This section does not prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese, the use of gelatin, sweetening, eggs or egg products, harmless coloring or flavoring, or edible stabilizer in the manufacture of ice cream, ice milk, sherbet, or edible stabilizer or citric acid in the creaming mixture for cottage cheese, or lowfat cottage cheese, or the use of alkalies approved by the director, in the manufacture of butter, or the adjustment of the acidity of ice cream mix within limits designated by the director.

SEC. 2. Section 36004 of the Food and Agricultural Code is amended to read:

36004. (a) At the time of sale to the consumer by a retail store of any product designated in this section there shall appear upon the package or container of such product the date established by the processor as the date upon which, in order to insure quality, such product is normally removed from the shelf or similar location from which the product is offered for sale to the consumer.

(b) This section applies to the following products:

(1) Market milk.

(2) Market cream.

(3) Any milk product which is required by any provision of this code, or by any regulation adopted by the director pursuant thereto, to be made from market milk or any component or derivative of market milk.

(c) This section does not apply to any milk or milk products processed, packaged, and sold by distributors directly to consumers.

(d) This section does not apply to any bulk shipments of milk or milk products between distributors.

(e) The director shall, in compliance with applicable provisions of this code and Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, and after public hearing or hearings, adopt regulations pertaining to (1) responsibility for affixing to packages or other containers the quality assurance date provided for in this section; (2) the manner, style, form, and place of affixation of such date to packages and other containers in a conspicuous place in a form which is readily seen and easily understood by the buyer; and (3) the administration and enforcement of the requirements of this section.

SEC. 3. Section 37402 of the Food and Agricultural Code is amended to read:

37402. (a) All varieties of cheese, except the varieties which are established in this chapter, are special varieties and shall conform to the standards of composition and labeling requirements which are adopted by the director by regulations.

(b) Dry curd cottage cheese, cottage cheese, and lowfat cottage cheese shall conform to regulations adopted by the director. The regulations which are adopted pursuant to this subdivision shall conform, as far as possible, to, and not be more burdensome than, the rules, regulations, and standards of the current Code of Federal Regulations applicable to dry curd cottage cheese, cottage cheese, and lowfat cottage cheese.

SEC. 4. Section 37404 of the Food and Agricultural Code is amended to read:

37404. Milk, cream, and milk products used in the manufacture of dry curd cottage cheese, cottage cheese, and lowfat cottage cheese shall be market milk, market cream, or derivatives of market milk.

SEC. 5. Article 10 (commencing with Section 37641) of Chapter 4 of Part 3 of Division 15 of the Food and Agricultural Code is repealed.

SEC. 6. Article 10 (commencing with Section 37641) is added to

Chapter 4 of Part 3 of Division 15 of the Food and Agricultural Code, to read:

Article 10. Dry Curd Cottage Cheese, Cottage Cheese, or Lowfat Cottage Cheese

37641. Dry curd cottage cheese is a soft, uncured cheese made from the following pasteurized products or products of certified raw milk or a mixture of two or more of such products: skim milk, concentrated skim milk, or nonfat dry milk. The finished product shall contain not more than 0.5 percent milk fat and not more than 80 percent moisture.

37642. Cottage cheese is a soft, uncured cheese prepared by mixing dry curd cottage cheese with a creaming mixture. The milk fat content of cottage cheese shall not be less than 4 percent by weight of the finished product and not more than 80 percent moisture.

37643. Lowfat cottage cheese is a soft, uncured cheese prepared by mixing dry curd cottage cheese with a creaming mixture. The milk fat content shall be not less than 0.5 percent and not more than 2 percent by weight of the finished product. The moisture content shall not be more than 82.5 percent.

37644. For the purposes of this article, dry curd cottage cheese, cottage cheese, or lowfat cottage cheese made from goat's milk are special varieties of cheese.

37645. Notwithstanding any provision of Section 37975 to the contrary, if dry curd cottage cheese, cottage cheese, or lowfat cottage cheese is made from certified raw milk, it shall be labeled as being made from certified raw milk.

37646. The packaging of dry curd cottage cheese, cottage cheese, and lowfat cottage cheese, and the addition of milk products to dry curd cottage cheese to make cottage cheese or lowfat cottage cheese shall take place only in a licensed milk products plant.

37647. The standards for moisture and fat for cottage cheese and lowfat cottage cheese to which any chives, fruits, or vegetables are added are the same as those for cottage cheese and lowfat cottage cheese without such additions.

37648. If chives are added to cottage cheese or lowfat cottage cheese, the product shall contain a sufficient amount of properly cured fresh or frozen chives to impart the characteristic flavor of chives to the finished product.

37649. If fruit is added to cottage cheese or lowfat cottage cheese, whether the fruit is a single variety or a combination of two or more varieties, the amount which is added shall not be less than 10 percent and not more than 25 percent by weight of the finished product.

37650. If vegetables are added to cottage cheese or lowfat cottage cheese, whether the vegetables are a single variety or a combination of two or more varieties, the amount which is added shall not be less than 5 percent and not more than 20 percent by weight of the

finished product.

37651. Any fruit or vegetable which is added to cottage cheese or lowfat cottage cheese shall be clean and sound. It shall be frozen, canned, or dried, or have been heated to pasteurization temperature as specified in Section 34001.

37652. In addition to the labeling provisions of Article 21 (commencing with Section 37971) of this chapter, any chives, fruits, or vegetables which are added to cottage cheese or lowfat cottage cheese shall be shown on the label of each package in the order of predominance by weight.

SEC. 7. Article 11 (commencing with Section 37571) of Chapter 4 of Part 3 of Division 15 of the Food and Agricultural Code is repealed.

SEC. 8. Article 12 (commencing with Section 37701) of Chapter 4 of Part 3 of Division 15 of the Food and Agricultural Code is repealed.

SEC. 9. Article 13 (commencing with Section 37721) of Chapter 4 of Part 3 of Division 15 of the Food and Agricultural Code is repealed.

SEC. 10. Section 37975 of the Food and Agricultural Code is amended to read:

37975. Any cheese which is cut and wrapped or packaged into individual consumer packages shall be labeled to indicate all of the following:

(a) That it is pasteurized or made from pasteurized products or that it has been cured for at least 60 days.

(b) The variety.

(c) The name and address of the manufacturer or distributor.

All cheese which is sold in such individual consumer packages, except those cheeses defined in Sections 37641, 37642, 37643, and 37647, shall be labeled with the words "part skim" or "skim," as the case may be, if the cheese is made from part skim milk or from skim milk.

SEC. 11. Section 38001 of the Food and Agricultural Code is amended to read:

38001. It is unlawful for any person to have in his possession any cheese except dry curd cottage cheese, cottage cheese, lowfat cottage cheese, or cottage cheese made from certified raw milk or cheese which has been allowed to ripen or cure for at least 60 days from the date of manufacture, which is not pasteurized or was not manufactured from milk or milk products which were pasteurized, unless the person has such cheese in his possession for one of the following purposes:

(a) Curing, aging, or processing by a manufacturer, broker, or wholesale handler.

(b) Transportation, in the case of boats, railroads, or other carriers.

(c) Storage, in the case of a warehouse or cold storage company.

SEC. 12. Section 61411 of the Food and Agricultural Code is

amended to read:

61411. Every distributor in any marketing area shall file with the director schedules and any amendments to the schedules which set forth the prices at which each such distributor is selling, offering, or agreeing to sell in such marketing area any of the following: market milk; market cream; buttermilk; flavored milk drinks; bottled milk drinks which are sold under a trade name; modified milk; acidophilus milk; skim milk for human consumption; milk and cream in combination which does not come within the statutory definitions of milk or cream; dry curd cottage cheese, cottage cheese or lowfat cottage cheese; eggnog; sour cream dressing, yogurts; and any filled milk product or any imitation milk product in which the use of market milk or any component of market milk is required by Section 38925.

Price filing is not required for any other dairy product.

SEC. 13. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

CHAPTER 1156

An act to amend Sections 5021, 5022, 5025.11, 5031, and 5033 of, to amend the heading of Article 2 (commencing with Section 5020) of Chapter 1 of Division 5 of, to add Sections 5020, 5020.1, 5020.2, 5020.3, and 5020.4 to, and to repeal Section 5020 of, the Public Resources Code, relating to historical resources.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 2 (commencing with Section 5020) of Chapter 1 of Division 5 of the Public Resources Code is amended to read:

Article 2. Historical Resources

SEC. 2. Section 5020 of the Public Resources Code is repealed.

SEC. 3. Section 5020 is added to the Public Resources Code, to read:

5020. The Historical Landmarks Advisory Committee is continued in existence as the State Historical Resources Commission. Any reference in any law to the Historical Landmarks Advisory Committee shall be deemed to refer to the State Historical Resources Commission.

SEC. 3.5. Section 5020.1 is added to the Public Resources Code, to

read:

5020.1. As used in this article:

(a) "Commission" means the State Historical Resources Commission.

(b) "Historical resource" includes, but is not limited to, any object, building, structure, site, area, or place which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

(c) "Historical landmark" means any historical resource which is registered as a state historical landmark pursuant to Section 5021.

(d) "Point of historical interest" means any historical resource which is registered as a point of historical interest pursuant to Section 5021.

SEC. 4. Section 5020.2 is added to the Public Resources Code, to read:

5020.2. (a) The commission shall consist of seven members appointed by the Governor.

(b) The members shall include persons possessing expertise in the fields of history, architecture, and archaeology, and in such other fields of expertise as the Governor shall deem to be necessary or desirable to enable the commission to carry out its functions.

(c) Members shall hold office for a term of four years.

SEC. 5. Section 5020.3 is added to the Public Resources Code, to read:

5020.3. (a) The commission shall meet at such times and in such places as it may deem necessary to fulfill its responsibilities. Four members of the commission shall constitute a quorum.

(b) The commission shall elect annually from its members a chairman and vice chairman.

(c) The members of the commission shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties, including necessary travel expenses.

SEC. 6. Section 5020.4 is added to the Public Resources Code, to read:

5020.4. The commission shall do all of the following:

(a) Receive and evaluate applications for, and make recommendations with respect to entries on the National Register of Historic Places to the State Historic Preservation Officer.

(b) Conduct a statewide inventory and maintain comprehensive records of historical resources, including, but not limited to, historical landmarks and points of historical interest.

(c) Establish criteria for the recording and preservation of historical resources, and for deletions from historical registers warranted by destruction or damage of an historical resource or other change in conditions.

(d) Recommend statewide historical resources plans to the department, including the listing of historical resources projects on

a priority basis.

(e) Conduct public hearings periodically to develop and review a statewide historical resources plan and program.

(f) Recommend to the department the criteria and standards for acceptance of historical buildings, structures, sites, or places for registration as historical landmarks or points of historical interest.

(g) Receive and evaluate applications for registration of structures, sites, or places as historical landmarks or points of historical interest. The commission shall select and designate such landmarks and points of historical interest that it determines meets the criteria as contained in subdivision (a) of Section 5031. The commission shall maintain a register which shall identify by number and description such historical landmarks and points of historical interest.

(h) Make recommendations to the department with respect to a standard design and detail for the marker or plaque which may be erected or raised at registered historical landmarks, and with respect to the use of such marker or plaque.

(i) Recommend to the department the type of directional sign to be erected in connection with the registration of a point of historical interest.

(j) Submit an annual report in January to the director giving an account of its activities, identifying unattained goals of historical resources plans and programs, and recommending needed legislation for the support of such programs. The director shall advise the commission of new and continuing plans, policy, and programs concerning statewide historic resources and shall receive and consider the views of the commission.

(k) Consult with, and consider the recommendation of, public agencies, civic groups, and citizens interested in historic preservations.

(*l*) Review local and state agency grant requests for historical projects funded through the Department of Interior, National Park Service, establish a priority rating system for such projects, and recommend, in priority order, to the State Historic Preservation Officer all projects for federal assistance.

(m) Prepare, or cause to be prepared, and recommend to the director a budget relative to the Statewide History Preservation Program.

SEC. 7. Section 5021 of the Public Resources Code is amended to read:

5021. The department shall consider all recommendations for registration made by the commission, and shall register, as state historical landmarks, those buildings, structures, sites, or places which the department deems to be important historical resources and shall register, as points of historical interest, those buildings, structures, sites, or places which the department deems to be historical resources of sufficient historical interest to qualify for the placement of signs pursuant to Section 5022.5. The commission shall

maintain a register which shall identify by number and description such historical landmarks and points of historical interest.

The department may publish results of office and field archaeological investigation annually and shall issue additional publications, such as detailed site reports and area resource reports, as necessary, to inform the public and educational institutions.

SEC. 8. Section 5022 of the Public Resources Code is amended to read:

5022. The department may contract with or cooperate with public or private agencies for suitable plaques, markers, and directional signs at the site of, or on the approaches to, registered historical landmarks or points of historical interest, including signs on highways and roads.

SEC. 9. Section 5025.11 of the Public Resources Code is amended to read:

5025.11. The department shall, with the advice of the Historical Landmarks Advisory Committee, or, as to certifications on or after January 1, 1975, with the advice of the commission, certify the route followed by Colonel John Charles Frémont and party from the Nevada state line through Mono, Inyo, Alpine, Amador, and El Dorado Counties to Sutter's Fort in Sacramento County in the winter of 1843, and the Donner Party Trail, from the Nevada state line to the junction of Verdi Canyon to Alder Creek Camp of the Donner Party, thence to the Donner Monument at Donner Memorial State Park. The department may certify and mark, with the advice of the commission, other historic routes of travel within the state.

SEC. 10. Section 5031 of the Public Resources Code is amended to read:

5031. "Qualified historical property" means privately owned property which is not exempt from property taxation, is visually accessible to the public, and which is:

(a) All landmark registrations up to and including Register No. 769, which were approved without the benefit of criteria, shall be approved only if the landmark site conforms to the existing criteria as determined by the California Historical Landmarks Advisory Committee or as to approvals on or after January 1, 1975, by the State Historical Resources Commission. Any other registered California historical landmark under Article 2 (commencing with Section 5020) of this chapter, except points of historical interest, and which satisfies any of the following requirements:

(1) The property is the first, last, only, or most significant historical property of its type in the region;

(2) The property is associated with an individual or group having a profound influence on the history of California; or

(3) The property is a prototype of, or an outstanding example of, a period, style, architectural movement, or construction, or if it is one of the more notable works, or the best surviving work, in a region of a pioneer architect, designer, or master builder; or

(b) A property which is listed on the national register described

in Section 470a of Title 16 of the United States Code.

SEC. 11. Section 5033 of the Public Resources Code is amended to read:

5033. The department shall adopt all rules and regulations relating to standards for qualifying as a historical property. In adopting such rules and regulations, the department shall consider all recommendations of the State Historical Resources Commission.

SEC. 12. This act shall become operative on January 7, 1975.

CHAPTER 1157

An act to amend Sections 23512, 23527.5, 23554, 23555, and 23557 of the Elections Code, and to amend Sections 34026, 35003.1, 35005, and 35107 of, the Water Code, relating to elections.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 23512 of the Elections Code is amended to read:

23512. Forms for petitions required for nomination to all district offices shall be obtained from the office of the county clerk. The county clerk may, for convenience or necessity, authorize the district secretary to issue nomination forms. The forms shall first be available on the 89th day prior to the general district election and shall be filed not later than 5 p.m. on the 64th day prior to the general district election in the office of the county clerk during regular office hours or may be filed by certified mail so that the forms reach the clerk's office no later than the deadline for filing in that office. At the time of issuance of such forms, there shall be filled in the name of the candidate and the office for which he is a candidate. The form shall be marked "Official Filing Petition" and signed by the county clerk. The petition shall be signed by not less than 10 nor more than 20 voters or by not less than 25 percent nor more than 50 percent of the voters if the same be less than 40. The county clerk shall record the date of filing upon the first page of each petition filed pursuant to this section. No candidate shall withdraw his nomination paper after 5 p.m. on the 54th day prior to the general district election.

On request of the district secretary, the county clerk shall provide the secretary with a copy of each nominating petition filed pursuant to this section.

SEC. 2. Section 23527.5 of the Elections Code is amended to read:

23527.5. At least 35 days prior to the date fixed for the general district election for a landowner voting district for which an election has not been canceled pursuant to Section 23520, the county clerk of each affected county shall prepare a list of voters qualified under the

principal act of that district to vote in that county at the next general district election. For this purpose the county clerk shall be entitled to obtain from any officer of an affected county or of the landowner voting district all information necessary to prepare the list.

The list shall contain the name of each voter qualified under the principal act of the landowner voting district to vote at the next general district election, the residence of each such voter, the division, if any, of the district in which each such voter is entitled to vote, and the number of votes under the principal act each such voter is entitled to cast for each elective office to be filled at the next general district election. If the names or addresses of any such voters are unknown to the county clerk, it shall be sufficient if the list contains, with respect to each parcel within the district, the names of the owners thereof and their addresses as shown on the records in the county assessor's office of the county in which such land is located. Such list shall otherwise be in such form as the county clerk shall determine as necessary for the proper conduct of the election.

Upon preparation of the list, the county clerk shall deliver the same to the secretary of the landowner voting district who shall sign his name and affix the seal of the district to the bottom of each page of the list. One copy of this list shall be conspicuously posted in the office of the district in a place to which the public generally has access.

SEC. 3. Section 23554 of the Elections Code is amended to read:

23554. No later than the last Monday before the last Friday in the month in which the general district election is held the county clerk shall declare the elected candidate or candidates. If there is but one person to be elected to an elective office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected. If there are two or more persons to be elected to an elective office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected.

If a tie vote makes it impossible to determine which of two or more candidates has been elected, the county clerk shall notify the governing body of the district thereof and such governing body shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by representative at a time and place designated by the governing body. The governing body shall at that time and place determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take office and serve as though elected at the preceding general district election.

SEC. 4. Section 23555 of the Elections Code is amended to read:

23555. The county clerk shall immediately make and deliver to each person elected and who satisfies the requirements of Section 23559 a certificate of election signed by the county clerk.

SEC. 5. Section 23557 of the Elections Code is amended to read:

23557. Notwithstanding the provisions of Section 2504, no

landowner voting district election shall be consolidated with any resident voter election whether or not the same is held pursuant to the provisions of this part or not. Except as aforesaid, an election conducted by a district subject to the provisions of this part may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of this division.

SEC. 6. Section 34026 of the Water Code is amended to read:

34026. "Holder of title" shall mean the owner of record of the fee title to land; provided, however, in the event the owner of record of such fee title has conveyed the equitable title to such land by way of a land sale contract and such contract or a memorandum thereof is recorded, "holder of title" shall mean the contract vendee thereunder and not the record owner of the fee title.

SEC. 7. Section 35003.1 of the Water Code is amended to read:

35003.1. A district may, by ordinance adopted at least 90 days prior to any district election, determine that voters shall thereafter be ascertained pursuant to this section.

In such event, the county clerk shall prepare the voter list required by Section 23527.5 of the Elections Code based upon the last equalized assessment roll of each affected county corrected to reflect, in the case of transfers of land, those persons who as of the 45th day prior to the election appear as owners on the records in the county assessor's office which the assessor will use to prepare the next ensuing assessor's roll and which shall be conclusive evidence of ownership and of the value of land so owned. Where only a portion of a parcel of land has been transferred, and the assessed value thereof and of the remaining parcel are not separately stated upon the roll, estimated assessed values therefor shall be made by the county assessor, and such estimates shall, for the purposes of this section, be considered the value of the land. If more than one person or entity are shown as the owners of record of a parcel of land, the county clerk shall apportion the voting rights between the owners based upon the respective record interests in such land, and for such purpose, the county clerk may consider such information with respect thereto as the county clerk deems correct, proper and appropriate.

SEC. 8. Section 35005 of the Water Code is amended to read:

35005. No appointment of a proxy shall be valid, accepted, or vote allowed thereon at any district election unless it meets all of the following requirements:

(a) It is in writing.

(b) It is executed by the person or legal representative of the person who, in accordance with the provisions of Sections 35003 or 35003.1 is entitled to the votes for which the proxy is given.

(c) It is acknowledged or certified in accordance with Section 2015.5 of the Code of Civil Procedure.

(d) It specifies the election at which it is to be used. An appointment of a proxy shall be used only at the election specified.

(e) It shall be on a form as specified by the county clerk meeting

the above requirements.

Every appointment of a proxy is revocable at the pleasure of the person executing it at any time before the person appointed as proxy shall have cast a ballot representing the votes for which the appointment was given.

SEC. 9. Section 35107 of the Water Code is amended to read:

35107. The following procedures shall be used at the polls by the precinct board appointed pursuant to Section 23528 of the Elections Code:

(a) A roster of voters shall be kept by a member of the precinct board. Each qualified voter who votes shall sign the roster opposite his name.

(b) Any voter holding a proxy or authority of legal representative shall deliver it to the judge for inspection. If the proxy or authority is valid, the voter shall sign his own name followed by the word "proxy" or "authority" in the roster opposite the name of the person giving the proxy or the authority.

(c) A voter list of all persons eligible to vote shall be kept by a member of the precinct board. This list shall contain an alphabetical list of eligible voters indicating the number of votes each may cast. The list shall have an appropriate blank space for inserting the ballot number issued to each voter to the right of the number of votes to be cast, a blank space for inserting the number of votes cast by each voter, and a blank space to insert the roster line number of the voter's signature to the left of the printed name of the voter.

(d) As each voter signs the roster, the member of the precinct board keeping the voter list of persons casting ballots shall announce the number of votes the voter is entitled to cast. A member of the precinct board shall insert in ink or indelible pencil in both spaces on each voter's ballot the number of votes the voter is entitled to cast on that ballot. A member of the precinct board shall then place the number of that ballot on the voter list and shall also insert the roster line number of the voter's signature and the number of votes cast in the appropriate spaces.

(e) The ballot and the ballot number shall be checked by a member of the precinct board for accuracy. Any errors shall be corrected and initialed by such member.

(f) The ballot shall be folded by a member of the precinct board by placing the bottom of the ballot on the line marked for that purpose. The ballot shall be refolded by placing the folded bottom on the line marked for folding so that the ballot is folded twice.

(g) The portion of the ballot above the perforated line and to the left of the vertical perforation shall be removed by a member of the precinct board. If a proxy or authority of legal representative is being voted, the proxy or authority shall be attached to the ballot slip.

(h) A member of the precinct board shall hand the folded ballot to the voter who shall take it into a voting booth which shall be so constructed as to insure privacy. The booth shall be provided with a rubber cross stamp and ink pad. The ballot shall be marked only

with the rubber stamp by the voter.

(i) After voting the voter shall refold the ballot and deliver it to a member of the precinct board who shall examine only that portion of the ballot which is exposed above the fold line and check that the number of votes marked on the ballot corresponds with the number of votes on the ballot slip of that ballot. Any error in the number of votes shall be corrected by said member in ink or indelible pencil and initialed by two members of the precinct board. The remaining portion of the ballot above the perforated line, shall be removed and delivered to the voter. The folded ballot shall be placed into the ballot box. The ballot box shall be kept locked while the polls are open.

(j) The precinct board shall file as a part of the election records required by Section 23547 of the Elections Code the ballot slip and any proxy or authority of legal representative attached thereto.

SEC. 10. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there by any appropriation made by this act because this act contains a revenue source which may be utilized by local governments to cover the cost of the mandate.

CHAPTER 1158

An act to amend Section 1714.5 of the Civil Code, to amend Sections 8610, 8657, and 8659 of the Government Code, and to amend Sections 3211.92 and 4353 of the Labor Code, relating to disaster service.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 1714.5 of the Civil Code is amended to read:

1714.5. There shall be no liability on the part of one, including the State of California, county, city and county, city or any other political subdivision of the State of California, who owns or maintains any building or premises which have been designated as a shelter from destructive operations or attacks by enemies of the United States by any disaster council or any public office, body, or officer of this state or of the United States, or which have been designated or are used as mass care centers, first aid stations, temporary hospital annexes, or as other necessary facilities for mitigating the effects of a natural, manmade, or war-caused emergency, for any injuries arising out of the use thereof for such purposes sustained by any person while in or upon said building or premises as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, or the

designation or use thereof as a mass care center, first aid station, temporary hospital annex, or other necessary facility for emergency purposes, except a willful act, of such owner or occupant or his servants, agents or employees when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge, treatment, care, or assistance therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority or during a natural or manmade emergency.

No disaster service worker who is performing disaster services ordered by lawful authority during a state of war emergency, a state of emergency, or a local emergency, as such emergencies are defined in Section 8558 of the Government Code, shall be liable for civil damages on account of personal injury to or death of any person or damage to property resulting from any act or omission in the line of duty, except one that is willful.

SEC. 2. Section 8610 of the Government Code is amended to read:

8610. Counties, cities and counties, and cities may create disaster councils by ordinance. A disaster council shall develop plans for meeting any condition constituting a local emergency, state of emergency, or state of war emergency; such plans shall provide for the effective mobilization of all of the resources within the political subdivision, both public and private. The governing body of a county, city and county, or city may, in such ordinance or by resolution adopted pursuant to such ordinance, provide for the organization, powers and duties, divisions, services, and staff of the emergency organization. The governing body of a county, city and county, or city may, by ordinance or resolution, authorize public officers, employees, and registered volunteers to command the aid of citizens when necessary in the execution of their duties during a state of war emergency, a state of emergency, or a local emergency.

Counties, cities and counties, and cities may enact ordinances and resolutions and either establish rules and regulations or authorize disaster councils to recommend to the director of the local emergency organization rules and regulations for dealing with local emergencies that can be adequately dealt with locally; and further may act to carry out mutual aid on a voluntary basis and, to this end, may enter into agreements.

SEC. 3. Section 8657 of the Government Code is amended to read:

8657. (a) Volunteers duly enrolled or registered with the Office of Emergency Services or any disaster council of any political subdivision, or unregistered persons duly impressed into service during a state of war emergency, a state of emergency, or a local emergency, in carrying out, complying with, or attempting to comply with, any order or regulation issued or promulgated pursuant to the provisions of this chapter or any local ordinance, or performing any of their authorized functions or duties or training for the

performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions performing similar work for their respective entities.

(b) No political subdivision or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or registered volunteers thereof, or unregistered persons duly impressed into service during a state of war emergency, a state of emergency, or a local emergency, acting within the scope of their official duties under this chapter or any local ordinance shall be liable for personal injury or property damage sustained by any duly enrolled or registered volunteer engaged in or training for emergency preparedness or relief activity, or by any unregistered person duly impressed into service during a state of war emergency, a state of emergency, or a local emergency and engaged in such service. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any federal or state statute nor shall it affect the right of any person to recover under the terms of any policy of insurance.

SEC. 4. Section 8659 of the Government Code is amended to read:

8659. Any physician or surgeon (whether licensed in this state or any other state), hospital, nurse, or dentist who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any person by reason of such services, regardless of how or under what circumstances or by what cause such injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.

SEC. 5. Section 3211.92 of the Labor Code is amended to read:

3211.92. "Disaster service worker" means any natural person who is registered with a disaster council for the purpose of engaging in disaster service pursuant to the California Emergency Services Act without pay or other consideration.

"Disaster service worker" includes public employees and also includes any unregistered person impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his duties.

Persons registered with a disaster council at the time such council becomes accredited need not reregister in order to be entitled to the benefits provided by Chapter 10 of this part.

"Disaster service worker" does not include any member registered as an active firefighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the county, city, town or district in which such fire department is located.

SEC. 6. Section 4353 of the Labor Code is amended to read:

4353. Compensation shall be furnished to a disaster service worker for any injury suffered either within or without the state arising out of and occurring in the course of his activities as a disaster service worker, and for the death of any such worker if the injury proximately causes death, in those cases where the following conditions concur:

(a) Where, at the time of the injury the disaster service worker is performing services as a disaster service worker, and is acting within the course of his duties as a disaster service worker.

(b) Where, at the time of the injury the disaster council with which the disaster service worker is registered is an accredited disaster council or the disaster service worker is an unregistered person impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his duties.

(c) Where the injury is proximately caused by his service as a disaster service worker, either with or without negligence.

(d) Where the injury is not caused by the intoxication of the injured worker.

(e) Where the injury is not intentionally self-inflicted.

SEC. 7. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 1159

An act to add Sections 12857 and 12858 to, and to amend Section 11501, of the Government Code, to amend Section 38200 of the Health and Safety Code, to amend Sections 301, 1094, 1258.5, 1259, 1329, 2707.3, 2707.4, 2707.6, 3127, and 3129 of, and to add Sections 1381 and 2742 to the Unemployment Insurance Code, and to amend Sections 5715.5, 10053, 10053.8, 10056, 10551, 10552.5, 10553.1, 10554, 10554.1, 10557, 10559, 10560, 10600, 10603, 10603.1, 10604, 10604.1, 10605, 10605.1, 10606, 10608, 10609.1, 10610, 10611, 10613, 10616, 10617, 10652, 10700, 10806, 11308.6, 14100.1, 14102, and 14124.5 of, and the heading of Chapter 3 (commencing with Section 10700) of Part 2 of Division 9 of, to add Sections 10554.2, 10554.3, and 10806.1 to, the Welfare and Institutions Code, relating to the Department of Benefit Payments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 11501 of the Government Code, as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.

Board of Medical Examiners of the State of California and the district review committees.

Board of Osteopathic Examiners of the State of California.

California Board of Nursing Education and Nurse Registration.

State Board of Optometry.

California State Board of Pharmacy.

State Department of Health.

Board of Examiners in Veterinary Medicine.

State Board of Accountancy.

California State Board of Architectural Examiners.

State Board of Barber Examiners.

State Board of Registration for Professional Engineers.

Registrar of Contractors.

State Board of Cosmetology.

State Board of Funeral Directors and Embalmers.

Structural Pest Control Board.

Department of Navigation and Ocean Development.

Director of Consumer Affairs.

Bureau of Collection and Investigative Services.

State Fire Marshal.

State Board of Registration for Geologists.

Director of Food and Agriculture.

Labor Commissioner.

Real Estate Commissioner.

Commissioner of Corporations.

Department of Benefit Payments.

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

Board of Pilot Commissioners for Humboldt Bay and Bar.

Board of Pilot Commissioners for the Harbor of San Diego.

Fish and Game Commission.

State Board of Education.

Insurance Commissioner.

Savings and Loan Commissioner.

State Board of Dry Cleaners.

Board of Behavioral Science Examiners.

State Board of Chiropractic Examiners.

State Board of Guide Dogs for the Blind.

Department of Aeronautics.

Board of Administration, Public Employees' Retirement System.

Department of Motor Vehicles.

Bureau of Home Furnishings.
Cemetery Board.
Department of Conservation.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Repair Services.
California State Board of Landscape Architects.
Department of Alcoholic Beverage Control.
California Horse Racing Board.
School districts under Section 13443 of the Education Code.
State Fair Employment Practice Commission.
Bureau of Employment Agencies.

SEC. 24.1. Section 12857 is added to the Government Code, to read:

12857. The Health and Welfare Agency shall be the single state agency for all matters relating to the activities of state government involving the execution of agreements and administration or supervision of programs for which the federal law requires a single state agency be established as a condition to federal financing in whole or in part, including Titles I, IV, V, VI, VII, X, XI, XIV, XVI, XVII, XVIII, and XIX of the Federal Social Security Act.

SEC. 24.2. Section 12858 is added to the Government Code, to read:

12858. The Secretary of the Health and Welfare Agency may adopt, amend, or repeal, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2, of this code, such regulations as are necessary or proper to carry out the purposes, exercise the powers, and perform the duties conferred on him by Section 12857; provided that the secretary may delegate to constituent departments of the Health and Welfare Agency responsibility for the formulation of and the holding of public hearings on such regulations.

SEC. 25. Section 38200 of the Health and Safety Code is amended to read:

38200. There is in the Health and Welfare Agency the State Developmental Disabilities Planning and Advisory Council.

The council shall consist of 15 voting members. Six members shall represent consumers of services for persons with developmental disabilities of whom one member shall be the parent of a mentally retarded child who is not in a state hospital and one member shall be the parent of a mentally retarded child who is a patient in a state hospital.

Five members shall be representatives of local agencies, nongovernmental organizations, and groups concerned with services for persons with developmental disabilities.

The Governor shall appoint the following seven members of the

council: the six representatives of consumers of services for persons with developmental disabilities and one representative of a local agency or nongovernmental organization serving the retarded. The Senate Rules Committee and the Speaker of the Assembly shall each appoint two representatives of local agencies or nongovernmental organizations serving the retarded.

The State Director of Health, the Director of Benefit Payments, the Superintendent of Public Instruction, and the Director of the Department of Rehabilitation or their designees shall serve as members of the council.

Of the members appointed by the Governor, three shall hold office for three years, two shall hold office for two years, and two shall hold office for one year. The members appointed by the Senate Rules Committee and by the Speaker of the Assembly each shall hold office for three years.

SEC. 26. Section 301 of the Unemployment Insurance Code, as amended by Section 78 of Chapter 1212 of the Statutes of 1973, is amended to read:

301. (a) There is in the Health and Welfare Agency the Department of Employment Development which except as provided in subdivision (b) of this section, is vested with the duties, purposes, responsibilities, and jurisdiction heretofore exercised by the Department of Human Resources Development, and by the Health and Welfare Agency with respect to job creation activities. The Department of Employment Development shall be administered by an executive officer known as the Director of Employment Development who except as provided in subdivision (b) of this section, is vested with the duties, purposes, responsibilities, and jurisdiction heretofore exercised by the Director of the Department of Human Resources Development.

(b) (1) There is in the Health and Welfare Agency the Department of Benefit Payments which is vested with the following duties, purposes, responsibilities and jurisdiction heretofore exercised by the Department of Human Resources Development:

(A) Making manual computations and making or denying recomputations of the amount and duration of benefits.

(B) Determination of contribution rates and the administration and collection of contributions, penalties and interest, including but not limited to filing and releasing liens.

(C) Establishment, administration, and transfer of reserve accounts.

(D) Making assessments and the administration of credits and refunds.

(E) Approving elections for coverage or for financing unemployment and disability insurance coverage.

(2) The Department of Benefit Payments shall be administered by an executive officer known as the Director of Benefit Payments who is vested with the duties, purposes, responsibilities, and jurisdiction heretofore exercised by the Director of the Department

of Human Resources Development with respect to the functions specified in paragraph (1) of this subdivision.

(3) The Director of Benefit Payments is authorized to delegate to the Department of Employment Development which is authorized to accept, exercise, and perform the powers and duties necessary to administer all or any part of the functions specified in this subdivision (b).

SEC. 27. Section 1094 of the Unemployment Insurance Code is amended to read:

1094. Except as otherwise specifically provided in this code, the information obtained in the administration of this code shall be for the exclusive use and information of the director and the Director of Employment Development in discharge of his or their duties and shall not be open to the public, nor admissible in evidence in any action or special proceeding, other than one arising out of the provisions of this code or one arising out of the provisions of Division 9 (commencing with Section 10000) of the Welfare and Institutions Code to determine entitlement to, and directly connected with and limited to the administration of, public social services. Such information may be tabulated and published in statistical form for the use and information of state departments and the public, except that the name of the employing unit or of any worker shall never be divulged in the course of such tabulation or publication.

SEC. 28. Section 1258.5 of the Unemployment Insurance Code, as added by Chapter 1210 of the Statutes of 1973, is amended to read:

1258.5. "Suitable employment" does not include employment with an employer who does not:

(a) Possess an appropriate state license to engage in his business, trade, or profession; or

(b) Withhold or hold in trust the employee contributions required by Part 2 (commencing with Section 2601) of this division for unemployment compensation disability benefits and does not transmit all such employee contributions to the Department of Benefit Payments for the Disability Fund as required by Section 986; or

(c) Carry either workmen's compensation insurance or possess a certificate of self-insurance as required by Division 4 (commencing with Section 3201) of the Labor Code.

SEC. 29. Section 1259 of the Unemployment Insurance Code, as amended by Chapter 1000 of the Statutes of 1973, is amended to read:

1259. Notwithstanding any other provisions of this division, no work or employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible and qualified individual for refusing new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(c) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) If the offer of employment is from an employer who does not possess an appropriate state license to engage in his business, trade, or profession if required by state law.

(e) If the offer of employment is from an employer who does not carry either workmen's compensation insurance or possess a certificate of self-insurance as required by Division 4 (commencing with Section 3201) of the Labor Code.

(f) If the offer of employment is from an employer who does not withhold or hold in trust the employee contributions required by Part 2 (commencing with Section 2601) of this division for unemployment compensation disability benefits and does not transmit all such employee contributions to the Department of Benefit Payments for the Disability Fund as required by Section 986.

SEC. 30. Section 1329 of the Unemployment Insurance Code, as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

1329. Upon the filing of a new claim for benefits, the Department of Employment Development shall promptly make a computation on the claim which shall set forth the maximum amount of benefits potentially payable during the benefit year and the weekly benefit amount. The Department of Employment Development shall promptly notify the claimant of the computation. The Department of Employment Development shall promptly notify each of the claimant's base period employers of the computation after the payment of the first weekly benefit.

SEC. 31. Section 1381 is added to the Unemployment Insurance Code, to read:

1381. The Director of Benefit Payments shall enforce collection of any judgment obtained in a civil action by the Director of Employment Development under subdivision (a) of Section 1379. Amounts collected under this section shall be deposited in the fund from which the overpayment was made, except that the amounts collected to offset the costs of collections shall be deposited in the Unemployment Administration Fund.

SEC. 32. Section 2707.3 of the Unemployment Insurance Code, as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

2707.3. (a) Except as provided in subdivision (b) of this section, upon the filing of a claim for unemployment compensation disability benefits, the Department of Employment Development shall promptly make a computation on the claim which shall set forth the maximum amount of benefits potentially payable during the disability benefit period and the weekly benefit amount. The Department of Employment Development shall promptly notify the claimant of the computation.

(b) No computation shall be made on a claim of an employee for disability benefits under an approved self-insured plan if the uninterrupted period of disability for such claim does not exceed the

waiting period prescribed for benefits from the Disability Fund under subdivision (b) of Section 2627 and Section 2802.

SEC. 33. Section 2707.4 of the Unemployment Insurance Code, as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

2707.4. Upon receipt of the notice of the computation or recomputation, the claimant so notified may protest the accuracy of the computation or recomputation. The Department of Benefit Payments shall consider any such protest and shall promptly notify the claimant of the recomputation or denial of recomputation. The claimant may appeal from a notice of denial or recomputation in the manner prescribed in Section 2707.2. The Director of Benefit Payments shall be an interested party to any appeal.

SEC. 34. Section 2707.6 of the Unemployment Insurance Code, as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

2707.6. Notices, protests, and information required under this article shall be submitted in accordance with authorized regulations.

SEC. 35. Section 2742 is added to the Unemployment Insurance Code, to read:

2742. The Director of Benefit Payments shall enforce collection of any judgment obtained in a civil action by the Director of Employment Development under subdivision (a) of Section 2739. Amounts collected under this section shall be deposited in the fund from which the overpayment was made.

SEC. 36. Section 3127 of the Unemployment Insurance Code, as amended by Section 254 of Chapter 1212 of the Statutes of 1973, is amended to read:

3127. The Director of Employment Development shall allocate space to the agencies and services comprising the Department of Employment Development. Any buildings or facilities acquired pursuant to this article may contain space in excess of the requirements of the department and, until needed, may be leased or let by the Director of Employment Development at such rental and upon such terms and conditions as may be approved by the Department of General Services.

SEC. 37. Section 3129 of the Unemployment Insurance Code, as amended by Section 258 of Chapter 1212 of the Statutes of 1973, is amended to read:

3129. When the money invested under the provisions of this article for the providing and equipment of buildings or facilities has been repaid to the Disability Fund together with interest, the jurisdiction and control of any such buildings or facilities, and the operation and management thereof, shall vest in the Department of General Services, but the Departments of Employment Development and Benefit Payments with respect to their respective functions under this code shall have priority to occupy any space within such buildings or facilities at rental rates not exceeding the cost of providing maintenance and other services.

SEC. 38. Section 5715.5 of the Welfare and Institutions Code, as added by Chapter 1061 of the Statutes of 1973, is amended to read:

5715.5. Whenever a county or a city receives funds under a grant program for mental health services from either the federal or state government, or from any other grantor, public or private, and fails to include such grant program in the county plan and mental health budget, the State Director of Benefit Payments shall not thereafter approve any claims submitted by the county or city for state reimbursement under this part unless and until the county plan and mental health budget has been revised to include such grant program and the revised county plan and budget is approved by the State Director of Health.

SEC. 39. Section 10053.8 of the Welfare and Institutions Code is amended to read:

10053.8. The State Department of Health or through the county department may provide protective social services:

(a) For the care of mentally retarded and developmentally disabled patients released from state hospitals of the State Department of Health, or to prevent the unnecessary admission of mentally retarded and developmentally disabled persons to hospitals at public expense or to facilitate the release of mentally retarded and developmentally disabled patients for whom such hospital care is no longer the appropriate treatment; provided that such services may be rendered only if provision for such services is made in the areawide mental retardation plan.

(b) For the care of mentally disordered patients released from state hospitals or to prevent the unnecessary admission of mentally disordered persons to hospitals at public expense or to facilitate the release of mentally disordered patients for whom such hospital care is no longer the appropriate treatment; provided that such services may be rendered only if provision for such services is made in the county Short-Doyle plan for the county.

The State Department of Benefit Payments to the extent funds are appropriated and available, shall pay for the cost of providing for care in a private home, certified by the State Department of Health, for mentally disordered, mentally retarded or developmentally disabled persons described in, and subject to the request and plan conditions of, subdivisions (a) and (b) above. The monthly rate for such private home care shall be set by the State Department of Health at an amount which will provide the best possible care at minimum cost and also insure:

(1) That the person will receive proper treatment and may be expected to show progress in achieving the maximum adjustment toward returning to community life; and

(2) That sufficient homes can be recruited to achieve the stated objectives of this section.

For all such persons without public or private financial resources who are placed in private homes at state expense, the State Department of Benefit Payments may provide from local assistance budget funds, at a rate to be determined by the Secretary of the Health and Welfare Agency, moneys necessary to furnish clothing

and to meet incidental living expenses. No such moneys shall be provided by the State Department of Health for mentally retarded patients after July 1, 1971.

It is the legislative intent that the State Department of Health may make the fullest possible use of available resources in serving mentally retarded and developmentally disabled persons.

Any funds expended for the care of persons in a private home certified by the State Department of Health, including costs of administration and staffing and including money necessary to furnish clothing and to meet incidental living expenses, at the request of the local director of a mental health service pursuant to this section shall be expended by the Department of Benefit Payments only if the State Department of Health and the local mental health service enter a contract in accordance with the Short-Doyle Act (commencing with Section 5600) under which the county shall reimburse the Department of Benefit Payments for 10 percent of the amount expended by the State Department of Health, exclusive of such portion of the cost as is provided by the federal government.

The provision for such 10-percent county share shall be inapplicable with respect to any county with a population of under 100,000 which has not elected to participate financially in providing services under Division 5 (commencing with Section 5000) in accordance with Section 5709.5.

The State Department of Health may provide services pursuant to this section directly or through contract with public or private entities.

The State Department of Health, or through the county department may provide protective social services, including the cost of care in a private home pursuant to this section or in a suitable facility as specified in Section 7354, for judicially committed patients released from a state hospital on leave of absence or parole, and payments therefor shall be made from funds available to the Department of Benefit Payments or the State Department of Health for that purpose or for the support of patients in state hospitals.

In facilitating the release of mentally disordered patients or persons who have been mentally disordered patients to suitably licensed facilities, the State Department of Health shall provide the licensee with information concerning the previous conduct of the patients which would be relevant in determining the suitability of the particular facility for the patient and the suitability of placement of such patient in such facility. The release of this information shall be consistent with the confidentiality guidelines under the Lanterman-Petris-Short Act and the Short-Doyle Act.

SEC. 44. Section 10056 of the Welfare and Institutions Code, as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

10056. "Board" means the State Benefits and Services Advisory Board. Whenever any reference is made in any provision of law to the "State Social Welfare Board", it shall mean the State Benefits and Services Advisory Board.

SEC. 45. Section 10551 of the Welfare and Institutions Code, as amended by Section 3 of Chapter 1216 of the Statutes of 1973, is amended to read:

10551. The department consists of the director, the State Benefits and Services Advisory Board, and such divisions or other administrative units as the director may find necessary.

SEC. 46. Section 10552.5 of the Welfare and Institutions Code, as added by Chapter 1212 of the Statutes of 1973, is amended to read:

10552.5. The director shall review and evaluate the systems within the Health and Welfare Agency for the payment and computation of benefits, insurance, and subvention moneys. He shall determine the adequacy and effectiveness of the payment systems, whether the payment systems are consistent and compatible, and whether adequate fiscal accountability exists.

SEC. 47. Section 10553 of the Welfare and Institutions Code is amended to read:

10553. The director shall:

(a) Be responsible for the management of the department.

(b) To the extent delegated by the Secretary of the Health and Welfare Agency, administer on behalf of the secretary the laws pertaining to the administration of aid.

(c) Observe and report to the secretary and the Governor on the conditions of aid throughout the state.

(d) Formulate, adopt, amend or repeal, in accordance with the provisions of Section 10554, regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the department and which are consistent with law and necessary for the administration of aid.

All regulations heretofore adopted shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the director.

(e) Perform such other duties as may be prescribed by law or delegated by the secretary, and such other administrative and executive duties as have by other provisions of law been previously imposed.

SEC. 48. Section 10553.1 of the Welfare and Institutions Code is amended to read:

10553.1. The Director of Health shall:

(a) To the extent delegated by the Secretary of the Health and Welfare Agency, administer on behalf of the secretary the laws pertaining to the administration of services.

(b) Observe and report to the secretary and the Governor on the condition of services throughout the state.

(c) Formulate, adopt, amend or repeal, in accordance with the provisions of Section 10554.1, regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the State Department of Health and which are consistent with law and necessary for the administration of services.

All regulations heretofore adopted by the Director of Social

Welfare relating to services shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the Director of Health.

(d) Perform such other duties as may be prescribed by law or delegated by the secretary and such other administrative and executive duties as have by other provisions of law been previously imposed upon the Director of Health.

SEC. 49. Section 10554 of the Welfare and Institutions Code is amended to read:

10554. The director is the only person who may be authorized by the Secretary of the Health and Welfare Agency to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the department, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, provided that such regulations need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the department. No regulation shall be submitted to public hearing or filed with the Secretary of State until it has been approved by the Secretary of the Health and Welfare Agency.

In adopting regulations the director shall strive for clarity of language which may be readily understood by those administering aid or subject to such regulations.

The rules of the department need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the department is required to use, submit or maintain such forms, reports or records.

SEC. 50. Section 10554.1 of the Welfare and Institutions Code is amended to read:

10554.1. The Director of Health is the only person who may be authorized by the Secretary of the Health and Welfare Agency to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the State Department of Health, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, provided that regulations relating to services need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the department and are not promulgated pursuant to Section 16003, 16201, or 16309. If such regulations are promulgated pursuant to Section 16003, 16201 or 16309, they shall be printed in the California Administrative Code or California Administrative Register. No regulation shall be submitted to public hearing or filed with the Secretary of State until it has been approved by the Secretary of the Health and Welfare

Agency.

In adopting regulations the Director of Health shall strive for clarity of language which may be readily understood by those administering services or subject to such regulations.

The rules of the State Department of Health need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the State Department of Health is required to use, submit or maintain such forms, reports or records.

SEC. 52. Section 10554 2 is added to the Welfare and Institutions Code, to read:

10554.2. All regulations heretofore adopted by the Director of the State Department of Social Welfare which relate to the administration of aid payments shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the Director of Benefit Payments.

SEC. 53. Section 10554.3 is added to the Welfare and Institutions Code, to read:

10544.3. All regulations heretofore adopted by the Director of the State Department of Health which relate to payment, accounting, auditing and collection functions vested in the Department of Benefit Payments shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the Director of Benefit Payments.

SEC. 54. Section 10557 of the Welfare and Institutions Code, as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

10557. No person, while holding the office of director or member of the State Benefits and Services Advisory Board, shall be a trustee, manager, director, or other officer or employee of any agency performing any function supervised by the department or any institution which is subject to examination, inspection, or supervision by the department; nor shall any member of the State Benefits and Services Advisory Board hold any other office or employment in the department.

SEC. 55. Section 10600 of the Welfare and Institutions Code is amended to read:

10600. It is hereby declared that provision for public social services in this code is a matter of statewide concern. The Health and Welfare Agency is hereby designated as the single state agency with full power to supervise every phase of the administration of aid and as the single state agency with full power to supervise every phase of the administration of services for which grants-in-aid are received from the United States government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws. Directors of departments in the Health and Welfare Agency are officials of the Health and Welfare Agency.

SEC. 56. Section 10603 of the Welfare and Institutions Code is amended to read:

10603. To the extent delegated by the Secretary of the Health and Welfare Agency, the State Department of Social Welfare shall advise, on behalf of the secretary, public officers regarding the administration of aid by public agencies throughout the state, and shall supervise, on behalf of the secretary, the administration of state aid to all persons receiving or eligible to receive state aid. It shall also supervise, on behalf of the secretary, the expenditure of any funds for Indian relief which may be granted to the state by the federal government.

SEC. 57. Section 10603.1 of the Welfare and Institutions Code is amended to read:

10603.1. To the extent delegated by the Secretary of the Health and Welfare Agency, the State Department of Health shall advise, on behalf of the secretary, public officers regarding the administration of services by public agencies throughout the state, and shall supervise, on behalf of the secretary, the administration of services to all persons receiving or eligible to receive such services.

SEC. 58. Section 10604 of the Welfare and Institutions Code is amended to read:

10604. To the extent delegated by the Secretary of the Health and Welfare Agency, in administering any funds appropriated or made available for disbursement through the counties for welfare purposes, the department shall:

(a) Require as a condition for receiving such grants-in-aid, that the county shall bear that proportion of the total expense of furnishing aid, as is fixed by the law relating to such aid.

(b) Establish regulations in accordance with the provisions of Section 10554, not in conflict with the law fixing statewide standards for the administration of all state or federally assisted aid programs, defining and controlling the conditions under which aid may be granted or refused. All regulations established by the department shall be binding upon the boards of supervisors and the county department.

SEC. 59. Section 10604.1 of the Welfare and Institutions Code is amended to read:

10604.1. To the extent delegated by the Secretary of the Health and Welfare Agency, in administering any funds appropriated or made available for disbursement through the counties for welfare purposes the Department of Health shall establish regulations in accordance with the provisions of Section 10554.1, not in conflict with the law fixing statewide standards for the administration of all state or federally assisted service programs. All regulations established by the State Department of Health shall be binding upon the boards of supervisors and the county department.

SEC. 60. Section 10605 of the Welfare and Institutions Code is amended to read:

10605. If the Secretary of the Health and Welfare Agency considers a county director to be failing, in a substantial manner, to comply with any provision of this code or any regulation, pertaining

to the administration of aid, the secretary shall put the county director on written notice to that effect, and shall give a copy of the notice to the board of supervisors.

If within 60 days the county director fails to give reasonable assurance that he is complying and will continue to comply with the laws and regulations, the secretary shall order the county to appear at a hearing, before the director, with the State Benefits and Services Advisory Board, to show cause why the secretary should not take action to secure compliance. The county shall be given at least 30 days' notice of such hearing. The secretary shall consider the case on the record established at the hearing, and the advice of the State Benefits and Services Advisory Board, and, within 30 days, shall render proposed findings and a proposed decision on the issues. The proposed findings and decision shall be submitted to the county, and the county shall have an opportunity to appear within 10 days at such time and place as may be fixed by the secretary, for the purpose of presenting oral arguments respecting the proposed findings and decision. Thereupon the secretary shall make his final findings and decision.

If the secretary determines that there is a failure on the part of the county to comply with the provisions of this code or the established regulations, or if the State Personnel Board certifies to the secretary that a county is not in conformity with established merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, and that administrative sanctions are necessary to secure compliance, the secretary may invoke any of the following sanctions:

(a) Withhold part or all of state and federal funds from such county until the county shall make a showing to the secretary of compliance; or

(b) Assume, temporarily, direct responsibility for the administration of any or all state-assisted aid programs in such county until the county shall provide reasonable assurance to the secretary of its intention and ability to comply with such laws and regulations. During such period of state administrative responsibility for county programs, the secretary or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the board of supervisors; or

(c) Bring an action in mandamus or such other action in court as may be appropriate to compel compliance. Any such action shall be entitled to a preference in setting a date for a hearing.

Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued aid required by law.

Nothing contained in this section shall be construed as preventing a county from seeking judicial review of action taken by the secretary pursuant to this section under Section 1094.5 of the Code of Civil Procedure or, except in cases arising under Sections 10962

and 10963, from seeking injunctive relief when deemed appropriate.

SEC. 61. Section 10605.1 of the Welfare and Institutions Code is amended to read:

10605.1. If the Secretary of the Health and Welfare Agency considers a county director to be failing, in a substantial manner, to comply with any provision of this code or any regulation pertaining to the administration of services, he shall put the county director on written notice to that effect, and shall give a copy of the notice to the board of supervisors.

If within 60 days the county director fails to give reasonable assurance that he is complying and will continue to comply with the laws and regulations, the secretary shall order the county to appear at a hearing, before him to show cause why the secretary should not take action to secure compliance. The county shall be given at least 30 days notice of such hearing. The secretary shall consider the case on the record established at the hearing and, within 30 days, shall render proposed findings and a proposed decision on the issues. The proposed findings and decisions shall be submitted to the county, and the county shall have an opportunity to appear within 10 days at such time and place as may be fixed by the secretary for the purpose of presenting oral arguments respecting the proposed findings and decision. Thereupon the secretary shall make his final findings and decision.

If the secretary determines that there is a failure on the part of the county to comply with the provisions of this code or the established regulations, or if the State Personnel Board certifies to the secretary that a county is not in conformity with established merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, and that administrative sanctions are necessary to secure compliance, the secretary may invoke any of the following sanctions:

(a) Withhold part or all of state and federal funds from such county until the county shall make a showing to the secretary of compliance; or

(b) Assume, temporarily, direct responsibility for the administration of any or all state-aided service programs in such county until the county shall provide reasonable assurance to the secretary of its intention and ability to comply with such laws and regulations. During such period of state administrative responsibility for county programs, the secretary or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the board of supervisors; or

(c) Bring an action in mandamus or such other action in court as may be appropriate to compel compliance. Any such action shall be entitled to a preference in setting a date for a hearing.

Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued services required by law.

Nothing contained in this section shall be construed as preventing a county from seeking judicial review of action taken by the secretary pursuant to this section under Section 1094.5 of the Code of Civil Procedure or, except in cases arising under Sections 10962 and 10963, from seeking injunctive relief when deemed appropriate.

SEC. 64. The heading of Chapter 3 (commencing with Section 10700) of Part 2 of Division 9 of the Welfare and Institutions Code, as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

CHAPTER 3. STATE BENEFITS AND SERVICES ADVISORY BOARD

SEC. 65. Section 10609 of the Welfare and Institutions Code is repealed.

SEC. 66. Section 10609.1 of the Welfare and Institutions Code is amended to read:

10609.1. The Secretary of the Health and Welfare Agency may act as the agent or representative of or cooperate with the federal government in any matters within the scope of the functions of the secretary under this division, for the administration of federal funds granted to this state or for any other purpose in furtherance of those functions.

The secretary may cooperate with the federal government, its agencies or instrumentalities, in establishing, extending, and strengthening services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent, and may receive and expend all funds made available for such purposes by the federal government to the secretary, the state, a county, a district, a municipal corporation, or a political subdivision.

Any contract or agreement entered into by the secretary with the federal government or any agency thereof for the expenditure of any funds in the exercise of any power granted to the secretary by this section shall be subject to approval by the State Department of Finance.

SEC. 67. Section 10613 of the Welfare and Institutions Code is amended to read:

10613. The functions of the Secretary of the Health and Welfare Agency may include the administration and the supervision of the administration of aid within this state as an agent of the federal government.

SEC. 68. Section 10613.1 of the Welfare and Institutions Code is amended to read:

10613.1. The functions of the Secretary of the Health and Welfare Agency may include the administration and the supervision of the administration of services within this state as an agent of the federal government and acting as a service agency for the federal government in the field of social service and welfare.

SEC. 77. Section 10700 of the Welfare and Institutions Code as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

10700. The State Benefits and Services Advisory Board consists of seven members. Each member of the board shall be appointed by the Governor with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. It shall be the duty of the Governor to fill all vacancies on the board within 60 days.

The members of the board shall be selected for their interest and leadership in programs within the jurisdiction of the Department of Benefit Payments without regard to political or religious affiliations or profession or occupation.

SEC. 81. Section 10806 of the Welfare and Institutions Code is amended to read:

10806. If a dispute occurs between counties as to the responsibility for aid for an applicant or recipient, either county may submit the dispute to the department. The decision of the department shall be final.

SEC. 82. Section 10806.1 is added to the Welfare and Institutions Code, to read:

10806.1. If a dispute occurs between counties as to the responsibility for services for an applicant or recipient, either county may submit the dispute to the State Department of Health. The decision of the department shall be final.

SEC. 97. Section 11308.6 of the Welfare and Institutions Code as amended by Chapter 1210 of the Statutes of 1973, is amended to read:

11308.6. (a) Good cause for failure to report for enrollment in or refusal to enroll in a work incentive program shall be deemed to exist, when:

(1) Participation would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work, or

(2) Participation would be unreasonable because the assignment is not suited to the person's abilities or potential, or will not lead to realistic employment opportunities suited to the person's abilities or potential.

(b) Good cause for refusal of employment shall be deemed to exist when:

(1) The offer of employment is not for a specific job at a stated wage which meets the wage rate requirements set by the Department of Employment Development, or

(2) The job is available because of a labor dispute, or

(3) The job is not within the physical or mental capacity of the person, as established by competent professional authority, or

(4) Acceptance would be unreasonable because it would interrupt a program in process for permanent rehabilitation of self-support or conflict with an imminent likelihood or reemployment at the person's regular work.

(5) The offer of employment is from an employer who does not:

(A) Possess an appropriate state license to engage in his business, trade, or profession; or

(B) Withhold or hold in trust the employee contributions required by Part 2 (commencing with Section 2601) of Division 1 of the Unemployment Insurance Code for unemployment compensation disability benefits and does not transmit all such employee contributions to the Department of Benefit Payments for the Disability Fund as required by Section 986 of the Unemployment Insurance Code; or

(C) Carry either workmen's compensation insurance or possess a certificate of self-insurance as required by Division 4 (commencing with Section 3201) of the Labor Code.

SEC. 106. Section 14100.1 of the Welfare and Institutions Code is amended to read:

14100.1. For the purpose of administering this chapter, and Chapter 8 (commencing with Section 14500) of this part, the Secretary of the Health and Welfare Agency shall have those powers and duties necessary to conform to requirements for securing approval of a state plan under the provisions of the applicable federal law.

SEC. 107. Section 14102 of the Welfare and Institutions Code, as amended by Chapter 1212 of the Statutes of 1973, is amended to read:

14102. The Department of Benefit Payments succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction heretofore exercised by the State Department of Health with respect to the management and administration of the Health Care Deposit Fund designated in Section 14157, and the audit and recovery of any amount due, owing or collectible as the result of payments made under the California Medical Assistance Program, including amounts collectible under Sections 10020, 10022, 14009, 14014, 14024, 14105, or 14117.

Transfer to the Department of Benefit Payments of the above functions shall not impair any contract between the State Department of Health and any third party and such transfer shall neither create nor vest any right or obligation in either party. In no case shall the substitution of the Department of Benefit Payments for the State Department of Health be considered a breach of contract or failure of performance, nor shall it disturb the legal relationships of the parties.

SEC. 108. Section 14124.5 of the Welfare and Institutions Code, as amended by Chapter 142 of the Statutes of 1973, is amended to read:

14124.5. (a) The director may, in accordance with the provisions of Section 10554.1, adopt, amend or repeal, in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code, such reasonable rules and regulations as may be necessary or proper to carry out the purposes and intent of this chapter and to enable it to exercise the powers and perform the duties conferred upon it by this chapter, not inconsistent with any of the provisions of any statute of this state.

(b) All regulations heretofore adopted by the department shall remain in effect and shall be fully enforceable unless and until readopted, amended, or repealed by the director in accordance with the provisions of Section 10554.1.

SEC. 118. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of Chapter 1212 of the Statutes of 1973 to be fully implemented it is necessary that this act go into immediate effect.

CHAPTER 1160

An act to add and repeal Section 20904.6 of the Education Code, relating to educational facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 20904.6 is added to the Education Code, to read:

20904.6. Any voted increase in the maximum revenue limit to be effective commencing with the 1974–75 fiscal year which has a termination date of June 30, 1979, and whose sole purpose was the providing of construction funds shall be added to the revenue limit in an amount necessary to pay such construction obligations for the applicable fiscal year.

This section shall remain in effect until July 1, 1979, and as of that date is repealed.

SEC. 2. There is hereby appropriated to the Regents of the University of California, subject to the approval of the State Public Works Board, the sum of two hundred ninety-five thousand dollars ($295,000), payable from the Capital Outlay Fund for Public Higher Education, for the preparation of working drawings for, and construction of, fuel storage facilities for a heating plant at the Berkeley campus, provided that withdrawals shall be as required to meet current obligations as certified by the University of California.

SEC. 3. This act shall become operative on July 1, 1974.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that contractual commitments and construction projects approved by the electors may be permitted to proceed without

curtailment of the funding of the regular operating budget and programs of certain school districts, it is necessary that this act take effect by no later than July 1, 1974.

Funds for construction of fuel storage facilities at the Berkeley campus of the University of California were erroneously allocated in the Budget Act of 1974 to the UCLA campus. Unless there is a prompt adjustment of this error, the fuel storage facilities will not be constructed in time to accommodate fuel allocations which provide emergency winter heating to the Berkeley campus, and the University of California will suffer serious and irreparable harm. It is, therefore, necessary that this legislation be given immediate effect.

CHAPTER 1161

An act to amend Section 100 of, and to add Section 119.6, and Chapter 3 (commencing with Section 12120) to Part 4 of Division 2 of, the Insurance Code, relating to insurance.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 100 of the Insurance Code is amended to read:

100. Insurance in this state is divided into the following classes:

(1) Life
(2) Fire
(3) Marine
(4) Title
(5) Surety
(6) Disability
(7) Plate glass
(8) Liability
(9) Workmen's compensation
(10) Common carrier liability
(11) Boiler and machinery
(12) Burglary
(13) Credit
(14) Sprinkler
(15) Team and vehicle
(16) Automobile
(17) Mortgage
(18) Aircraft
(19) Mortgage guaranty
(19.5) Insolvency
(19.6) Legal insurance

(20) Miscellaneous

SEC. 2. Section 119.6 is added to the Insurance Code, to read:

119.6. Legal insurance includes the assumption of a contractual obligation to reimburse the insured against all or a portion of his fees, costs, and expenses related to or arising out of services performed by or under the supervision of an attorney who is an active member of the bar of any jurisdiction or jurisdictions of the United States, in which these legal services are performed.

Legal insurance does not include any of the following:

(a) Retainer contracts made by an individual lawyer or law firm with an individual client with the fee based on an estimate of the nature and the amount of services that will be provided to that specific client, and similar contracts made with a group of clients involved in the same or closely related legal matters (such as class actions);

(b) Plans providing no benefits other than consultation and advice on matters in connection with, or a part of, referral services.

(c) Plans providing limited benefits on simple legal matters on a voluntary and informal basis, not involving a legally binding promise, in the context of an employment or educational or similar relationship; or

(d) Legal services provided by labor unions or employee associations to their members in matters relating to employment or occupation.

(e) Legal service incidental to other insurance coverages.

The foregoing is not intended as an exclusive list of legal services plans or arrangements which do not constitute legal insurance as defined by this section.

SEC. 3. Chapter 3 (commencing with Section 12120), is added to Part 4 of Division 2 of the Insurance Code, to read:

CHAPTER 3. GROUP AND INDIVIDUAL PLANS FOR LEGAL INSURANCE

12120. (a) Subject to the provisions of this chapter, any insurer admitted to transact any class of insurance in this state, other than title insurance, mortgage insurance, or mortgage guaranty insurance, may transact legal insurance if it has a minimum paid-in capital and surplus of not less than one million dollars ($1,000,000), provided that the paid-in capital shall not be less than five hundred thousand dollars ($500,000), notwithstanding the paid-in capital and surplus requirements of Sections 700.01, 700.1, 10510, and 10511, respectively.

(b) Any insurer not admitted to transact any other class of insurance in this state may be admitted to transact legal insurance if it has the paid-in capital and surplus required by subdivision (a).

(c) As used in this section, "surplus" means the excess of admitted assets over the sum of (1) liabilities for losses reported, expenses, taxes, and all other indebtedness and reinsurance of outstanding risks

as provided by law, and either (2) paid-in capital, in the case of an insurer issuing or having outstanding shares of capital stock, or (3) minimum paid-in capital required by this section, in the case of any other insurer.

12121. Group legal insurance shall mean that form of legal insurance covering groups of persons as defined in this chapter with or without one or more of their dependents and issued upon one of the following bases:

(a) Under a policy issued to an employer insuring employees of the employer;

(b) Under a policy issued to a labor union insuring members of the union;

(c) Under a policy issued to the trustees of a fund established by two or more employers in the same industry or by one or more labor unions or by one or more employers and one or more labor unions, which trustees shall be deemed the policyholder insuring employees of the employers or members of the union;

(d) Under a policy issued to any other organization or combination of organizations, incorporated or otherwise, (including professional associations, trade associations, or other organizations) whose members have common concerns or problems, or have joined together as a means for bargaining for a particular position, or have voluntarily formed or become members of an organization designed to perform a service for its members, or any other substantially similar organization, excluding an organization or combination of organizations that is formed or maintained solely for the purposes of obtaining insurance.

12122. Group and individual legal insurance may be offered in this state subject to all the following conditions:

(a) Premium rates shall comply with any pertinent standards in this code, including the standards that rates not be excessive, inadequate, or unfairly discriminatory. Rates for group legal insurance shall not be deemed to be unfairly discriminatory because different premiums result for policyholders with like loss exposures but different expense factors, or like expense factors but different loss exposures, so long as the rates reflect the difference with reasonable accuracy. Rates shall not be considered to be unfairly discriminatory if they are averaged broadly among persons insured under a group legal insurance plan.

(b) No policy or certificate of legal insurance may be delivered or issued for delivery in this state unless and until a copy of the form thereof has been filed with the commissioner. However, this subdivision shall apply only to an insurer for a two-year period immediately following the date upon which it files its first policy or certificate of legal insurance with the commissioner.

(c) No policy of group legal insurance may be delivered or issued for delivery in this state unless it contains a provision that the insurer shall issue to the person in whose name the policy is issued, for delivery to each member of the insured group, a certificate setting

forth in a summary form a statement of the essential features of the insurance coverage and to whom benefits thereunder are payable. If dependents are included in the coverage, only one certificate need be issued for each family unit. Any certificates delivered to members of an insured group pursuant to this subdivision shall be required to be "individualized" within the meaning of that term as it is defined by Section 10270.63 only if members of the group contribute to the payment of the legal insurance premiums.

12123. In every group legal insurance plan, the employer, labor union, trustees, or other person to whom a group legal insurance plan policy is issued shall be the policyholder for all purposes of entering into, amending, or terminating any contract of legal insurance, administering any legal insurance plan, and exercising any voting rights to which the policyholder is entitled. If entitled to vote at meetings of the insurer, such policyholder shall be entitled to one vote.

12124. The provisions of this chapter shall be enforced by the commissioner, and he may, after notice and public hearing, promulgate such reasonable rules and regulations as are necessary to administer this chapter.

CHAPTER 1162

An act to add Sections 5809 and 6151.5 to the Government Code, relating to local government.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 5809 is added to the Government Code, to read:

5809. All securities as defined in Section 5805, and all bonds, notes, warrants or other evidences of indebtedness of an issuer in an aggregate principal amount less than five hundred thousand dollars ($500,000), that are issued to finance a public project either by public leaseback or by any lease between a public body as lessee and an issuer as lessor executed after the public project is acquired, constructed or completed and the interest thereon or income therefrom are exempt from all taxation in the state other than gift, inheritance and estate taxes. This section is declaratory of existing law as to the securities, bonds, notes, warrants or other evidences of indebtedness of any issuer that is a joint powers authority or parking authority.

SEC. 2. Section 6151.5 is added to the Government Code, to read:

6151.5. Any local officer, office, agency or unit which collects or receives taxes, fees, charges or any funds for public services may,

when payment is acceptable in the form of a negotiable instrument, be paid by check, draft or money order payable to the office, agency, board or unit without including the name or names of the officer or persons then occupying the office.

CHAPTER 1163

An act to amend Section 26679 of, and to add Article 4 (commencing with Section 26668) to Chapter 6 of Division 21 of, the Health and Safety Code, relating to drugs.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 26668) is added to Chapter 6 of Division 21 of the Health and Safety Code, to read:

Article 4. Experimental Use of Drugs

26668. As used in this article, "experimental drug" means any of the following:

A drug intended for investigational use under Section 26679.

26668.1. As used in this article, "closest available relative" means any of the following persons, in order of priority stated, when no persons exist or can be located with due diligence in prior classes:

(a) The spouse.

(b) An adult son or daughter.

(c) Either parent.

(d) An adult brother or sister.

(e) An adult grandson or granddaughter.

26668.2. No person shall prescribe or knowingly administer an experimental drug to another person in violation of the provisions of this article.

26668.3. Prior to prescribing or administering an experimental drug, written consent to the use of the drug shall be obtained on forms which shall be prescribed by the department.

(a) An adult patient may provide such written consent if no guardian of his person or conservator of his person has been appointed for him pursuant to Division 4 (commencing with Section 1400) or Division 5 (commencing with Section 1701) of the Probate Code and a physician and surgeon licensed to practice in this state, other than the practitioner proposing to prescribe the experimental drug, certifies that the patient is competent to give informed consent to the administration of the experimental drug.

(b) If the patient is not able to provide consent as specified in subdivision (a), such consent may be provided jointly by the

guardian or conservator of the person of the patient and the closest available relative of the patient. If none of the persons specified in Section 26668.1 can be located after exercise of due diligence, the guardian or conservator may provide the written consent required by this section.

(c) If the patient is a minor, consent may be provided by a parent or the guardian of the patient.

26668.4. The patient or any other person providing written consent pursuant to Section 26668.3 shall, before signing the consent form, be apprised of the names of manufacturer of the experimental drug and the practitioner who will supervise its administration and shall be advised of all known medical risks attendant to the use of the experimental drug. In addition, if the patient is to sign the consent form pursuant to subdivision (a) of Section 26668.3, the closest available relative of the patient shall be notified of the proposed use of the experimental drug and provided such information and shall be given an opportunity to consult with the patient before he signs the consent form, unless none of the persons specified in Section 26668.1 can be located after the exercise of due diligence.

Failure to comply with the provisions of this section shall vitiate any consent given pursuant to Section 26668.3.

26668.5. Consent given pursuant to Section 26668.3 may be revoked at any time by either verbal or written communication to the practitioner supervising the administration of the experimental drug.

26668.6. Upon request, the practitioner supervising the administration of the experimental drug shall provide the patient, if he is an adult, or a parent or the guardian of the patient, if he is a minor, with an appraisal of the patient's condition and the effects of the experimental drug upon the patient. The practitioner supervising the administration of the experimental drug shall also provide such information, upon request, to the guardian or conservator of an adult patient and to any person having a relationship to an adult patient which is specified in subdivisions (a) to (e), inclusive, of Section 26668.1.

26668.7. A copy of the written consent provided pursuant to this article shall be transmitted to the department. The department shall keep such copy on file and shall permit examination only by the patient, the practitioner supervising the administration of the experimental drug, and persons acting on behalf of the patient or such practitioner.

26668.8. Notwithstanding any other provision of law, an experimental drug may be administered to a patient who is unable to give informed consent, as provided in subdivision (a) of Section 26668.3, only if for the purpose of diagnosing, treating, or mitigating a disease or injury of the patient.

26668.9. A person having an ownership interest in a skilled nursing facility or intermediate care facility, as those terms are defined in Section 1250, may not prescribe an experimental drug for

a patient in such facility.

26669. The department shall adopt regulations for the administration of this article.

SEC. 2. Section 26679 of the Health and Safety Code is amended to read:

26679. Section 26670 does not apply to any drug or device intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs or devices if all the following conditions are complied with:

(a) The submission to the department, before any clinical testing of a drug or device is undertaken, of reports, by the manufacturer or the sponsor of the investigation of such drug or device, of preclinical tests including tests on animals, of such drug or device adequate to justify the proposed clinical testing.

(b) The manufacturer or the sponsor of the investigation of a drug or a device proposed to be distributed to investigators for clinical testing obtaining a signed, notarized agreement from each of such investigators that patients to whom the drug or device is administered will be under his personal supervision, or under the supervision of investigators responsible to him, and that he will not supply such drug or device to any other investigator, or to clinics, for administration to human beings.

(c) The establishment and maintenance of such records, and the making of such reports to the department, by the manufacturer or the sponsor of the investigation of such drug or device, of data, including but not limited to, analytical reports by investigators, obtained as a result of such investigational use of such drug or device, as the department finds will enable it to evaluate the safety and effectiveness of such drug or device in the event of the filing of an application pursuant to Section 26670.

(d) The manufacturer, or the sponsor of the investigation, require experts using such drugs or devices for investigational purposes to certify to such manufacturer or sponsor that they will comply with the requirements of Article 4 (commencing with Section 26668) of this chapter.

(e) Such other conditions as the department shall adopt as regulations necessary for the protection of the public health. The federal regulations adopted pursuant to Section 505(i) of the federal act (21 U.S.C., Sec. 355(i)) shall be the regulations for exemptions from Section 26670 in this state. However, the department may prescribe, by regulation, any condition for exemption from Section 26670 whether or not such condition is in accordance with regulations adopted under the federal act.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act,

because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1164

An act to add Section 5005 to the Labor Code, relating to workmen's compensation.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 5005 is added to the Labor Code, to read:

5005. In any case involving a claim of occupational disease or cumulative injury, as set forth in Section 5500.5, the employee and any employer, or any insurance carrier for any employer, may enter into a compromise and release agreement settling either all or any part of the employee's claim, including a part of his claim against any employer. Such compromise and release agreement, upon approval by the appeals board or a referee, shall be a total release as to such employer or insurance carrier for the portion or portions of the claim released, but shall not constitute a bar to a recovery from any one or all of the remaining employers or insurance carriers for the periods of exposure not so released.

In any case where a compromise and release agreement of a portion of a claim has been made and approved, the employee may elect to proceed as provided in Section 5500.5 against any one or more of the remaining employers, or against an employer for that portion of his exposure not so released; in any such proceeding after election following compromise and release, that portion of liability attributable to the portion or portions of the exposure so released shall be assessed and deducted from the liability of the remaining defendant or defendants, but any such defendant shall receive no credit for any moneys paid by way of compromise and release in excess of the liability actually assessed against the released employments and the employee shall not receive any further benefits from the released employments for any liability assessed to them above what was paid by way of compromise and release.

In approving a compromise and release agreement under this section, the appeals board or referee shall determine the adequacy of the compromise and release agreement as it shall then reflect the potential liability of the released exposure after apportionment, but need not make a final actual determination of the potential liability of the employer or employers for that portion of the exposure being

released.

CHAPTER 1165

An act to amend Section 2601 of the Elections Code and Section 1773 of the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 2601 of the Elections Code is amended to read:

2601. (a) At least 44 days before the general election, and at least 84 days, but not more than 194 days, before a special statewide election, the Governor shall issue an election proclamation, under his hand and the Great Seal of the state, and transmit copies to the boards of supervisors of the counties in which the elections are to be held; provided, that when such vacancy occurs 160 days or less before the end of the term of office, the Governor may decline to issue an election proclamation, at his discretion.

(b) A special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 84 days, but not more than 91 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code, except that any such special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election.

SEC. 2. Section 1773 of the Government Code is amended to read:

1773. When a vacancy occurs in the office of Representative to Congress, or in either house of the Legislature, the Governor shall within 14 calendar days after the occurrence of the vacancy issue a writ of election to fill the vacancy; provided, that when such vacancy occurs 160 days or less before the end of the term of office, a special election may be held, at the Governor's discretion.

The Governor shall issue the election proclamation under his hand and the Great Seal of the state, and transmit copies to the board of supervisors of the counties in which the election is to be held.

SEC. 3. The Governor may withdraw the proclamation for any election pending upon the effective date of this act if, pursuant to this act, he would have had the discretion to decline to issue such proclamation.

SEC. 4. This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the expenditure of public funds will not be required for the expense of conducting special elections when such elections serve no valid public purpose, it is necessary that this act go into immediate effect.

CHAPTER 1166

An act to amend Section 23722 of, to add Section 26802.5 to, and to repeal and add Sections 23709 and 23731 to, the Government Code, relating to counties.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 23709 of the Government Code is repealed.

SEC. 2. Section 23709 is added to the Government Code, to read:

23709. The county clerk shall cause the complete text of the proposed charter or revised charter to be printed and mailed, at least 10 days prior to the date of the election, to each qualified elector in the county. Such complete text is "official matter" within the meaning of Section 10012 of the Elections Code. The county clerk shall also prepare and mail to each qualified elector in the county a sample ballot. The sample ballot shall be mailed with and at the same time as the complete text of the proposed charter or revised charter.

SEC. 3. Section 23722 of the Government Code is amended to read:

23722. Upon the presentation of a petition, or upon its own submission of a proposal to amend or repeal the charter, the governing body shall submit the amendment or amendments proposed or the question of the repeal of the charter to the qualified electors of the county at a special election held on the next established election date not less than 74 days after the presentation of the petition, or submission of the proposal. In submitting the question of charter repeal or amendment, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

The county clerk shall cause the complete text of the proposed amendment or amendments to be printed and mailed, at least 10 days prior to the date of the election, to each qualified elector in the county. Such complete text is "official matter" within the meaning of Section 10012 of the Elections Code. The county clerk shall also prepare and mail to each qualified elector in the county a sample ballot. The sample ballot shall be mailed with and at the same time

as the complete text of the proposed amendment or amendments.

SEC. 4. Section 23731 of the Government Code is repealed.

SEC. 5. Section 23731 is added to the Government Code, to read:

23731. The county clerk shall cause the complete text of such an ordinance, referred to in Section 23730, to be printed and mailed, at least 10 days prior to the date of the election, to each qualified elector in the county. Such complete text is "official matter" within the meaning of Section 10012 of the Elections Code. The county clerk shall also prepare and mail to each qualified elector in the county a sample ballot. The sample ballot shall be mailed with and at the same time as the complete text of the proposed amendment or amendments. In all other respects, every such election shall be held and conducted, the returns canvassed and the result declared by the governing body in the same manner as provided by law for general elections.

SEC. 6. Section 26802.5 is added to the Government Code, to read:

26802.5. In any county containing a population of at least 250,000 and under 255,000 as ascertained and determined by Section 28020, a registrar of voters may be appointed by the board of supervisors in the same manner as other county officers are appointed. In those counties, the county clerk is not ex officio registrar of voters, and the registrar of voters shall discharge all duties vested by law in the county clerk which duties relate to and are a part of the election procedure.

SEC. 7. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local entities in 1974–75 by this act. However, there are state-mandated local costs in this act in subsequent years that require reimbursement under Section 2231 of the Revenue and Taxation Code which can be handled in the regular budget process.

CHAPTER 1167

An act to add Section 20735 to the Business and Professions Code, relating to the sale of gasoline.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 20735 is added to the Business and Professions Code, to read:

20735. It shall be unlawful for any person to sell or offer to sell petroleum products for use in any vehicle, as the term vehicle is

defined by the Vehicle Code, on the condition that the purchaser also must purchase or pay for any merchandise or services.

Notwithstanding the provisions of Section 20950, the district attorney of each county shall enforce the provisions of this section.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1168

An act to add Article 7 (commencing with Section 2536) and Article 8 (commencing with Section 2537) to Chapter 5.3 of Division 2 of the Business and Professions Code, relating to speech pathologists and audiologists.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 2536) is added to Chapter 5.3 of Division 2 of the Business and Professions Code, to read:

Article 7. Speech Pathology Corporations

2536. A speech pathology corporation is a corporation which is registered with the Speech Pathology and Audiology Examining Committee of the Board of Medical Examiners with reference to corporations rendering professional services as speech pathologists and has a currently effective certificate of registration from the board pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such speech pathology corporation is entitled to practice speech pathology. With respect to a speech pathology corporation, the governmental agency referred to in the Professional Corporation Act is the Board of Medical Examiners with reference to corporations rendering professional services as speech pathologists. As used in this article, the "board" refers to the Board of Medical Examiners, and the "committee" refers to the Speech Pathology and Audiology Examining Committee.

2536.1. An applicant for registration as a speech pathology

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corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operation, including but not limited to a copy of its articles of incorporation, certified by the Secretary of State, a copy of its bylaws, certified by the secretary of the corporation, the name and address of the corporation, the names and addresses of its officers, directors, shareholders and employees who will render professional services, the address of each office, and any fictitious name or names which the corporation intends to use. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that each officer, except an assistant secretary or an assistant treasurer, director, shareholder and each employee who will render professional services is a licensed person as defined in the Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

2536.2. Within such time as the board may by rule provide, the speech pathology corporation shall report in writing to the board any change in directors, officers, employees performing professional services and share ownership, and amendments to its articles of incorporation and bylaws.

2536.3. Each speech pathology corporation shall file with the board annually, and at such other times as the board may require, a report containing such information pertaining to qualification and compliance with provisions of law relating to professional corporations as the board may determine. The fee for filing such a report shall be fixed by the board. All reports shall be signed and verified by an officer of the corporation.

2536.4. (a) The name of a speech pathology corporation shall include one of the words specified in subdivision (a) of Section 2530.3 and the word "corporation" or wording or abbreviations denoting corporate existence.

(b) When the applicant uses any name other than the name stated in its articles of incorporation, it must obtain a permit. Upon payment of the permit application fee in such reasonable amount as the committee may determine, the committee shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the committee finds to its satisfaction that:

(1) The place or establishment, or the portion thereof, in which the applicant practices is owned or leased by the applicant, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant.

(2) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no

charges of unprofessional conduct are pending against any person practicing at such location.

(c) Permits issued under this section by the committee shall expire and become invalid unless renewed upon payment of the permit renewal fee in such reasonable amount as the committee may determine at the times and in the manner provided in Article 5 (commencing with Section 2534) of this chapter for the renewal of certificates.

(d) Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the corporation to whom the permit was issued. Revocation or suspension shall be governed by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) In the event charges of unprofessional conduct are filed against a member of a corporation to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license.

2536.5. Except as provided in Section 13403 of the Corporations Code, relating to the Professional Corporation Act, each director and each officer of a speech pathology corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in the Professional Corporation Act.

2536.6. The income of a speech pathology corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in the Professional Corporation Act, shall not in any manner accrue to the benefit of such shareholder or his shares in the speech pathology corporation.

2536.7. A speech pathology corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under this chapter. The board snall have the same powers of suspension, revocation and discipline against a speech pathology corporation as are now or hereafter authorized by Article 4 (commencing with Section 2533) of Chapter 5.3 of Division 2 of the Business and Professions Code, or by any other similar statute against individual licensees, provided, however, that proceedings against a speech pathology corporation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a speech pathology

corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person, as defined in the Professional Corporation Act, or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a speech pathology corporation as a condition of obtaining a certificate pursuant to the Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

SEC. 2. Article 8 (commencing with Section 2537) is added to Chapter 5.3 of Division 2 of the Business and Professions Code, to read:

Article 8. Audiology Corporations

2537. An audiology corporation is a corporation which is registered with the Speech Pathology and Audiology Examining Committee of the Board of Medical Examiners with reference to corporations rendering professional services as audiologists and has a currently effective certificate of registration from the board pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such audiology corporation is entitled to practice audiology. With respect to an audiology corporation, the governmental agency referred to in the Professional Corporation Act is the Board of Medical Examiners with reference to corporations rendering professional services as audiologists. As used in this article, the "board" refers to the Board of Medical Examiners, and the "committee" refers to the Speech Pathology and Audiology Committee.

2537.1. An applicant for registration as an audiology corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operation, including but not limited to a copy of its articles of incorporation, certified by the Secretary of State, a copy of its bylaws, certified by the secretary of the corporation, the name and address of the corporation, the names and addresses of its officers, directors, shareholders and employees who will render professional services, the address of each office, and any fictitious name or names which the corporation intends to use. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that each officer (except an assistant secretary or an assistant treasurer), director, shareholder and each employee who will render professional services is a licensed person as defined in the Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in

compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

2537.2. Within such time as the board may by rule provide, the audiology corporation shall report in writing to the board any change in directors, officers, employees performing professional services and share ownership, and amendments to its articles of incorporation and bylaws.

2537.3. Each audiology corporation shall file with the board annually and at such other times as the board may require a report containing such information pertaining to qualification and compliance with provisions of law relating to professional corporations as the board may determine. The fee for filing such a report shall be fixed by the board. All reports shall be signed and verified by an officer of the corporation.

2537.4. (a) The name of an audiology corporation shall include one of the words specified in subdivision (b) of Section 2530.3 and the word "corporation" or wording or abbreviations denoting corporate existence.

(b) When the applicant uses any name other than the name stated in its articles of incorporation, it must obtain a permit. Upon payment of the permit application fee in such reasonable amount as the committee may determine, the committee shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the committee finds to its satisfaction that:

(1) The place or establishment, or the portion thereof, in which the applicant practices is owned or leased by the applicant, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant.

(2) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any person practicing at such location.

(c) Permits issued under this section by the committee shall expire and become invalid unless renewed upon payment of the permit renewal fee in such reasonable amount as the committee may determine at the times and in the manner provided in Article 5 (commencing with Section 2534) of this chapter for the renewal of certificates.

(d) Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the corporation to whom the permit was issued. Revocation or suspension shall be governed by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) In the event charges of unprofessional conduct are filed

against a member of a corporation to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license.

2537.5. Except as provided in Section 13403 of the Corporations Code, relating to the Professional Corporation Act, each director and each officer of an audiology corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in the Professional Corporation Act.

2537.6. The income of an audiology corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in the Professional Corporation Act, shall not in any manner accrue to the benefit of such shareholder or his shares in the audiology corporation.

2537.7. An audiology corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under this chapter. The board shall have the same powers of suspension, revocation and discipline against an audiology corporation as are now or hereafter authorized by Article 4 (commencing with Section 2533) of Chapter 5.3 of Division 2 of the Business and Professions Code, or by any other similar statute against individual licensees, provided, however, that proceedings against an audiology corporation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of an audiology corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person, as defined in the Professional Corporation Act, or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that an audiology corporation as a condition of obtaining a certificate pursuant to the Professonal Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

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CHAPTER 1169

An act to amend Sections 668 and 674 of, and to add Section 668.5 to, the Code of Civil Procedure, relating to judgments.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Section 668 of the Code of Civil Procedure, as amended by Chapter 219 of the Statutes of 1974, is amended to read:

668. Except as provided in Section 668.5, the clerk of the superior court and the clerk of the municipal court must keep, with the records of the court, a book called the "judgment book," in which judgments must be entered. In justice courts judgments shall, within the time specified in this code, be entered in the docket.

SEC. 2. Section 668.5 is added to the Code of Civil Procedure, to read:

668.5. In those counties where the clerk of the superior court places individual judgments in the file of actions and a microfilm copy of the individual judgments is made prior to their placement in the file of actions the clerk shall not be required to enter judgments in a judgment book, and the date of filing the judgment with the clerk shall constitute the date of its entry.

SEC. 3. Section 674 of the Code of Civil Procedure is amended to read:

674. (a) An abstract of the judgment or decree of any court of this state, including a judgment entered pursuant to Chapter 1 (commencing with Section 1710.10) of Title 11 of Part 3, or a judgment of any court sitting as a small claims court, or any court of record of the United States, the enforcement of which has not been stayed on appeal or pursuant to Section 1710.50, certified by the clerk, judge or justice of the court where such judgment or decree was rendered, may be recorded with the recorder of any county and from such recording the judgment or decree becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterward and before the lien expires, acquire. Such lien continues for 10 years from the date of the entry of the judgment or decree unless the enforcement of the judgment or decree is stayed on appeal or pursuant to Section 1710.50 by the execution of a sufficient undertaking or the deposit in court of the requisite amount of money as provided in this code, or by the statutes of the United States, in which case the lien of the judgment or decree, and any lien or liability now existing or hereafter created by virtue of an attachment that has been issued and levied in the action, unless otherwise by statutes of the United States provided, ceases, or upon an undertaking on release of attachment, or unless the judgment or decree is previously satisfied, or the lien otherwise discharged. The

abstract above mentioned shall contain the following: title of the court and cause and number of the action; date of entry of the judgment or decree; names of the judgment debtor and of the judgment creditor; amount of the judgment or decree, and where entered in judgment book, where entry in a judgment book is required, minutes or docket in the justice court.

(b) An order made pursuant to subdivision (b) of Section 908 of the Welfare and Institutions Code shall be considered a judgment for the purposes of subdivision (a) of this section.

CHAPTER 1170

An act to amend Section 987.2 and 989.7 of the Military and Veterans Code, relating to insurance.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 987.2 of the Military and Veterans Code is amended to read:

987.2. The contract made between the department and purchaser shall provide that the purchaser maintain the farm or home as his place of residence and keep in good order and repair all buildings, fences, and other permanent improvements situate thereon and that the purchaser, if required, insure and keep insured against fire or other hazards, all buildings, fences, other permanent improvements, or crops on the property, loss, if any, under the policies therefor to be made payable to the department as its interest appears. Insurance shall be in the amount, with the insurance companies, and under the conditions specified by the department. The department shall make an annual report on or before July 1st of each year to the Legislature regarding any insurance coverage implemented or required by it. The report shall include, but not be limited to, the type of insurance coverage, its cost, the reason for requiring such coverage, loss ratio information, and any changes in existing insurance coverage and reason therefor.

SEC. 2. Section 989.7 of the Military and Veterans Code is amended to read:

989.7. The department may purchase insurance against any risk, or portion thereof, otherwise payable out of appropriated moneys in the fund. The department shall make an annual report on or before July 1st of each year to the Legislature regarding any insurance coverage implemented or required by it. The report shall include, but not be limited to, the type of insurance coverage, its cost, the reason for purchasing, and any changes in existing insurance coverage and reasons therefor.

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CHAPTER 1171

An act to amend Sections 440, 441, 441.1, 441.2, 441.5, 441.8, 441.15, 441.16, 441.17, 441.18, 441.19, 442, 442.3, 442.4, 442.5, 442.6, 442.7, and 442.10 of, to amend the heading of Part 1.7 (commencing with Section 440) of Division 1 of, to add Sections 441.3 and 441.4 to, and to repeal Sections 441.3 and 441.4 of, the Health and Safety Code, relating to health facilities, and making an appropriation therefor.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. The heading of Part 1.7 (commencing with Section 440) of Division 1 of the Health and Safety Code is amended to read:

PART 1.7. HEALTH FACILITIES DISCLOSURE ACT

SEC. 2. Section 440 of the Health and Safety Code is amended to read:

440. This part shall be known as the California Health Facilities Disclosure Act.

SEC. 3. Section 441 of the Health and Safety Code is amended to read:

441. The Legislature hereby finds and declares:

(a) It is the policy of this state, as declared and established in this part, to require all health facilities which operate in this state to file for public disclosure with the California Health Facilities Commission which is established by this part such uniform reports of health facility cost experience in the provision of health care services as are provided for under this part in accord with the systems of accounting approved under this part, for all of the following purposes:

(1) Encouraging economy and efficiency in their provision of such services in this state.

(2) Enabling public agencies of this state which purchase health care services under, or which have administrative responsibility for, publicly financed health care plans or programs to make informed decisions in such purchasing or administration.

(3) Encouraging public and private third party payors for health facility services to take the information provided under this part into account in establishing reimbursement rates to assure health facilities of a fair and reasonable payment for such services rendered.

(b) It is the policy of this state that in order to achieve uniform and equitable statewide implementation of the policies of this part and to allow for comparisons of the performance of particular health facilities subject to its provisions, it is necessary to require that every person, political subdivision of the state, or any governmental agency within the state, that establishes, conducts, operates, manages,

maintains, or controls in this state any health facility complies with the provisions of this part.

(c) It is the policy of this state to have health facilities make available to the public the highest capabilities of health science in an effective, efficient manner. It is the policy of this state to provide reasonable and appropriate safeguards to insure that the total cost of health facility services is reasonably related to the total services offered by health facilities that the aggregate rates of health facilities are reasonably related to the aggregate costs of health facilities and that the rates charged by health facilities are uniform for all purchasers of health facility services, because the state has an obligation to assure access and availability of high quality, efficiently provided, economical health facility services for all persons in this state and because the expenditure of public funds of this state for providing health facility services to many persons has a large financial impact on the public funds of this state. Therefore, it is the declared policy of this state that health facilities are affected with the public interest, involved in the distribution of essential services, and obliged to furnish services to the general public at fair, equal, and nondiscriminatory rates.

SEC. 4. Section 441.1 of the Health and Safety Code is amended to read:

441.1. As used in this part:

(a) "Commission" means the California Health Facilities Commission of the State of California.

(b) "Council" or "the advisory council" means the Advisory Council to the California Health Facilities Commission established by Section 442.7.

SEC. 5. Section 441.2 of the Health and Safety Code is amended to read:

441.2. The term "health facility" as used in this part means all health facilities of a type required to be licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2.

SEC. 6. Section 441.3 of the Health and Safety Code is repealed.

SEC. 7. Section 441.3 is added to the Health and Safety Code, to read:

441.3. The California Hospital Commission is hereby renamed the California Health Facilities Commission, which shall be an independent state commission. The membership of the commission shall be expanded on and after July 1, 1975, to 13 members. The Governor shall appoint two new members described in subdivision (c) and four new members described in subdivision (e). As vacancies on the commission occur, members shall be appointed with qualifications specified in this section.

The commission shall consist of the following membership:

(a) One member who within the 10 years preceding his initial appointment has had at least five years' experience in the field of health insurance or in the administration of a health care service plan.

(b) One member who is experienced in the management of a comprehensive group-practice prepayment health care service plan registered under Article 2.5 (commencing with Section 12530) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code.

(c) Three members who are executive officers of a health facility or a group of health facilities subject to the provisions of this part, one of whom shall be an executive officer of a nonprofit general acute care hospital or group of nonprofit general acute care hospitals, one of whom shall be an executive officer of an investor-owned general acute care hospital or group of investor-owned general acute care hospitals, and one of whom shall be an executive officer of an investor-owned skilled nursing facility or group of skilled nursing facilities.

(d) One member who is a physician and surgeon licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code with at least five years' experience in the practice of medicine in this state.

(e) Seven public members, one of whom may be a member of the board of directors of a nonprofit skilled nursing facility who has no financial interest in such health facility.

SEC. 8. Section 441.4 of the Health and Safety Code is repealed.

SEC. 9. Section 441.4 is added to the Health and Safety Code, to read:

441.4. No member of the commission, except the members appointed pursuant to subdivision (a), (b), or (c) of Section 441.3, shall at any time during his period of service on the commission own, operate, manage, or be employed by any health facility or organization composed of health facilities subject to the provisions of this part.

SEC. 10. Section 441.5 of the Health and Safety Code is amended to read:

441.5. The members of the commission shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of their successors. Of the members first appointed by the Governor, three shall hold office for four years, two shall hold office for three years, and two shall hold office for two years. Of the six new members first appointed pursuant to Section 441.3 on and after July 1, 1975, two shall hold office for four years, two shall hold office for three years, and two shall hold office for two years. Thereafter, each member appointed by the Governor shall hold office for four years. In making the first appointments to these offices the Governor shall designate the term to which each such member is appointed.

Vacancies shall be filled by appointment for the unexpired term. Every appointment made by the Governor pursuant to this section shall be subject to the advice and consent of a majority of the members elected to the Senate, except that if a vacancy occurs when the Legislature is not in session, the Governor may issue an interim appointment which shall expire on the last day of the next regular

session of the Legislature or upon the appointment of a successor in accord with the provisions of this section, whichever first occurs. The Governor may remove any member of the commission disqualified by reason of Section 441.4, or for neglect of any duty required by law, or for incompetency, or dishonorable conduct.

No member shall be appointed to a position on the commission for more than three consecutive full terms.

SEC. 11. Section 441.8 of the Health and Safety Code is amended to read:

441.8. The commission shall appoint an executive director who shall perform the duties delegated to him by the commission, and shall be responsible to it for the accomplishment of such duties. The executive director shall, in accordance with such rules or regulations as the commission may adopt, organize, coordinate, supervise, and direct the operations and affairs of the commission in such a manner as to prevent delay and promote the expeditious and efficient disposition of all matters within the commission's jurisdiction. He shall submit a detailed report of his activities to the commission at each of the regularly scheduled commission meetings provided for pursuant to Section 441.13, and shall prepare such other supplemental and special reports as the commission may from time to time request or which he may deem necessary to adequately inform the members of the commission concerning his activities and experience in the implementation of this part.

The executive director shall have had at least two years' experience as the chief administrative officer of a general acute care hospital, group of general acute care hospitals, or association of health facilities whose members are subject to the provisions of this part. The executive director shall receive, in addition to his salary, actual and necessary travel expenses incurred in the discharge of his duties.

SEC. 12. Section 441.15 of the Health and Safety Code is amended to read:

441.15. The commission, after consultation with the advisory council, receipt of the recommendations of the advisory council, and public hearings with respect thereto, shall, as soon as practicable after the effective date of this part, have prepared, published, and ready for distribution to all the health facilities subject to the provisions of this part approved systems of health facility accounting and uniform reporting which shall be structured so as to enable all such health facilities to fairly, accurately, and efficiently prepare the particular financial reports required by Section 441.18. Existing systems of accounting and reporting used by health facilities shall be examined and given due consideration by the commission in carrying out its duty of preparing the systems of accounting and uniform reporting required by this section.

The commission, after receipt of the recommendations of the advisory council and public hearings with respect thereto, shall as soon as practicable on or after July 1, 1975, have prepared, published,

and ready for distribution to all skilled nursing facilities and intermediate care facilities, approved systems of accounting and uniform reporting, which shall be structured so as to enable all such health facilities to fairly, accurately, and efficiently prepare the particular financial reports required by the commission. Existing systems of accounting and reporting used by skilled nursing facilities and intermediate care facilities shall be examined and given due consideration by the commission in preparing the systems of accounting and uniform reporting required by this section.

The commission shall, as soon as practicable and in no event later than July 1, 1975, develop for submission to the Legislature a proposal for a Health Facility Economic Stabilization Program for establishment of a system to retard inflationary increases in health facility costs and prices. The commission shall prepare a proposal for a Health Facility Economic Stabilization Program, which is intended to replace the federal wage-price stabilization program if it terminates or federal delegation to the state occurs, in accord with the intent expressed in Section 441.

SEC. 13. Section 441.16 of the Health and Safety Code is amended to read:

441.16. (a) The commission where necessary to correctly reflect differences either (1) in size of; or (2) in scope, type, or method of provision of or payment for services rendered by health facilities; or where necessary to avoid unduly burdensome costs for such health facilities in meeting the requirements of this part as a result of such differences; shall allow and provide, in accordance with appropriate regulations, for modifications in the accounting systems approved pursuant to Section 441.15 for use by health facilities in meeting the requirements of this part if such modifications will not interfere with the purposes established in Section 441.

(b) The commission shall establish specific reporting provisions for health facilities that receive a preponderance of their revenue from associated comprehensive group-practice prepayment health care service plans. Such health facilities shall be authorized to utilize established accounting systems, and to report costs and revenues in a manner which is consistent with the operating principles of such plans and with generally accepted accounting principles. When health facilities that receive the preponderance of their revenue from associated comprehensive group-practice prepayment health care service plans are operated as units of a coordinated group of health facilities under common management, they shall be authorized to report as a group rather than as individual institutions, and as a group shall submit a consolidated balance sheet, income and expense statement and statement of source and application of funds for such group of health facilities; except, that cost data shall be reported for each individual institution.

The commission shall adopt comparable modifications to the financial reporting requirements of this part for county hospital systems consistent with the purposes of Section 441.

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(c) The commission shall establish approved systems of health facility accounting, uniform reporting, and auditing to create, to the extent feasible, one uniform, comprehensive state system which takes into account the data requirements of all state programs. The commission shall make available information required by other state agencies for programs they administer or in which they have an interest.

This section shall not preclude the state administrative agency responsible for administration of a program from obtaining from health care institutions data not available from the commission which the administrative agency determines is necessary for administration of the program. Administrative agencies shall use the comprehensive system provided for in this section to the maximum extent feasible.

(d) The commission, in consultation with professional organizations shall develop a Health Facility Economic Stabilization Program for establishment of a system to retard inflationary health facility costs and price increases and shall consider, among other factors, the following:

(1) Costs of doing business.

(2) Efficiency of operation.

(3) Occupancy levels.

(4) Type of care offered.

(5) Quality of care offered.

(6) Reasonable rate of return.

(7) Equalization of rates for all patients of a health facility receiving similar services, regardless of source of payment.

(8) Prospective determination of rates to encourage innovative and pluralistic approaches to health care organization. The basis set forth in the American Hospital Association "Statement on Financial Requirements of Health Care Institutions and Services" shall be used in establishing a prospective method of payment for health facility services.

(9) Development of a system which will be designed to protect the public interest and also to provide due process, hearings, and reasonable guarantees protecting the development of a viable health care facilities industry in the state.

(10) Provision for capital, social security requirements for planning and budgets, provision for covering of third party costs which may not be paid by government or other purchasers, provision for education and research cost not directly related to patient care and not otherwise funded, impact of legally imposed cost increases beyond the control of a health facility, provision for efficiency incentives and appropriate utilization, and provision for requirements of health facilities covered by subdivision (b) of this section.

SEC. 14. Section 441.17 of the Health and Safety Code is amended to read:

441.17. The commission shall hold public hearings on the

proposed systems of accounting and uniform reporting prepared under Section 441.15 or on any changes in such systems which are subsequently proposed by the commission not less than 30 or more than 60 days after the date on which the proposed systems or changes therein are distributed to health facilities, at which time representatives of the health facilities and other interested persons shall be entitled to appear and give testimony in all relevant matters and to propose such modifications or alterations in the proposed systems or changes therein as are provided for under Section 441.16. Subject to modifications or alterations approved by the commission within 30 days of such hearing, the systems of health facility accounting approved by the commission pursuant to Section 441.15 shall be implemented by all health facilities for all annual accounting periods beginning on or after the first day of the 15th month next following the end of the calendar month in which the revised regulations are published.

Every organization which operates, conducts, or maintains a skilled nursing facility or intermediate care facility shall implement systems of health facility accounting approved by the commission pursuant to Section 441.15, and shall make and file with the commission the reports required pursuant to Section 441.18, for accounting periods beginning on or after January, 1976.

In carrying out the provisions of this section and of Sections 441.15 and 441.16, the commission shall, to the fullest extent practicable, structure the accounting and reporting systems thereby provided for so as to establish and differentiate costs incurred for patient-related services rendered by health facilities, as distinguished from those incurred with reference to educational, research, and other non-patient-related activities, including, but not limited to, charitable activities, of such health facilities.

SEC. 15. Section 441.18 of the Health and Safety Code is amended to read:

441.18. Every organization which operates, conducts, or maintains a health facility and the officers thereof, shall make and file with the commission, within four months after the close of the organization's calendar or fiscal year for all annual accounting periods to which the systems of accounting and uniform reporting approved under Section 441.17 are made applicable thereby, all of the following reports on forms specified by the commission which shall be in accord with such systems of accounting and uniform reporting all of the following:

(a) A balance sheet detailing the assets, liabilities, and net worth of the health facility at the end of its fiscal year.

(b) A statement of income, expenses, and operating surplus or deficit for the annual period ending on the balance sheet date.

(c) A statement detailing the source and application of funds expended by the health facility for the period encompassed by the income statement required by subdivision (b).

(d) A statement reporting the information required in

subdivisions (a), (b), and (c) of this section for each separately licensed health facility operated, conducted, or maintained by the reporting organization.

(e) A report of health facility expenditures which allocates the costs of non-revenue-producing departments of a health facility to the other non-revenue- and revenue-producing centers which they serve, similar to the "step-down" or "double-apportionment" methods of cost finding used in reporting health facility cost experience under Title XVIII of the Federal Social Security Act. Any health facility which participates in Title XVIII as a provider of health care services may elect to file the cost data reports required under the regulations of the Social Security Administration in its administration of Title XVIII in place of the report required by the commission under this subdivision.

(f) The report required by subdivision (e) shall be accompanied by an accurate and sufficiently detailed statistical report containing data taken from the health facility's basic accounts and patient statistics as maintained under one of the systems approved in accordance with Section 441.17, which identifies costs related to categories, types or units of health care services delivered to patients by the operating departments of the health facility in accordance with a list of such services provided by the commission acting under the provisions of Section 441.15. Any health facility which participates in Title XVIII of the Federal Social Security Act may elect to file the statistical reports covering the provision of such health care services required under Title XVIII in place of the report required by the commission under this subdivision.

Health facilities described in subdivision (b) of Section 441.16 shall file such statements and reports, not inconsistent with subdivision (b) of Section 441.16, as the commission may reasonably require for the annual financial reporting period of such health facilities or group of health facilities.

The commission shall adopt forms of authentication for use by health facility officers or licensed accountants preparing reports under this section stating that each such officer or accountant making the authentication believes that to the extent of his knowledge and information each statement in the report is true.

SEC. 16. Section 441.19 of the Health and Safety Code is amended to read:

441.19. Whenever, upon the recommendation of the executive director of the commission, and the approval, certified in writing, of a majority of commission members, a further investigation is deemed necessary or desirable to verify the accuracy of the information in the reports made by health facilities under this part; the executive director shall have the authority to make any necessary further examination of the health facility's records and accounts and to devote such necessary extra attention to the conduct of its affairs as the commission may by regulation provide. Such further examinations under this section may include, but are not limited to,

04396 267635 566

making a full or partial audit of all such records and accounts.

The costs incurred in conducting any examinations or inquiries provided for pursuant to this section shall be borne by the commission. However, when the executive director determines that the original reports were deliberately falsified or that health facility officials were aware of untrue statements contained therein, subject to the approval of a majority of commission members, the health facility shall be responsible for all such costs, and shall, in addition, be liable for a civil penalty of twice the amount of such costs. Such civil penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the commission. A health facility which wishes to contest the determination of the executive director shall have the right to a hearing conducted in accordance with the provisions of Section 442.5.

SEC. 17. Section 442 of the Health and Safety Code is amended to read:

442. (a) The commission shall maintain a file of all the reports filed under Sections 441.18 and 442.1 at its Sacramento office. Subject to such rules as the commission may prescribe, such reports shall be produced and made available for inspection upon the demand of any person.

(b) Copies certified by the commission as being true and correct copies of reports properly filed with the commission pursuant to Section 441.18, together with summaries, compilations, or supplementary reports prepared by the commission pursuant to Section 442.1, shall be introduced as evidence, where relevant, at any hearing, investigation, or other proceeding held, made or taken by any state, county, or local governmental agency, board, or commission which participates as a purchaser of health facility services pursuant to the provisions of a publicly financed state or federal health care program. Each such state, county, or local governmental agency, board, or commission shall weigh and consider the reports made available to it pursuant to the provisions of this subdivision in its formulation and implementation of policies, regulations, or procedures regarding reimbursement methods and rates in the administration of such publicly financed programs.

SEC. 18. Section 442.3 of the Health and Safety Code is amended to read:

442.3. Any health facility which does not file any report required by Section 441.18 with the commission as provided therein is liable for a civil penalty of one hundred dollars ($100) a day to be assessed and recovered in a civil action brought in the name of the people of the State of California by the commission for each day the filing of such report with the commission is delayed, unless an extension is granted in accord with the guidelines and procedures established by the commission pursuant to Section 442.4. Any money which is received by the commission pursuant to this section shall be paid into the commission's operating fund which is established by Section

442.10.

SEC. 19. Section 442.4 of the Health and Safety Code is amended to read:

442.4. The commission shall, by regulation, establish guidelines and procedures to enable all health facilities subject to the provisions of this part to request reasonable extensions of time in which to file any or all of the reports required by Section 441.18. The regulations shall provide for the grant of such extensions by the executive director in cases where the health facility requesting them can show good and sufficient cause for the extension.

Any health facility denied an extension under this section may petition the commission for a hearing on appeal to review the action of the executive director in refusing its request for the extension in accord with the provisions of Section 442.5; but the filing of a petition pursuant to that section shall not, unless the appeals committee reverses the executive director, limit the continued accrual of the charges levied under this section against a health facility which fails to meet the deadline for filing reports established by Section 441.18.

SEC. 20. Section 442.5 of the Health and Safety Code is amended to read:

442.5. A petition requesting a hearing to review any action taken by the commission or the executive director pursuant to this part shall be filed with the commission within 15 days of the date on which the health facility or person aggrieved was notified of the action with respect to which the review is requested and shall state the grounds on which the petitioner bases his appeal. A hearing on the petition, at which the petitioner may be represented by counsel, shall be held within 45 days of the date on which the petition for appeal was filed, before an appeals committee composed of three members of the commission chosen by the chairman for such purpose. The decision of a majority of the committee, which shall be rendered in the form of a written memorandum of decision filed in the commission's office, shall be final, subject to the right of review by a court of competent jurisdiction in accordance with the provisions of Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure.

SEC. 21. Section 442.6 of the Health and Safety Code is amended to read:

442.6. To promote economy, avoid duplication of effort, and make use of available expertise, the commission, in carrying out the duties of the new state functions delegated to it by the Legislature pursuant to this part, shall, when such agreements will aid the commission in carrying out its duties under this part, contract to the extent feasible with private persons and nongovernmental and governmental organizations and agencies which are experienced in the collection and evaluation of information regarding health facility accounting and cost-reporting procedures, the efficiency of various health care delivery systems, and other related fields of knowledge pertaining to the health facilities subject to the provisions of this part.

To assure that information to be collected is relevant to the planning and evaluation of health services in general, the commission may request a review by the state department pursuant to Part 1.5 (commencing with Section 437) of Division 1, relating to health planning of the data items under Section 441.18. In the event the data sets are deemed deficient or irrelevant with respect to planning and evaluation, the state department may provide alternatives which may be reconciled with the commission's determinations.

The provisions of this section shall not be construed to limit the authority granted the commission under Section 441.9.

No person, organization, or agency which enters a contract pursuant to the provisions of this section shall, without the prior written approval of the commission, release or publish any information made available to it in its performance under such a contract, nor shall such person, organization, or agency use or employ any information obtained by it in connection with such participation for any purpose or purposes other than carrying out its duties and obligations under such contract unless permission to use the information for such purpose or purposes is specifically included in the contract of participation and approved by a majority of commission members. The prohibitions of this paragraph do not, however, apply to information which has been received or developed by a contracting person, organization, or agency in performing services or functions separate and distinct from those carried out under contract with the commission.

SEC. 22. Section 442.7 of the Health and Safety Code is amended to read:

442.7. In order to assist the commission in the performance of its duties pursuant to this part, there is hereby created an Advisory Council to the California Health Facilities Commission, to be composed of all of the following:

(a) Three public members; one of whom shall be a member of and represent a labor union organized under the provisions of Chapter 7 of Title 29 of the United States Code; and one of whom shall be an accountant licensed under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code with at least five years' experience as an accountant or financial officer with responsibility for auditing and supervising the financial affairs of one or more health facilities subject to the provisions of this part.

(b) Five members who shall be broadly representative of the interests of investor-owned, county, university, district, and not-for-profit health facilities which are subject to the provisions of this part.

(c) One member representative of a skilled nursing facility.

(d) One member appointed by, and to serve at the pleasure of, the Director of Health.

(e) One member who is a physician and surgeon licensed under the provisions of Chapter 5 (commencing with Section 2000) of

Division 2 of the Business and Professions Code and who has at least five years of experience in the practice of medicine in this state.

The three public members shall be appointed directly by the commission for a term of three years. The members provided for under subdivisions (b), (c), and (e) shall be appointed by the commission for a term of three years as follows:

Within 30 days after this section goes into effect, and thereafter within 30 days after any vacancy occurs, any organization, association, or institution whose members may be qualified to fill the vacancy or vacancies then existing may submit to the commission the names of persons qualified to represent it on said advisory council, from which such names the commission shall make its appointments.

No member shall be appointed to a position on the council for more than two consecutive full terms.

SEC. 23. Section 442.10 of the Health and Safety Code is amended to read:

442.10. The California Hospital Commission Fund is hereby renamed the California Health Facilities Commission Fund. For the purposes of funding such contracts of the commission as are authorized by the provisions of this part and for meeting the costs of the commission in carrying out its duties in the administration thereof, fees shall be collected by the commission as follows and shall be deposited in the California Health Facilities Commission Fund which is hereby established:

(a) The commission shall set, and charge to, and collect from all health facilities a special fee, which shall be due on July 1 and delinquent on July 31 of each year, of not more than 0.05 of 1 percent, with respect to skilled nursing facilities and intermediate care facilities, and not more than 0.02 of 1 percent, with respect to other health facilities, of the health facility's gross operating cost for the provision of health care services for its last fiscal year which ended on or before December 31 of the preceding calendar year. Each year the commission shall establish the fee to produce revenues equal to the appropriation for these purposes in the Budget Act for the current fiscal year.

(b) Any amounts raised by the collection of the special fees provided for by subdivision (a) which are not required to meet appropriations in the Budget Act for the current fiscal year shall be available to the commission in succeeding years, when appropriated by the Legislature, for expenditure under the provisions of this part and shall reduce the amount of such special fees which the commission is authorized to set and charge.

(c) No health facility against which the fees required by this section are charged shall be issued a license or have an existing license renewed unless the fees are paid. The commission may bring an action to enjoin the violation or threatened violation of this subdivision in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this subdivision shall conform to the requirements of

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Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except the commission shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

SEC. 24. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from the California Health Facilities Commission Fund for expenditure by the California Health Facilities Commission during the 1975–1976 fiscal year in carrying out the provisions of Part 1.7 (commencing with Section 440) of Division 1 of the Health and Safety Code.

SEC. 25. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 26. This act shall become operative July 1, 1975.

CHAPTER 1172

An act to amend and repeal Section 15518 of, and to amend Section 15516.5 of, the Education Code, relating to school buildings, and making an appropriation therefor.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 15516.5 of the Education Code is amended to read:

15516.5. Notwithstanding any other provision of this article or Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14, whenever a school district does not have funds available to repair, reconstruct, or replace the school buildings referred to in this article or Section 19700.605, the school district shall apply for such funds as may be necessary to accomplish such repair, reconstruction, or replacement pursuant to the provisions of Article 9. The school district shall also accept such funds as are disbursed to the district pursuant to Article 9, whether or not the funds constitute the maximum amount applied for, and shall repay such funds in accordance with the provisions of Article 9. In cases in which funds derived from a tax increase levied pursuant to Section 15518 are utilized to match amounts disbursed to a school district under an apportionment made pursuant to Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14, such disbursement and repayment may be made without the necessity of a vote of the

electorate of the district as prescribed in any provision of Chapter 10 (commencing with Section 19551) of Division 14.

SEC. 2. Section 15518 of the Education Code is amended to read:

15518. The governing board of a school district may undertake corrective measures relating to earthquake safety recommended to the governing board pursuant to Section 15503 in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by Section 15505.

The maximum rate of tax of any school district for the fiscal years 1974–75 to 1976–77, inclusive, is hereby increased by such amount as will produce the amount necessary to have any school buildings examined as required by Section 15503 and to effect the corrective structural repairs, reconstruction or replacement relating to earthquake safety recommended pursuant to Section 15503, as shown by the budget of the district for such school year as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section. The funds provided by such increase in the tax rate may be used to provide for the housing of pupils temporarily displaced by the repair, reconstruction, or replacement of school buildings required in order to meet earthquake safety standards.

The increase provided by this section and Section 15517 shall not exceed a total increase of ten cents ($0.10) for each one hundred dollars ($100) of the assessed valuation of property within the district in each fiscal year, unless additional funds are specifically required by the district to match state funds provided pursuant to Article 9 (commencing with Section 19700.51) of Chapter 10, Division 14. If such additional funds are required by the district, the maximum increase in tax rate provided by this section may be increased by not to exceed an additional ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation of property within the district in each fiscal year such additional funds are required pursuant to Article 9, prior to and including the 1973–74 fiscal year. Such additional tax money may be levied in the 1974–75 fiscal year only if the State Allocation Board has first approved an application of the district pursuant to Article 9. After the 1974–75 fiscal year, any district which has levied the entire twenty-cent ($0.20) amount permitted by this section in the preceding fiscal year and has deposited in the State School Building Fund of the district, the proceeds derived therefrom as matching funds in an application or applications under Article 9 may levy the same twenty-cent ($0.20) tax or so much thereof as is necessary for matching funds for an application or applications under Article 9 in any succeeding fiscal year, including, but not beyond, the 1976–77 fiscal year.

Any balance derived from the revenue of the increase in tax rate levied for matching purposes of Article 9, as herein provided, which is not expended under an application or applications approved

pursuant to Article 9 at the completion of the construction project and approval of final costs thereof by the State Allocation Board shall be applied as a repayment of any apportionment heretofore or hereafter outstanding against the district under the provisions of Article 9.

This section shall remain operative only until July 1, 1978, and as of such date is repealed. This section shall remain in effect until such date regardless of the repeal or expiration of Section 15517.

Notwithstanding the provisions of this section, the governing board shall comply with the provisions of Section 15505 whenever such compliance is necessary to continue the program of corrective structural repairs, reconstruction, or replacement required pursuant to the provisions of this article.

SEC. 3. It is the intent of the Legislature that this act shall become effective and operative only if Assembly Bill No. 2615 is chaptered and becomes effective before the effective date of this act. Therefore, this act shall become operative only if this bill and Assembly Bill No. 2615 are both chaptered and Assembly Bill No. 2615 is operative and takes effect before this bill.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by the provisions of Section 1 of this act.

CHAPTER 1173

An act to add Article 2.1 (commencing with Section 275) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to infant medical dispatch center, and making an appropriation therefor.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.1 (commencing with Section 275) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 2.1. Infant Medical Dispatch Centers

275. The Legislature finds that intensive care nurseries for at-risk infants are often at capacity. It further finds that serious delays can occur in placing critically ill newborn infants in intensive care nurseries due to calls being placed to many hospitals. Additionally,

valuable staff time is often taken by a capacity nursery in attempting to find another nursery with an available bed. It is further found that, due to the lack of a centralized dispatch system, at-risk infants are often not placed in the intensive care nursery nearest their homes.

Therefore, the Legislature finds that in order to protect the health of critically ill newborn children and to more efficiently utilize space and staff in intensive care nurseries it is necessary to establish 24-hour-a-day, year-round medical dispatch centers linking all hospitals providing obstetrical services with intensive care nurseries.

The Legislature, therefore, declares that it is necessary to provide developmental funds to initiate two such dispatch centers in the state. In so doing, the Legislature intends that such centers be provided state funds for initial development for a two-year period.

276. The department shall establish, beginning July 1, 1975, two dispatch centers, each to be located at a hospital containing an intensive care nursery that has been approved by the department.

276.5. One of the centers established pursuant to Section 276 shall be located to serve the region of the state north of the Tehachapi Mountains and one of the centers shall be located to serve the region south of the Tehachapi Mountains.

277. The centers shall locate bedspace for critically ill newborn infants nearest their homes, locate and dispatch transport for such infants and for appropriate medical personnel, advise the obstetrical nursery regarding maintenance care of the infant until transport is effected, and keep a daily record of the availability of bedspace in all intensive care nurseries.

Nothing in this article shall obligate the state for transport costs other than those already authorized by law.

278. Funds appropriated to carry out the purposes of this article shall be used for leasing or purchasing communication equipment or time; hiring, training, or contracting for personnel and administration of the centers; and providing a central standardized data base to obtain statistical information for evaluating the functions of the centers.

279. Public and private nonprofit health facilities, organizations, and educational institutions are eligible to receive center funds under this article.

280. The department shall submit to the Legislature an evaluation of the two centers on or before January 1, 1978.

SEC. 2. The sum of one hundred thirty-one thousand dollars ($131,000) is hereby appropriated from the General Fund to the State Department of Health for expenditure in the 1975–76 fiscal year for carrying out the purposes of Article 2.1 (commencing with Section 275) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

CHAPTER 1174

An act to amend Section 10955 of the Education Code, relating to attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 10955 of the Education Code is amended to read:

10955. No absence of a pupil from school:

(a) Due to his illness, or

(b) Due to quarantine under the direction of a county or city health officer, or

(c) For the purpose of having medical, dental, or optometrical services rendered, or

(d) For the purpose of attending the funeral services of a member of his immediate family, so long as such absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California, or

(e) For the purpose of jury duty in the manner provided for by law,

shall be deemed an absence in computing the attendance of a pupil.

"Immediate family," as used in this section, has the same meaning as that set forth in the last sentence of Section 13651.4 except that references therein to "employee" shall be deemed to be references to "pupil."

SEC. 2. This act is an urgency statute necessary for the the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent reduction of the age of majority to 18 years has, in cases where students 18 years of age and older are summoned for jury duty, given rise to a number of unforeseen and pressing legal, administrative, and fiscal problems for both the schools and such students. In order that such problems and the related inequities and dilemmas may be alleviated as soon as possible and prior to the termination of the current school year, it is necessary that this act take effect immediately.

CHAPTER 1175

An act to amend Sections 32121 and 32128 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 32121 of the Health and Safety Code is amended to read:

32121. Each local hospital district shall have and exercise the following powers:

(a) To have and use a corporate seal and alter it at pleasure.

(b) To sue and be sued in all courts and places and in all actions and proceedings whatever.

(c) To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description within the limits of the district, and to control, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(d) To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district.

(e) To administer any trust declared or created for hospitals of the district, and received by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.

(f) To employ legal counsel to advise the board of directors in all matters pertaining to the business of the district, and to perform such functions in respect to the legal affairs of the district as the board may direct; and to call upon the district attorney of the county in which the greater part of the land in the district is situated for legal advice and assistance in all matters concerning the district, except that if that county has a county counsel, the directors may call upon the county counsel for such legal advice and assistance.

(g) To employ such officers and employees, including architects and consultants, as the board of directors deems necessary to carry on properly the business of the district.

(h) To prescribe the duties and powers of the hospital administrator, secretary and other officers and employees of any such hospitals; to determine the number of and appoint all such officers and employees, and to fix their compensation, which officers and employees shall hold their offices or positions at the pleasure of the boards.

(i) To do any and all things which an individual might do which is necessary for and to the advantage of a hospital and a nurses' training school.

(j) To establish, maintain and operate one or more health

facilities, situated within the territorial limits of the district.

(k) To do any and all other acts and things necessary to carry out the provisions of this division.

(*l*) To acquire, maintain, and operate ambulances or ambulance services within and without the district.

(m) To establish, maintain, and operate, or provide assistance in the operation of, free clinics, diagnostic and testing centers, health education programs and such other health care provider groups and organizations as are necessary for the maintenance of good physical and mental health in the communities served by the district.

SEC. 2. Section 32128 of the Health and Safety Code is amended to read:

32128. The rules of the hospital, established by the board of directors pursuant to this article, shall include: 1. Provision for the organization of physicians and surgeons, podiatrists, and dentists licensed to practice in this state who are permitted to practice in the hospital into a formal medical staff, with appropriate officers and bylaws and with staff appointments on an annual or biennial basis; 2. Provision for procedure for appointment and reappointment of medical staff as provided by the standards of the Joint Committee on Accreditation of Hospitals; 3. Provision that the medical staff shall be self-governing with respect to the professional work performed in the hospital; that the medical staff shall meet in accordance with the minimum requirements of the Joint Committee on Accreditation of Hospitals; and that the medical records of the patients shall be the basis for such review and analysis; 4. Provision that accurate and complete medical records be prepared and maintained for all patients (medical records to include identification data, personal and family history, history of present illness, physical examination, special examinations, professional or working diagnoses, treatment, gross and microscopic pathological findings, progress notes, final diagnosis, condition on discharge, and such other matters as the medical staff shall determine); and, 5. Such limitations with respect to the practice of medicine and surgery in the hospital as the board of directors may find to be in the best interests of the public health and welfare, including appropriate provision for proof of ability to respond in damages by applicants for staff membership; provided, that no duly licensed physician and surgeon shall be excluded from staff membership solely because he be licensed by one or the other of the boards mentioned in Section 2005 of the Business and Professions Code.

Said rules of the hospital shall, insofar as consistent herewith, be in accord with and contain, minimum standards not less than the rules and standards of private or voluntary hospitals operating within the district.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because duties, obligation, or responsibilities imposed on local hospital

districts by this act are such that related costs are incurred as a part of the normal operating procedures.

CHAPTER 1176

An act relating to aviation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding subdivision (c) of Section 21684 of the Public Utilities Code, the sum of five thousand dollars ($5,000) shall be allocated immediately from the Aeronautics Account in the State Transportation Fund by the Department of Transportation to the City of Hollister and may be expended by the city for airport purposes in the 1974–75 fiscal year.

SEC. 2. The Legislature finds and declares that Section 1 of this act is necessary since the following special facts and circumstances applicable to the City of Hollister, and not generally applicable, make the accomplishment of this purpose impossible by any general law:

The annual allocation of two thousand five hundred dollars ($2,500) made to the city for airport purposes in the 1968–69 and 1969–70 fiscal years had been found by the city to have had no then present use and therefore had been designated for expenditure, with other funds, at a single time for runway resurfacing, which is due to be completed in the 1974–75 fiscal year. The runway resurfacing could not have been completed sooner than this time due to exigencies in its funding, and further losses of funding due to lapsation of funds will delay completion indefinitely.

The Legislature further finds and declares that this is the only such allocation of funds involved, that the purpose of this act is impossible to accomplish by any general law, and that special legislation applicable only to the City of Hollister is therefore necessary.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The City of Hollister is confronted with serious financial difficulties because of its inability to complete all of its airport reconstruction during the 1973–74 fiscal year. In order to enable the city to complete its reconstruction, with anticipated funding, as soon as possible after the commencement of the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 1177

An act to amend Sections 20028 and 20630 of the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 20028 of the Government Code is amended to read:

20028. "Additional contributions" means contributions made by members and their employers in addition to their normal contributions under Article 2 (commencing with Section 20630) of Chapter 5.

SEC. 2. Section 20630 of the Government Code is amended to read:

20630. Subject to rules prescribed by the board any member or any employer, other than the state, a school district, or a county superintendent of schools, on behalf of any group of miscellaneous members or any group of members designated by the employer as management employees may elect to make contributions in excess of the member's normal contributions, for the purpose of providing additional benefits. The exercise of this privilege by a member does not require his employer to make any additional contributions. An election by an employer to make such additional contributions shall continue in effect for such period as shall be specified in the election filed with the board and a member shall acquire no right by reason of his employment while such election is in effect to a continuation of such contributions beyond the period specified in the election. Upon application, the board shall furnish information concerning the nature and amount of additional benefits to be obtained from additional contributions. The board may by rule provide for refund of accumulated additional contributions to a member, provided, however, that a refund of additional contributions may be made to a member if an employer had made additional contributions on his behalf only as a part of a refund of accumulated contributions in accordance with this part.

Wherever in this part provision is made with respect to additional or accumulated additional contributions of a member such term shall include contributions made by an employer pursuant to this article.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the benefits of this act will be available for employer-employee agreements during the 1974–75 fiscal year, this act must take effect immediately.

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CHAPTER 1178

An act relating to Items 225 and 230 of Section 2 of the Budget Act of 1974, and making an appropriation therefor, to take effect immediately, usual current expenses.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any provision of the Budget Act of 1974 to the contrary, funds appropriated by Item 225 of Section 2 of such act for data-processing support may be transferred to Item 230 of such Section 2 in augmentation thereof for the purpose of support of the Stephen P. Teale Consolidated Data Center during the 1974–75 fiscal year in connection with the furnishing of data-processing services by the center to the Department of Motor Vehicles in accordance with the provisions of Chapter 8 (commencing with Section 11775) of Part 1 of Division 3 of Title 2 of the Government Code and Contract No. CD6-20 (Department of General Services Log. No. 84518) and Contract No. CD6-23 (Department of General Services Log. No. 84550); provided further, that such transfer of funds shall occur when Department of Motor Vehicles' electronic data-processing equipment and personnel are transferred to the center

SEC. 2. No funds transferred pursuant to this act shall be payable under a contract for a replacement of the Department of Motor Vehicles' existing data-processing system until the State Data Processing Officer certifies in writing to the Director of Finance and the Chairman of the Joint Legislative Budget Committee that the system as delivered to the state:

(1) Affords file security at least equal to that provided by the existing system.

(2) Makes 95 percent of the data base records available at any given time.

(3) Has 100 percent system backup.

(4) Is capable of processing a current day's work in not more than one day.

(5) Makes 95 percent of the terminal responses received within three seconds.

SEC. 3. No funds transferred pursuant to this act shall be expended for a new or amended contract with the vendor who is the contractor in Contract No. CD6-20 (Department of General Services Log. No. 84518) unless the new or amended contract contains a provision that during a period of five years from the date the contract becomes effective the contractor will supply at no cost to the state any central processing unit in addition to that equipment bid by the contractor and specified in Rider B to Contract No. CD6-20 (Department of General Services Log. No. 84518) which by mutual

agreement of the parties is necessary to meet the workload requirements of the state specified in IFB 73-03, Stephen P. Teale Consolidated Data Center; provided, that the contractor shall not be responsible for additional equipment which can be attributed to increased workload of the state or a change in specifications contained in IFB 73-03.

SEC. 4. Sections 2 and 3 of this act are not intended nor shall they be construed to add to or modify the obligations and rights of the parties to Contract CD6-20 (Department of General Services Log. No. 84518).

SEC. 5. Section 1 of this act shall not become operative unless and until Assembly Bill No. 4502 of the 1973–74 Regular Session is chaptered.

SEC. 6. This act makes an appropriation for the usual current expenses of the state within the meaning of Article VI of the Constitution and shall go into immediate effect.

CHAPTER 1179

An act to add Section 11121.5 to the Government Code, relating to meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. Section 11121.5 is added to the Government Code, to read:

11121.5. Under the provisions of this article, the official student body organization at any campus of the California State University and Colleges, or of the California Community Colleges, shall be treated in the same manner as a state agency.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is imperative that student government on the campuses of the California State University and Colleges and the California Community Colleges be conducted openly in the same manner as state government as soon as possible so that the student bodies may be informed of decisions affecting them.

CHAPTER 1180

An act relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. An allocation may be made under the Natural Disaster Assistance Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code), as supplemented by Chapter 624 of the Statutes of 1973, from funds made available by Section 4 of Chapter 624 of the Statutes of 1973, to the County of Humboldt for restoration of roads, highways and bridges damaged or destroyed by severe storms from January 15 to 19, 1974. Such an allocation may be made to a local agency suffering damage to roads, highways, and bridges due to a disaster occurring between January 15, 1974, and January 19, 1974, which was not declared by the governing body of the local agency to be a natural disaster within 10 days after the actual occurrence. The local agency shall apply for any allocation under this act to the Department of Finance within 60 days from the effective date of this act.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The severe storm of January 15 to January 19, 1974, did extensive damage to roads, highways, and bridges of Humboldt County. In order to provide for restoration and relief as soon as possible, it is necessary this act take effect immediately.

CHAPTER 1181

An act making an appropriation for operation of a wildfowl decontamination project.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five thousand dollars ($5,000) is hereby appropriated from the California Environmental Protection Program Fund to the Department of Fish and Game for operation of a wildfowl decontamination project pursuant to a contract with a volunteer wildfowl decontamination organization.